LEGISLATIVE COUNCIL.

Wednesday, October 9, 1957.

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

QUESTION.

CONVEYANCING DOCUMENTS.

The Hon. K. E. J. BARDOLPH—Can the Attorney-General say whether it is the intention of the Government to amend the Land Agents Act to provide that the preparation of documents in connection with conveyancing can be done by only legally qualified legal practitioners?

The Hon. C. D. ROWE—The honourable member will recall that when we passed the Land Agents Act in 1955 we provided that only licensed land brokers would be entitled to prepare these documents. That did not exclude solicitors, who have that right under another Act, but we did provide that it was an offence for a licensed land agent, as opposed to a licensed land broker, to prepare these documents, and there is a penalty under the Act for their so doing. A land agent was not permitted to prepare these documents after June 30 this year. On that question one or two instances have been brought to my notice where it was thought land agents had prepared documents in contravention of that section, and these matters are now being considered. The honourable member asked whether the Government would be prepared to consider limiting the preparation of these documents purely to solicitors and excluding land brokers. For many years now land brokers, who have to do a special course and pass an examination before they are entitled to secure their certificates, have had that privilege, and I do not think the Government at this stage would be prepared to prevent their doing what they have been able to do for a long time.

REGISTRATION OF FACTORIES REGULATIONS.

The Hon. L. H. DENSLEY (Southern)—I move—

That the regulations under the Fees Regulation Act, 1927, varying the fees prescribed in the Industrial Code, 1920-1955, for the registration or renewal of registration of every factory, made on August 15, 1957, and laid on the Table of this Council on August, 20, 1957, be disallowed.

These regulations under the Code provide for registration fees for factories. They also provide for fees for the inspection of steam boilers, the inspection of scaffolding, lift installations and other things. The new schedule greatly increases the charges to those factories and shops which provide employment for large numbers of people. Prior to September 2 this year, when a new fee became operative, the maximum charge for the registration of factories employing more than 100 persons was only £10. I think that was considered merely a registration fee. For factories employing less than that number it was a correspondingly lower amount, and only 5s. per head where it was only the owner of the factory engaged on that work.

The new schedule not only doubles the fee for the first 100 persons but provides an additional £10 for every 50 persons or part thereof, and consequently it has had the effect of tremendously increasing the registration fees payable by these firms which employ large numbers of workmen. The increase in the case of General Motors Holdens would amount to 11,000 per cent; Phillips Electrical Industries 5,000 per cent; Simpson & Sons 2,000 per cent; Myer Emporium Ltd. 5,000 per cent; and John Martin & Company 2,400 per cent. Many of the other larger factories have correspondingly large increases. These fees were fixed in 1927 under the Industrial Code regulations and have not been altered since. The object of the proposed regulations is to increase fees and to extend fees, and it is more particularly with regard to the extension of fees that the committee objects. Actually it was held that the move was in line with the decrease in money values and consequently comparatively less revenue than what was being received necessitated the increase of these fees.

If that were all there was to it there would not be much complaint. The scale of fees has been extended so that factories employing more than 100 persons would be charged a fee based on the number of employees. That condition did not apply before. If one were employing over 100 hands the maximum fee of £10 only was payable. Consequently, I feel it is undesirable to extend that to the point where we would be charging more for an additional 50 employees or part thereof. The fees are now substantially the same as those in New South Wales and Victoria and that is held to be in its favour, but whether we can justify lifting fees from what they were before is one of very great doubt. I feel that it is undesirable at this stage to make extremely high increases. In some instances where factories are occupying more than one block they are placed at a disadvantage. Their premises may be divided by

roads and in that case each group is regarded as a separate factory and consequently one organization may be called upon to pay a number of registration fees. The estimated increase of revenue under this regulation is about £26,000 for 1957-58. That is quite a considerable amount and it is open to question whether it can be justified. I appreciate that in view of the large investments in industry it may be looked upon as only a small sum. It is held that, due to losses the department has experienced over recent years, it is necessary to make increases. Last year the receipts for registration were £35,837 and administrative charges £54,248. Losses were sustained for a number of years. In 1954-55 it was £13,175, in 1953-54 £10,278, and in 1952-53 £13,596, but it is estimated that a profit of about £10,000 will accrue this year if these new fees are allowed.

It has been the practice that the administration on the fees was not a sole charge to the factories concerned. It will be realized that the inspection of machinery and inquiries regarding accidents is largely a matter of police routine and was, perhaps, more in the interest of employees and the public generally than the factory itself, and it is questioned whether we can justly debit all these inspections to the factory owners, although they have an obligation that they must accept. When the fee was merely £10 it was justified, but when it becomes a question of, perhaps a £1,000 or more, I think we can make out a case for charging part of the cost to the department and part to the community in general, as it is in the interests of the whole community. Industrial expansion is very desirable and South Australia has been able to attract industries largely because we have been able to offer good conditions. Consequently, we should endeavour to maintain that favourable position if possible. One might say that the increases under this regulation, particularly the extension beyond £10 per 100 employees savours very much of taxation. If that is the intention of the Government I would say that it is a very undesirable practice to use the registration of factories as a measure of taxation and we would be very wise indeed to ask the Government to have another look at this regulation.

