LEGISLATIVE COUNCIL.

Wednesday, October 16, 1957.

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

BURNSIDE BY-LAW: ZONING.

The Hon. E. ANTHONEY (Central No. 2)—I move—

That the amendment to by-law No. 1 of the corporation of the city of Burnside in respect of zoning made on June 4, 1957, and laid on the table of this Council on August 13, 1957, be disallowed.

This by-law was discussed fairly widely by the Subordinate Legislation Committee. The Town Clerk and other interested people gave evidence before the Committee on the by-law, which gave very sweeping powers that the committee felt were far too wide. After considering the matter fully and studying the evidence closely, the Committee suggested to the council that it allow the by-law to be disallowed, and replaced by a by-law that did not have such sweeping powers. This the council agreed to do, and the committee has a letter from it stating that it is in agreement with the decision reached, and that it will submit a new by-law.

The Hon. N. L. JUDE secured the adjournment of the debate.

REGISTRATION OF FACTORIES REGULATIONS.

Adjourned debate on the motion of the Hon. L. H. Densley—

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.

(Continued from October 9. Page 984.)

The Hon. C. D. ROWE (Minister of Industry and Employment)—In considering this matter, we should look at the history of the imposition of fees on the registration of factories. Prior to 1927, there was a maximum fee payable for factories employing 66 or more employees. In 1927 the maximum fee was made applicable to factories employing 100 or more persons. Since that date no change has been made in the fees chargeable. In 1927 only 35 factories with over 100 employees were registered, but in 1956 over 100 factories employed more than 100 employees, and a large number of these had many more employees—one of them as many as 7,000. In addition to that, because the fees have not been altered since 1927, the department has since 1950 been making very substantial losses on its operations. In 1950 it made a loss of £2,240; in 1951 a loss of £4,999; in 1952 a loss of £10,486; in 1953 a loss of £13,596; in 1954 a loss of £10,278; in 1955 a loss of £13,175; in 1956 a loss of £13,669, and last year a loss of £18,411. That represents a total loss over the whole period of about £89,000.

When that position was discovered the Chief Inspector of Factories was asked to look at the matter and to supply the Government with a report which would enable it to bring the fees more into line with the actual expenditure, and to ensure that in future, whilst the department would not show a very great profit, it would at least recoup from the factories concerned sufficient to meet expenses. The purpose in amending these fees is not to impose a type of tax as has been suggested, nor will it be a type of tax because it will all be absorbed in the administration of the Act. The purpose is simply to bring the fees into line with what is required consistent with present costs of running the department.

I am informed that if these new fees are imposed the department will in 1957-58 show only a very small profit of some hundreds of pounds. In arriving at that figure no account is taken of expenditure for rental of offices, office cleaning or lighting, telephones and other such services which are charged direct to the Architect-in-Chief's Department. It is conservatively estimated that the value of the amenities I have mentioned will be approximately £5,000 a year. The position is that the revenue we expect to receive will do very little more than put the department on a balanced basis. In addition to that, our expenses in the department have not been quite as high as they should have been because it has not been possible for us to get complete staff numbers over the last few years. We have for some time been without a Deputy Chief Inspector of Factories, one female inspector and a chief clerk. We are endeavouring to fill those positions, and when we do the financial position will not be quite so good as we would otherwise have expected.

The Hon. L. H. Densley—You are allowing for these appointments in the figure you mentioned?

The Hon. C. D. ROWE—Yes. Mr. Densley stated that the proposed fees are considerably above those in any other State. By interjection I asked Sir Frank Perry if he thought that

were so and I think his reply was that they were. However, I am afraid I must disagree on those points.

The Hon. Sir Frank Perry—Will you quote all the States?

The Hon. C. D. ROWE—I will quote the States which are nearest to what we have in this State.

The Hon. L. H. Densley—That will be the same as I quoted.

The Hon. C. D. ROWE—If these fees come into force they will still be the lowest in the Commonwealth but equal to those of N.S.W. Actil has 1,029 employees, and at the moment they are paying a fee of £10. Under our new regulations they will have to pay a fee of £210, which will be equal to New South Wales, but if the factory were in Victoria they would be paying £400. General Motors at Woodville has 7,015 employees, and their new fee will be £1,410. That would also be the fee in New South Wales, but in Victoria the fee would be £2,800. In addition to that, I think that probably some factories have returned numbers of employees which are in excess of the strict numbers which they are required to return under the Act, because many factories in completing their returns have included drivers and clerks and other outside workers who are not strictly factory employees within the meaning of the Act. It may be necessary for them to look carefully at their returns and see that they are not paying fees on men who are not strictly factory employees.