We do not want to think that the Government has reached the stage where it is prepared to place a premium on the number of employees engaged in a factory, and that is practically what this amounts to. I believe that the Government desires to see further increases in factory work and factory building and it should set out, as it has in the past, to encourage the growth of industry. Very great praise has been bestowed on the Premier for the great prosperity that has been brought to the State and which is sufficient indication of the success of the Government's policy in industrial matters. I hope that we can look forward to a continuation of consideration of factory owners and not insist that they have further taxation levied upon them.

Possibly the most obnoxious tax with which we are faced is the payroll tax, and the fees under this regulation seem to be on all fours with it; the greater the amount of wages under payroll taxation the greater amount of tax paid, and under this the more men employed the greater the amount of registration fee. I think we can all agree that payroll tax has, as it were, settled into a groove, and despite public antipathy to it it does not seem to be able to get out of the groove. I think that if we admit this principle in regard to the registration of factories we may find it growing rather than lessening. Consequently, I am anxious to see that this regulation be disallowed and the Government revert to the former practice. We do not want to offer any discouragement to industries settling in South Australia. We have got in a very favourable position and we would all very much like to see industry continue to grow and be profitable so that industrial magnates will be prepared to come here and take advantage of the lenient conditions we have to offer. I move that the regulation be disallowed.

The Hon. Sir FRANK PERRY (Central No. 2)—I support the motion and congratulate the mover on his well sustained case. I have memories over many years of the desire of the Government and of the people of South Australia to develop factories. People were persuaded by every possible means to come here and establish factories, and there has been some success in that direction, as well as in the development of existing factories. This type of taxation by regulation is obnoxious to me.

The Hon. C. D. Rowe—I do not think it is intended as taxation.

The Hon. Sir FRANK PERRY—The framers of the Act I think have the idea of simply being able to know what factories were in existence, and consequently fixed more or less nominal fees. The amount charged for the largest factory in 1927 was £10 and I could

quite understand the Government or anyone responsible for running this department desiring to bring the fees of 1927 into line with the value of money today. If they were doubled or even trebled I would have no objection, and I think the Government would be following the idea in the minds of the framers of the legislation. To tax someone because they are endeavouring to improve and develop their industry to my mind is wrong. Income taxation is based on results, but the proposed fees are a charge against a company whether it is prosperous or not, and that is the main objection that I am glad Mr. Densley stressed. As to the payroll tax, the greater number of men an employer employs the greater the taxation he is compelled to pay, and the greater his obligation. That principle in taxation, except under war conditions or something of that type, is quite wrong. It seems to me that the Government is following out that idea in increasing these fees. I presume that the Minister of Industry in reply will mention the cost to the department concerned and the fees raised. There are five headings under which it imposes fees—the registration of factories, shops and lifts, boiler inspection, scaffolding inspection, engine driver's certificates and miscellaneous. It would appear that the Government has selected one section of this group and raised the fees out of comparison with those existing, and inserted a clause that for every 50 men employed the employer is to be charged £10.

The Hon. F. J. Condon—How does this compare with the increased penalties in other Acts we have passed?

The Hon. Sir FRANK PERRY—This is not a penalty. If there were a proportionate increase in existing fees, there would be no objection.

The Hon. C. D. Rowe—Would you suggest that it is more severe here than in the other States?

The Hon. Sir FRANK PERRY—Yes. I think an explanation is due from the Government to the owners and occupiers of factories and shops. This type of taxation is not in the best interests of the economy of the State, and I therefore hope that the regulations are disallowed, and that some more equitable rate is arrived at. The public is entitled to an explanation of the attitude the Government has adopted, which is contrary to the principles which should apply in encouraging industries in this State.

The Hon. C. D. ROWE secured the adjournment of the debate.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 8. Page 956.)

The Hon. L. H. DENSLEY (Southern)—The Bill provides for the deletion of penalties laid down by the Abattoirs Board in the early days of its management. Some previous speakers have referred to the amendment as being a minor alteration, but I believe it is largely a question of the type of industry concerned, which necessitates every effort being made to avoid strikes. It is the only industry I can recall at the moment which can be upset every year when there is a rush period of killing for the export lamb season, with the consequent danger of creating tremendous losses to producers. I believe that the regulations providing for a fine of £1,000 for a union taking part in or encouraging a strike aimed at making certain, if possible, that a strike would not be frivolously entered into from year to year. If lambs are sent to the abattoirs for killing and there is a strike, they lose greatly in their value. Growers must market their lambs when they are ready for killing. They are generally slaughtered immediately before the grasses go to seed. If they had to be kept on the farm for an additional two or three weeks they would not be fit for the export market. With that idea in view, the penalties were made fairly high. If they are a deterrent to striking, it would be a good policy to retain them. Consequently, I support the Act in its present form.

The Industrial Code provides for much lighter penalties. I believe that the industry needs higher deterrents against striking than are applied to other industries because of the very great losses which occur when there is a stoppage. Therefore, we want to make sure that there will be no stoppages. There has been a very great improvement in the killing position at the abattoirs in recent years, which I think is a sign of the good sense of the employees, and we want a continuation of that good spirit. If we could feel that the employees would react to a deletion of the penalties and accept the change as an intimation of the good faith of the Government and industry generally, we would be quite justified in giving the proposed change a trial. However, I feel that in the extreme circumstances of the lamb trade it is at least desirable to keep the penalty as high as it is in the Act, and therefore I oppose the Bill.

The Hon. A. J. SHARD (Central No. 1)—I support the Bill and commend the Government

for seeing eye to eye with those who have sought the amendment. Two years ago my attention was drawn to the penal clauses in the legislation, and I was at a complete loss to understand why there should be a set of penal clauses in this Act distinct from those in the Industrial Code. If one examines the clauses to be deleted one will find that the penal clauses in the Act are as vicious, if not more so, than any other penal clauses in any other Act in Australia.

The Hon. L. H. Densley—It is very vicious when they strike.

The Hon. A. J. SHARD—It was not the workers who started the last strike, and I could give the honourable member the history of that. I am convinced beyond any doubt that it was started by the Premier or one of his Cabinet Ministers or both, and I had the unpleasant task of telling the Premier that he or his Minister could stop it. The Premier said early that he would not meet us, but eventually he did and within 48 hours the men were back at work. I hate strikes, and support them only as a very last resort. The history of the abattoirs strike two years ago will not bear investigation. Mr. Bevan has told us how the people responsible for that dispute were not the people that I represent, and I am convinced of that beyond any doubt. The day we met at the Premier's office to bring about a settlement of the dispute, the summonses were in the Gepps Cross police court awaiting distribution. Had those summonses been issued there would have been one of the most vicious and prolonged industrial disputes in the history of this State. Mr. Waterhouse, the chairman of the Metropolitan and Export Abattoirs Board, was at the conference and it was unanimously agreed that the summonses should be stopped in order to bring about a settlement. They were stopped, and within 48 hours the men were back at work.

The Hon. L. H. Densley—It shows that the ability to issue summonses under the Act was quite advantageous.

The Hon. A. J. SHARD—If those provisions are retained and used members will see how vicious our people can become when the other side becomes vicious. I dislike strikes and have never advocated them, but when workers are pushed to a position where they have to strike I say they have every right to do so, and they should not be subject to these vicious penal clauses. The employers do not resort to strikes, but when they become over-stocked and do not wish to push production along they do not hesitate to stop production and dispense with men. I know of a union which in recent years was brought before the Industrial Court and fined, although the men were never on strike and not one man lost an hour's work. That union was charged with doing something in the nature of a strike; it was fined £75 and costs, and the cost to our movement was over £500.

The Hon. C. D. Rowe—Who represented you in the court?

The Hon. A. J. SHARD—Mr. Nelligan, Q.C., and Miss Roma Mitchell. I am not querying the amount of the fine, but am merely pointing out what can be done under the Industrial Code without anyone being on strike. There is a pretty sad tale behind that instance from the Government's point of view. Mr. Densley has advocated something more drastic. It is not necessary, and I am glad the Government is prepared to say that at least with regard to penal clauses all employees under State jurisdiction should be on an equal basis. I think that is in the interests of the community at large, and I only wish the Government would see the light in regard to another Bill in order to have all State workers on an equal basis. I think this is a necessary step, and I commend the Government for it.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Introduced by the Honourable N. L. Jude (Minister of Local Government) and read a first time.

The Hon. N. L. JUDE—I move—

That this Bill be now read a second time.

The Bill makes a considerable number of amendments to the Local Government Act. Most of the amendments are the result of recommendations by the Local Government Advisory Committee and deal with administrative matters of one kind or another. The amendments vary in importance and it would, therefore, be more convenient in outlining the Bill to deal with them in their numerical order rather than in their order of importance.

Clause 2. Under the definition of ratable property it is provided that a hospital which is used for the purpose of affording gratuitous services to poor or helpless persons is to be exempt from rating. If however, a hospital makes some charge to some of its patients although the greater part of the services rendered by it is gratuitous, it does not come

within the exemption and is liable to rates. This clause provides that where there is such a hospital and the fees received by it do not amount to more than one-quarter of its annual income, the hospital is to come within the exemption and is not to be ratable. The principal hospital to which this provision will apply is the Adelaide Children's Hospital.

Clause 3. Section 73 of the Act provides that a mayor or chairman on taking the judicial oath and the oath of allegiance is to be *ex officio* a justice of the peace during his term of office. However, if he is re-elected to that office under the present section he is required to take the oath again. This is considered unnecessary and the clause provides that in such circumstances where a mayor or chairman continues in office he will continue to be a justice of the peace without again taking the appropriate oaths.

Clause 4. Part V of the Act provides for the appointment of a committee consisting of the Auditor-General and an officer of the Highways Department to conduct examinations and issue certificates to qualified persons as local government auditors. With only two members on the committee it follows that they must always agree to reach a decision. Recently this has not been the case and it has been suggested that the committee should be increased to three in order to meet this position. The clause therefore provides that there is to be a third member of the committee appointed by the Minister for the purpose.