I think I have answered the main points raised. The first one was that we were trying to use this legislation by way of taxation, which is not the case. In fact, it will take some time before we even recoup the losses made in the administration of this department, and my own view is that all we will do is balance the income and expenditure, even if we do not take into account anything for the rental of the premises and the other amenities which have to be provided.

The Hon. F. J. Condon—How does it affect a smaller employer?

The Hon. C. D. ROWE—The man with a hundred hands will be paying double, and therefore will be affected only to a very small degree. The second point of criticism is that these fees would be out of line with the other States. On that point I say they are exactly the same as New South Wales and only half those which are imposed in Victoria, and in any case they are the lowest in the Commonwealth. The next point is that the department provides a service to the owners of factories which is not provided in the other States. We have two officers, one full-time and the other at least half-time, occupied in checking plans of boilers and unfired pressure vessels, cranes, hoists and other structures for which no fees are charged, whereas in Queensland and New South Wales fees are prescribed for that service. The inspectors in the larger factories are qualified engineers with sound theoretical and practical knowledge, and in possession of first class engineer's certificates. They are able to render very considerable assistance to a factory occupier, an assistance which I understand is not forthcoming in any other State. Thirdly, it is only in special circumstances that charges are made to manufacturers in this State for the inspection and testing of pressure vessels which are constructed for use in some other State. Queensland and Victoria charge fees in every case for vessels which are to be used outside their own State. So it is clear, I think, that the service the department is giving for these fees is greatly in excess of that provided in other States.

The only other point which has been made was that we should probably not charge a *pro rata* fee according to the number of employees engaged. It seems to me perfectly logical that an employer who employs 7,000 people should pay *pro rata* on that number. Not only is the work of inspection greater in a factory of that size, but obviously if he has that number of employees there is more work for the department and, presumably, the employer gains more benefit. I feel sure that the regulations have been drawn carefully and not without very serious thought. All they will do will be to put the finances of the department on a correct basis, not showing very much profit or too much loss. I do not feel that there can be any real objection to that.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I listened with interest to the Attorney-General's reply to Mr. Densley and find myself not entirely convinced. I propose to support the motion not with the intent of blocking an increase in fees, but with the idea of causing the Government to reconsider the position and make the increase more equitable, for I do not think it altogether fair for at least two reasons which I shall give later.

I think I heard him correctly as saying that there were only 35 factories employing over 100 people when the present scale of fees was introduced, and now there are more than 100. If we are to talk about percentages, that is

only 300 per cent increase in the number of factories, whereas as Mr. Densley quoted increases in fees range up to 11,000 per cent. The fact that there were 35 factories and there are now only 100 employing more than 100 hands suggests to me that if the principle is right in applying the sliding scale figures it should have been considered when the scale was previously fixed, for there was definitely then an important number of factories with more than 100 employees. I do not want to be misunderstood on the matter of percentages. I have always scoffed at the suggestion that one should necessarily oppose something because the percentage increase is high, but at least it calls for an inquiry when you see fees being increased by up to 11,000 per cent and in a number of cases by 3,000, 4,000 and 5,000 per cent. The matter has been looked into very carefully by Mr. Densley and other members.

The Attorney-General has given his explanation of the reasons underlying the increase and mentioned the fact that between 1950 and 1957 the department suffered a loss of about £89,000 on its operations; the loss in 1950 was roughly £2,600, the next year £4,000 and then it went into five figures and has remained at that. The Attorney-General said that when this position was discovered the Chief Inspector of Factories was asked to make a report. Apparently it took seven years for someone to discover that the department was making a loss, thus qualifying that person for long service leave under the Bill we are considering and I think probably he ought to take it in those circumstances.

The question is whether this department should be self-supporting and that is my main quarrel with this large increase. Should such a department as this—which is in effect a policing department—be self-supporting at the expense of the employers or should it be wholly or partly self-supporting like other departments are, that is, out of general revenue. Let us take some sort of analogy—again I do not necessarily say that this comparison presents the whole picture, but I think one can make a comparison to see how the situation stands. What about the Police Department? Is that self-supporting? I note from the Estimates that this year's expenditure is about £2,000,000. Not being very familiar with the Budget I have not been able to ascertain the revenue in the short time available, but I know clearly that it would be only a mere fraction of that amount. Therefore, that raises the point that if general policing is done out of general revenue why should particular policing be done wholly at the expense of those being policed? I cannot quite see that those two matters line up. As a matter of ordinary justice and equity I feel that this department, which has administrative duties other than the policing of factories, should be partly supported from general revenue as it has been in the past. Frankly, I doubt whether it took anyone seven years to discover the loss. I suggest rather that it took seven years for someone to make up his mind that the department should show a profit.