Clause 5. Section 155 gives to persons interested the right to inspect the minutes of a council but subsection (2) provides that no inspection is to last longer than 30 minutes in any one day. The clause repeals this subsection as it is considered that if an inspection needs more than 30 minutes there is no reason why it should be limited in time as is now done by the subsection.

Clause 6. Section 158 authorizes a council to pay an allowance to the mayor or chairman. In the case of a mayor there is no restriction placed on the amount which the council may vote for the purpose but as the chairman of a district council it is provided that the allowance is not to exceed £100 in any financial year. A number of district councils are now of considerable importance with large rate revenues and the existing limit of £100 has the effect of providing a totally inadequate allowance to the chairman of such councils. It is therefore proposed by the clause to repeal subsection (2) of section 158. The effect will be that a district council will have the same power as a municipal council to fix an allowance for the chairman.

Clause 7. The Local Government Officers' Classification Board is constituted under Part IXB of the Act and section 163z provides that before proceeding to make a determination the Board is to give reasonable notice of the time and place of its sittings to the parties interested. This clause provides that a notice in the *Gazette* giving this information is to be adequate. A similar provision is included in the legislation relating to the Teachers Salaries Board.

Clause 8. This clause also deals with the Local Government Officers' Classification Board and provides that in special circumstances the Board may make its determination retrospective to any date not earlier than the day on which the Board commenced the hearing of the matter in question. The power to make retrospective determinations is now given to the Public Service Board, the Teachers Salaries Board and Industrial Boards. The occasions on which such a power would be exercised would be limited but it is considered that the powers of the Local Government Officers' Classification Board in this regard should be brought into conformity with those of the other boards I have previously mentioned.

Clause 9. When a council which makes its basis of assessment land values adopts the Government assessment it can obtain from the Commissioner of Land Tax a copy of the Government assessment relating to the council area. It is now provided that it is to pay the Commissioner a fee of 8d. a folio of 72 words for any such copy. This fee was fixed many years ago and is now quite inadequate to cover the cost to the Commissioner of supplying these copies and it is therefore provided that the amount of 8d. per folio should be increased to 2s. per folio.

Clause 10. A ratepayer has a right of appeal against an assessment on the ground that his property is assessed above its full and fair value. He also has a right to appeal against anybody else's assessment on the ground that his property is not properly assessed. It sometimes occurs, particularly in the case of new properties, that a property is assessed at its full value although the other older properties in the area are assessed at a very much lower level. If a ratepayer of a new property appeals he is faced with the position that his assessment is correct and his appeal must fail and he is therefore under the obligation of appealing against everybody else's assessment.

Clause 10 provides in such circumstances where the appellant's property itself is properly assessed but the tribunal is satisfied that a substantial number of comparable properties are assessed at less than their full and fair value, the assessment appealed against may be reduced to a value comparable with those of the other properties.

Clause 11. Section 214 is the section which authorizes a council to declare a general rate. In subsection (2) it provides that a general rate in respect of properties within any portion of the area may be greater than or less than the rate for the remainder of the area, that is, a council is given power to impose a differential general rate. As honourable members will recall, this provision has been the object of considerable discussion in recent years and there have been conflicting legal opinions as to its meaning. It was felt by the Government that it would be desirable to clarify the law on the matter and remove doubts as to its meaning. The Local Government Advisory Committee was therefore asked to give an opinion as to what the law should be and the Committee recommended that, if a differential rate were to be imposed on property, it should apply to the whole of a ward and not to any lesser area. Clause 11, therefore, gives effect to the recommendation of the committee and provides that if a differential rate is imposed it is to apply to all the property within a particular ward. The committee in its recommendation to the Government suggested that, if in particular circumstances this produced inequalities in any particular council area, the remedy, it seemed to the committee, was to revise the ward boundaries so that the differential rate would bear evenly upon the ratepayers.

Clause 12. This clause authorizes a council to expend its revenue for any purpose approved by the council but other than a purpose specifically provided for in the Act so long as the amount spent in any financial year does not exceed £200 or one per cent of the rate revenue for the previous year, whichever is the less. The purpose of this is to enable a council to expand a relatively small amount on matters which may arise from time to time and for which there is no specific authority in the Act at present. Councils in other States have this sort of power.

Clause 13. A council is required to publish in the *Gazette* its balance-sheet before November 1, but it sometimes happens that the Government Printer is unable to include all the balance-sheets in the *Gazette* before that day and it is therefore provided by this clause that the duty of the council will be to forward its balance-sheet to the Government Printer before November 1 for publication in the *Gazette*.

Clause 14. Section 308 and the following sections provide means for determining the alignment of public streets in council areas. It provides that the Registrar-General or the Surveyor-General or the council may start proceedings for this purpose. Clause 14 provides that in addition to these the Commissioner of Highways will have power to start the necessary proceedings.

Clause 15. This clause increases from £10 to £20 the penalty for damaging barriers and similar structures on streets.

Clause 16. Section 322 provides that a council may authorize the erection of petrol pumps on footways. When a pump is to be erected on a main road the Commissioner of Highways must approve the erection if the pump is within 50 feet of any corner formed by the junction of the main road with any other road. When the junction is in the form of a T it is obvious that the pump at the head of the T is not within 50 feet of a corner although it is considered that such a pump should come within the purview of the section. The clause therefore corrects this matter by striking out the words "any corner formed by" and the effect will be that the Commissioner of Highways will have jurisdiction if the pump is within 50 feet of the intersection.

Clause 17. This clause authorizes a council to construct fire stations and similar buildings.

Clause 18. Section 424 sets out the borrowing powers of councils and these provisions have not been altered for very many years. The amount which a council can borrow is limited to the amount which results from the rates of various amounts as set out in the section and, as previously mentioned, these amounts have not been varied although the value of money has changed appreciably and many councils are finding that the present borrowing powers are inadequate to enable them to finance road construction and other works which are essential to the rapid development of the State. The effect of the clause is that the borrowing powers will be doubled.

Clause 19. Section 435 provides that in addition to borrowing under section 424 a council may with the consent of the Minister borrow under section 435 for reproductive works and undertakings, but a poll of the ratepayers must be held in each case. The general rule as regards financial polls is that a poll can be demanded by the requisite number of

ratepayers but need not be held unless so demanded. It is considered that this principle should be applied to section 435, and this clause provides accordingly.

Clause 20. Section 442 (5) provides that where debentures have been raised on the security of a special or separate rate and part of the loan is repaid, the rate is to be reduced proportionately. However, this does not take into account the fact that the assessment may have increased substantially and in the case of one metropolitan council the result is that the amount which is got in annually is very much in excess of the amount needed to pay interest and otherwise service the loan. This clause provides that in these circumstances, instead of the special rate being a proportion of the original rate, the council is to determine a rate sufficient to service the loan, that is, to pay interest and provide for the redemption of the principle.

Clause 21. It sometimes occurs that when land is subdivided small areas are left out and marked as reserves. It has been suggested by the Lands Department that there should be power to dispose of these small areas where they are not needed by the council for reserves and the clause provides that in such circumstances the council may advertise its intention to dispose of the reserve and may, after considering any representations made to it in the matter and if the Minister consents, sell or dispose of the reserve. The clause is limited to land not exceeding one half of an acre in area.

Clause 22. The clause provides that if a council sells any gas or electricity supply undertakings and any debentures are outstanding which were raised for the purpose of the undertaking the council is to repay those debentures out of the proceeds of the sale, or if the debenture holders do not wish to be paid off before the due date, it must hold sufficient of the proceeds in a sinking fund to meet the debentures in due course.

Clause 23. It is provided by the Act that in certain circumstances a council may require all the houses in its area or any part of the area to be provided with septic tanks. The clause provides that the council may give permission to an owner of any property to provide a chemical action dissolvenator in lieu of a septic tank.

Clause 24. Section 537 gives a council power to impose an annual charge for the removal of nightsoil. The clause gives power to make a refund of this fee where a septic tank is installed in the premises subject to the annual charge.

Clause 25. Section 666 authorizes a council to remove vehicles left in streets but does not provide any machinery as to what happens if the vehicle is not claimed by its owner. The clause enacts such machinery provisions similar to provisions in the Road Traffic Act. The council is to give notice that the vehicle has been removed and in the absence of its being claimed can sell it by public auction and recoup the cost of so doing.

Clause 26. Honourable members will recall that some years ago an amendment was inserted in the Act to give councils power to make by-laws dealing with unsightly structures and chattels. Parliament has not approved of by-laws which have been submitted to it under this power. It is considered that in view of the difference of opinion on this matter it would be better if there were a specific provision in the Act to give power to councils in this regard and not leave the matter to be dealt with by by-laws. The clause provides that a council will have power to secure the removal of unsightly chattels, but this will be subject to an appeal to the local court. The present by-law making power also applies to unsightly structures but it is felt by the Government that this power is too wide, and that the exercise of the power for unsightly structures could bear harshly, and that in any event councils have fairly wide powers under the Building Act to deal with any dangerous or neglected structures, which should be adequate for the purpose. In addition, clause 26 contains a definition of "chattel" limiting the power to such things as disused vehicles, machinery, furniture, packing cases, rubbish and debris. As a consequence of the enactment of this specific section in the Act the existing by-law making power and the provision giving an appeal to the local court are repealed.

Clause 27. This clause authorizes a council to set up a controlling body to undertake the management of such things as a reserve, oval, hall, hospital, cemetery, etc. Particularly in the country, many councils have ovals or halls in different parts of their areas where it is most convenient for them to be managed by a local committee. In point of fact this has been done in instances without any legal authority and the clause proposes to give this authority. The controlling body may consist either of members of the council or persons who are not councillors or both. The council will fix the number of members of the controlling body, its term of office, the quorum, its powers and

duties, and lay down rules for the conduct of its business. The clause provides that a council can delegate to a controlling body power to receive and expend revenue from and for the undertaking. It is provided that a council may at any time abolish a controlling authority but in such circumstances the council is to take over the liabilities of the authority. This clause should provide a very convenient method for a council to delegate to a local body the control of an undertaking and thereby enable local enthusiasm to be applied to the management of the particular undertaking.