I think there is an undoubted case for an increase in fees but to put it on a sliding scale is not the most equitable manner of doing it. The Attorney-General has stated that large factories can afford to pay. Apparently he is a modern Robin Hood—

The Hon. C. D. Rowe—I said they had so many employees because they were making a profit.

The Hon. Sir ARTHUR RYMILL—Perhaps I misunderstood the Minister, but at least he said that it was logical to pay *pro rata* to the number of employees engaged. Why is this more logical than to pay *pro rata* to the area of the factory, or the number of machines in it, or the intricacy of those machines? What about automatic factories with only a handful of employees? Is this *pro rata* scale so logical in relation to them? I have not had much time to think about this, but I do not think it is necessarily logical that factories should have to pay *pro rata* to the number of employees. I feel that another look at this regulation could do no harm. I again emphasize that there is an irresistible case for an increase but not to such a total extent nor in this entire manner.

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

POLICE OFFENCES ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General), having obtained leave, introduced a Bill for an Act to amend the Police Offences Act, 1953-1956. Read a first time.

The Hon. C. D. ROWE—I move—

That this Bill be now read a second time.

The Bill makes three amendments of the Police Offences Act. The most important of them arises from a proposal for conducting blood tests in every case where a person is arrested on a charge of driving under the influence of

liquor, and I will deal with this one first. The Crown Solicitor (whose officers conduct practically all prosecutions for driving under the influence of liquor) has recently recommended that blood tests should be taken as a general practice. Power to do this already exists in section 81 of the Police Offences Act. The making of the tests, however, involves some practical difficulties, particularly in the metropolitan area. Under the existing law when a person is arrested without warrant on a charge of committing an offence he must be taken to the nearest police station, *i.e.*, the station nearest to the place of arrest. Any medical examination of the arrested person must be conducted while he is in custody at the station. But it is not practicable to have arrangements for taking blood samples at every police station. The work needs considerable care and equipment and must be carried out by a medical officer. The solution of the problem, so far as the metropolitan area is concerned, is to bring all persons arrested within this area to the City Watchhouse. This would facilitate the taking of blood samples and also the general medical examination of the arrested persons by the police medical officer.

As things are at present, the services of the police medical officer are often required at several police stations in the metropolitan area in one evening and frequently at more than one station at the same time. In order to get over these difficulties, the Bill provides that where a person is arrested at a place not more than 15 miles from the G.P.O. at Adelaide on suspicion of having driven under the influence of liquor he may be taken either to the nearest police station or to the City Watchhouse. His rights to be admitted to bail and brought promptly before a court will not be affected. This matter is dealt with in Clause 5.

Clause 3 deals with the offence of being unlawfully on premises. This offence at present consists of being on premises or structures falling within certain defined classes, either for an unlawful purpose or without lawful excuse. It is an offence with a long history and in the past it has never applied to unfenced areas of land. However, in recent years many houses have been built on unfenced blocks and the police have found it necessary that they should have power to deal with persons who enter the yards or gardens of these houses for criminal or improper purposes. For this reason it is proposed in this Bill to extend the offence of being unlawfully on premises so that it will apply to any area of land, whether enclosed or fenced or not, which forms the yard, garden or curtilage of any building.

Clause 4 deals with the regulation of traffic. Under the Police Offences Act the Commissioner of Police has power to give directions for regulating traffic and maintaining order on special occasions when streets and public places are unusually crowded. Section 59 of the Act also provides that the Commissioner may delegate this power to any inspector of police. As there are now senior officers of police who do not hold the rank of inspector, that is to say, the Deputy Commissioner and the Superintendents, it is proposed by this Bill to empower the Commissioner of Police to delegate his powers under section 59 of the Act to any member of the Force whose rank is not lower than that of inspector.

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

FRUIT FLY (COMPENSATION) BILL.

Read a third time and passed.

BRANDS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Section 54 of the Brands Act provides for the keeping of registers of the various kinds of brands and marks to which the Act relates. Section 55 provides that the Registrar of Brands, at the end of every quarter, must publish in the *Government Gazette* a statement setting out the brands and marks which have been registered, transferred or cancelled during the quarter. In addition, the section provides for the publication at intervals of two years of brands directories containing particulars of all registered brands. It has, in practice, been found impracticable to publish these brands directories. The Government Printer, for several years past, has been unable to divert sufficient men to the work and the cost of keeping up the directories would be over £5,000 per annum. Furthermore, a directory becomes out of date very quickly and needs to be supplemented by the statement of changes in brands, etc., published in the *Gazette* every quarter.