Clause 28. Section 667 now provides power for a council to make by-laws requiring owners and occupiers of land to destroy inflammable grass, etc., on the land and so to provide fire breaks. It is proposed by the clause to extend this power to enable a council to require owners and occupiers to destroy or remove grass and similar growth before it becomes inflammable if it would become inflammable in the course of time. Obviously the sensible thing to do is to destroy or remove or plough in undergrowth when it is green and the ground is soft and this provision will enable this to be done.

Clause 29. Under the by-law making powers of councils penalties not exceeding £10 may be imposed. It is proposed by clause 29 to increase this amount to £20, as it is considered that £10 as a maximum penalty under existing circumstances is inadequate.

Clause 30. This clause authorizes a solicitor to accept the service of a summons or writ on behalf of a council. At present it must be served on the mayor or clerk.

Clause 31. The clause merely repeals an obsolete provision in section 719.

Clause 32. Section 783 provides penalties for the deposit on roadways of such things as ashes and rubbish of various kinds. The clause extends this provision to dead animals and birds and bricks and stones. In addition, it provides that when the court imposes a penalty under the section it may order the defendant to pay the cost to the council of removing the rubbish, etc., deposited on the roadway.

Clause 33. This clause increases from £5 to £20 the penalty for leaving beehives on a roadway.

Clause 34. At present justices, medical practitioners, postmasters, members of the police force and bank managers are authorized witnesses for the purpose of postal voting. The purpose of the clause is to provide that people holding these offices in other States will be authorized witnesses so that a person in, say, Sydney who wishes to exercise his right to a postal vote may go before a justice of the peace for New South Wales.

Clause 35. Division IV of Part XLIV of the Act gives the Adelaide City Council powers as to the acquisition of land for the widening of streets and the making of new streets and also gives the council extended borrowing powers for these purposes. The clause provides that the Governor may by proclamation declare that the provisions of this Division will apply to other municipal councils named in the proclamation.

Clause 36. This clause deals with a small fund of about £260 which is held by trustees at Henley and Grange. These funds were raised by regatta in 1928 and 1929 and were intended to be used for the purpose of providing a fire brigade for Henley and Grange. In the meantime the Fire Brigades Act has been extended to apply to the municipality and obviously the purpose for which the money was raised has ceased to exist. The trustees wish to pay the money to the council to be applied by the council for the purpose of a community hospital. The clause authorizes this to be done.

Clause 37. This clause brings into conformity with present day costs the fees which can be charged by bailiffs when exercising distress for rates. Clause 38 and the schedule make a number of drafting amendments to the Act. I am certain that members will appreciate that this is a Bill of many parts. I hope that it will receive the fullest consideration in Committee, and I commend it to members.

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

SCAFFOLDING INSPECTION ACT AMENDMENT BILL.

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

HOMES ACT AMENDMENT BILL.

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

AMUSEMENTS DUTY (FURTHER SUSPENSION) BILL.

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

STATUTE LAW REVISION BILL.

Read a third time and passed.

ACTS INTERPRETATION ACT AMENDMENT BILL.

Read a third time and passed.

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 8. Page 952.)

The Hon. R. R. WILSON (Northern)—I take this opportunity to congratulate the Treasurer on the presentation of his nineteenth Budget. I think every honourable member realizes that it is no mean feat to prepare these Estimates, which we generally find at the end of the year balance out very well indeed. The splendid administration of this State has encouraged capital investors, both locally and from overseas, to establish secondary industries here. That increases prosperity and also absorbs the rapidly increasing population. In primary industry also people have confidence in the financial administration of the State and therefore are not afraid to speculate money in a way in which they think they will get reasonable returns.

Mr. Anthoney yesterday referred to the season and claimed that we may have a temporary setback. I am of the opinion that it will be a major setback if things go on as they are. I have been an optimist all through this dry period, but travelling to Melrose last Saturday and Whyalla the Saturday before I saw a good deal of the north, and with the dry conditions prevailing it appears that the crops will not mature very well. It is a year when good farming practices are showing up. For instance, well prepared fallow is holding out very well. In the succession of good seasons which we have had, fallowing has become a neglected practice, but nature comes along and teaches us a lesson that preparation against adverse seasons is essential.

I examined quite a few crops which are forming head but are only about 6in. high. The head averages between 12 and 16 grains, whereas the average in good years is 30 grains per head, and consequently whatever happens the yield will be considerably reduced. Pastures are showing signs of bareness, in most cases because of over-stocking and the dry season. Unless we have a good rain I am afraid we are going to face a very poor season in the north. The other part of the State is not in such a bad way. Mr. Densley's district, for instance, had a good rain in the last fortnight which the northern parts missed. We are hoping that with good rains much of the crop will be saved. A friend of mine told me that yesterday he paid 30s. for a bag of chaff from a merchant in Prospect. That is equivalent to £48 a ton, and I have never heard of such a high price being paid. It proves that there is an acute shortage of hay and reserve fodder generally.

The Hon. K. E. J. BARDOLPH—The honourable member still believes in price control, though.

The Hon. R. R. WILSON—I am not bringing price control into it. The high price is caused because sufficient fodder was not conserved. It is nearly 12 months since we had a really good rain in South Australia, and as a result even very good reserves were absorbed in the period when people were hand-feeding stock. The wool returns are secure because practically all shearing is complete. It is interesting to know that our main cereals, namely, wheat, barley and oats, returned about £35,000,000 to the State for the year, and the wool returns amounted to about £40,000,000, so we are secure as far as that revenue is concerned. The effects of the long dry spell will be felt more next year. Sheep that were selling this time last year for £5 a head are now bringing only £1 a head, and according to today's *News* the number of sheep marketed is a record high. First grade wethers are only bringing 20s. to 25s. It is not necessary to elaborate on conditions when these facts present themselves to us.

Mr. Anthoney referred yesterday to the water position. Those who have not the advantage of the River Murray or their own private irrigation scheme will not be able to make much use of irrigation from reservoirs unless we have very good rains. The expenditure on such irrigation has been huge in recent years, but it will not be possible to make much use of it. If we have another very dry year we may have a much worse time, because this season we have had the excess moisture from last year as a standby and that is why the country is as good as it now is.

It was interesting to hear Mr. Condon speaking last Thursday with regard to the closing of certain ports. I agree with him that some ports could be closed, but on the other hand some are more important today than they have ever been. I refer in particular to Streaky Bay, where there is no rail transport and the road transport means a long trip to markets. I agree with the closing of ports that are bringing in no revenue whatever; they are not used by shipping and require further Government expenditure.

The sum of £1,450,000 is provided for the Harbors Board. I visited Port Lincoln recently and made a close inspection of the developmental plan which is in progress and

which will revolutionize the port. The construction of the bulk handling silo is making good headway; the bins will be established on the shore and the grain will be conveyed out to the ships about five or six chains away and the scheme should greatly facilitate the shipment of grain and be of considerable value to the producers.

Under the heading of "Grants to Hospitals" I wish to say a few words concerning the Bush Church Aid Society and its Flying Doctor Service. I understand that the first Flying Doctor Service originated at Alice Springs in 1917. In 1926 the Very Reverend Dr. John Flynn, O.B.E., and Mr. Alfred Traeger, O.B.E., made a thorough inspection and came to the conclusion that it was necessary to establish a medical service for the inland with wireless contacts, and since then the expansion of this service has brought great benefits to the people in the sparsely populated parts of South Australia and the Northern Territory. At Ceduna, which was out of the range of the wireless receiving and transmission service, the work has been carried on by the Bush Church Aid Society. The Hon. A. W. Christian fought hard to get a subsidy for this service and succeeded in persuading the Government to grant £500. I think the Government could well give a far greater sum to this very excellent service which has been created during very hard times by the great efforts of some people.

I will give a few facts and figures so that members may have some idea of what is involved in providing this magnificent service. The network covers about 2,000 square miles and each day there are five radio sessions for medical calls, with doctors in attendance. The network embraces 60 stations equipped with small transceivers. There are about 170 plane trips plus 50 emergency trips annually. Two planes are maintained, as well as one private plane for charter in emergency, and two pilots are employed. Fifteen fishing boats equipped with transceivers are served by the base. There are five hospitals in the network, one owned by the Bush Church Aid Society and the remainder staffed by that organization. From 1,600 to 1,700 patients outside of Ceduna are visited annually, there being two doctors at Ceduna and one at Wudinna, and there is an office staff of three at the Ceduna radio station.

The society has one ambulance which proved its value in the recent Miller family tragedy as it was of the greatest assistance in the race to save the life of the only survivor. There are 10 wireless sessions daily between 8 a.m. and 5.45 p.m., as well as school broadcasts. The 21 transceiver sets owned by the society, which cost £95 each, are rented out at £1 a month for the correspondence school, and the complete cost of the school broadcasts, except the teachers' salaries, is borne by the Bush Church Aid Society. Altogether the Flying Doctor Medical Service at Ceduna costs £15,000 a year. I think those facts are sufficient to warrant a bigger subsidy to those who are conducting this wonderful service.

Mr. Anthoney forecast that the Premier may have to re-examine the Budget before the year is ended. Let us hope that things do not turn out that way because so far every item has been fairly well balanced at the end of each financial year. I have pleasure in supporting the Bill.

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

EVIDENCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 8. Page 948.)

The Hon. C. R. CUDMORE (Central No. 2) —This is a small Bill and, like others which were referred to yesterday, it clears up and improves our existing Statute legislation. The measure covers two matters only; one is proving matters which have been published in the *Government Gazette*, and the other is proof of whether certain places are where they are stated to be. Section 37 provides:—

> Every proclamation or order by the Governor in Council, and every Act, matter, or thing, which is directed to be notified or published in the *Government Gazette*, when so published, shall be judicially taken notice of without further evidence than the production of a copy of the *Government Gazette*.

That is the whole point; it is necessary to produce the relevant copy of the *Government Gazette*, and members will realize that when there is an action between certain people or between a corporation and certain people obviously it is not something that was in the *Government Gazette* last month, or last year, or perhaps in the last 10 years, and the relevant *Government Gazette* therefore has to be produced in court to prove what was the law at the relevant time. Frequently, it is difficult to produce it and therefore, as claimed by the Minister, the new law will give three alternatives: either a copy of the relevant *Gazette*, or a copy of the regulation or instrument purported to have been printed by the Government

Printer, *i.e.*, a print from the Government Printer, but not necessarily the whole *Gazette*; or a copy purporting to be correct as certified by the secretary of the Attorney-General. This will certainly simplify the matter of proving what facts were stated in a certain *Government Gazette* at a certain time.

The other point is very simple. It is necessary in certain cases to prove that a place is within a certain municipality, corporation or district; this sometimes means a lot of difficulty and expense for the prosecution. To simplify the matter the Government now suggests that the allegation that a place is in a certain municipality or district shall be *prima facie* evidence that it is. Of course, if the defence challenges the allegation and requires strict proof it will have to be brought forward, but generally it will shorten the formalities in quite a number of proceedings if this new law is adopted. It is a very good Bill and I have much pleasure in supporting it.

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

METROPOLITAN TAXICAB ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 8. Page 949.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support this measure, which is to amend the Act passed in 1956. It is a machinery amendment embodying amendments suggested by the Metropolitan Taxicab Board. It deals specifically with two problems which the board desires be determined before the new scheme comes into force. It defines the respective rights and powers of the councils regarding the appointment of taxicab stands, special number plates and registration discs of taxicabs licensed by the board. The present law provides that councils have unrestricted rights to allocate stands and control them in whatever areas they determine. The amendment will take away their right to appoint stands, and places this power solely in the hands of the board.

In 1956 this was very controversial legislation because it was considered then that if it were agreed to it would take away from councils their rights to register taxicabs. The main provisions affect sections 34, 35 and 36 and include a list of provisions to be added to section 37 regarding discs and the re-registration of cars after they have been used as taxicabs and sold, and also relates to other matters appertaining to the control of taxicabs generally, placing them under the control of one authority. Consequently, I have much pleasure in supporting the second reading.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

FRUIT FLY (COMPENSATION) BILL.

Adjourned debate on second reading.

(Continued from October 8. Page 949.)

The Hon. S. C. BEVAN (Central No. 1)—Unfortunately, this legislation is still necessary. Its main objective is to compensate any person who suffers loss as a result of an attack by fruit fly because they were debarred from removing fruit from their property and the planting of certain types of plants, such as tomatoes. Experience has shown the necessity for this legislation. It is imperative that everything possible should be done to stamp out the pest. We are a little more fortunate than people in Western Australia and Queensland where considerable damage has been done by the fruit fly. It was only because of the very prompt action taken by this State that the pest did not infest a much greater area. If the menace had spread to our commercial fruit-growing areas, as it did last year to Mildura, one can imagine the vast losses which would result and the detrimental effect upon the economy of the State. This could happen unless stringent action was taken.

It is only fair that growers should be compensated when such action becomes necessary, but as can be realized this involves large expenditure. To June 30 last the total cost to the State in its campaign to eradicate the fruit fly amounted to £1,306,197. Compensation paid to owners of fruit destroyed totalled £312,110. The cost of stripping, disposal of fruit and spraying amounted to £992,663, and incidental expenses to £2,282. For the 12 months ended June 30 last the total cost was £211,526. The total claims received since the campaign commenced were 25,513 and only 775 were rejected. The figures reveal the absolute necessity for a continuation of this legislation in an attempt to completely eradicate the fruit fly menace. This is not easy because present-day means of transport provide quick travel between the States, and it is very easy for a traveller to bring in infected fruit from another State, and thus spread the menace.

The Hon. E. Anthoney—How can you prevent that?

The Hon. S. C. BEVAN—A strict attempt is made for this purpose. Actually, it is against the law for a traveller to bring fruit into the State, but this can easily be evaded. We are hopeful that the attempt to eradicate this pest has been successful, but we have no guarantee that there will not be another outbreak. If appropriate action is not continued, we may have in this State conditions similar to those in Western Australia, which has been faced with a tremendous job in attempting to eradicate the fruit fly. This was only because rigid controls were not enforced in the early stages, and thus the fruit fly got a grip on the whole State, which is now involved in enormous costs trying to stamp it out.

Whereas South Australia has spent a little more than £1,000,000 to combat this problem, it has cost Western Australia nearer £5,000,000 to do exactly the same work. I have been told by Western Australians that it was useless to try to grow fruit trees and such things as tomatoes in their back yards because they would be attacked by the fruit fly before the fruit ripened. If control were removed here, it would be possible to have an infestation of our commercial fruitgrowing areas, such as those along the Murray. If it got a grip in those areas, it would be impossible to stamp it out and the damage and the cost involved would be beyond comprehension. Thousands of tons of fruit would have to be stripped and destroyed quickly in an attempt to check the pest. Therefore, it is imperative that we should continue this legislation. I have much pleasure in supporting the second reading.

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

ADJOURNMENT.

At 3.57 p.m. the Council adjourned until Tuesday, October 15, at 2.15 p.m.