It is considered, therefore, that the provisions of the Act requiring the compilation of the brands directory should be repealed, and this is accordingly provided for by the Bill. However, it is realized that the public should be able to obtain without delay information as to registered brands and the Bill provides that,

if information is required as to any brand whether the request is made by letter, telephone or otherwise, the information is to be supplied by the Registrar. In addition, the Bill contains evidentiary provisions under which the certificate of the Registrar as to whether a brand is or is not registered and as to extracts from any of the registers, is to be *prima facie* evidence of the fact stated in the certificate.

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

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 15. Page 1042.)

The Hon. W. W. ROBINSON (Northern)—In supporting the second reading of this Bill, I would like to say in passing that I feel it a great privilege to be domiciled in this State, where the Government is on a sound basis. The development and progress that has taken place over the last decade should give rise to great pleasure. Secondary industries have been developed in the metropolitan area, and the expansion in growth of the State is something of which I feel proud. In addition to the metropolitan development, industries have been established as far south as Mount Gambier, Leigh Creek in the north, Thevenard in the west and Radium Hill in the north-east.

I express pleasure at the growth that has taken place in my own electorate in the last decade, particularly at Leigh Creek, Radium Hill, and the larger towns in the north. From 1947 to the last census, the population at Port Augusta increased from 4,566 to 6,985, Port Lincoln from 4,935 to 6,104, Port Pirie from 12,812 to 14,818 and Whyalla from 7,871 to 8,615. Peterborough has increased from 3,065 to 3,670. I believe that when the reticulation of water is completed at Peterborough we will see a still greater expansion there.

The Hon. F. J. Condon—Have you the figures for Quorn?

The Hon. W. W. ROBINSON—Quorn is down by 100 on the last census. I point out in that connection that only on the 5th of this month the Attorney-General on behalf of the Premier opened a barytes plant there which will employ 25 men, and that will make up for some of the migration that has occurred. I believe the development which has taken place is putting our economy on a much sounder basis. We are now facing a difficult year in the primary industries but I believe that the expansion in secondary industries will cushion that blow to some extent.

I was pleased to read only this morning that a co-operative cannery is to be established at Berri. I understand that is linked with a co-operative company in Victoria which has had considerable experience and has the technical know-how in this type of operation. I feel that this cannery will be established on a sound business basis and I look forward with pleasure to its establishment.

The Hon. K. E. J. Bardolph—How will that affect supplies to the fruit preservers in Adelaide?

The Hon. W. W. ROBINSON—I have been led to believe that there will be sufficient for both. What is more, a better product will be produced; it will be more attractive and I believe more of our tinned fruits will be consumed in this State to the advantage of the fruit growing industry. The processing of the fruit at the source of production will enable it to be canned in better condition than it would be if it had to be carried for long distances.

This year the Government is budgeting for a deficit of £520,000. In 1956-57 the deficit amounted to £49,000 against an estimated deficit of £853,000. That was a very pleasant result, and I will be happy if the present year shows an equally good result. However, by the way the season is shaping I feel that deficit will be greater than the estimate. With our alarming increase in expenditure it is pleasing to know that revenue has kept pace to some extent with expenditure, but in most cases this has been brought about by increased charges, plus an amount of £1,683,000 from the Commonwealth by way of special grants. As a responsible body we should realize that there is a limit beyond which we cannot go in this connection. The sum of £53,785,000 is required for normal departmental provision. Increases in various departments have occurred during the year. In the case of the Police Department the increase amounted to £199,000; the Sheriff and Gaols Department £57,000; Hospitals Department, £397,000; Children's Welfare and Public Relief, £47,000; Department of Public Health, £39,000; and grants and subsidies to various medical and health services, £55,000. That amounts to a total of £794,000.

While we are very grateful indeed for these services which no-one can say we could do without, we must realize that the economy is drifting to some extent. The additional cost of wages and salaries is having quite a bearing upon our economy. With regard to the increase

of £57,000 for the Sheriff and Gaols Department, I understand an increase in the number of inmates of our gaols has been responsible for that extra expenditure, which is deplorable. We have been through prosperous times during which people had opportunitites to acquire sufficient to give them a reasonable standard of living, and it is very saddening to think that so many are transgressing and departing from the right way of living.

Much has been said of the dark conditions which we are passing through in the country, and we have had some advice as to how pastoralists and farmers should have prepared for these unfortunate times. I have travelled a good deal during the last few weeks as far as Wirrulla in the west and Quorn in the north. On a trip I made to Crystal Brook last Saturday I was agreeably surprised at the condition of the country, which was infinitely better than I had expected. Hay is being cut in an area close to Snowtown, and in my own area there are at least two self-sown crops which are being cut for hay. Right along the foothills running along the Hummocks through Snowtown there are quite reasonable crops which could be cut for hay if people who desired to purchase it made it their business to do so while it was in a ripe condition to be cut.

The Hon. F. J. Condon—Did you see any idle flour mills on your visits?

The Hon. W. W. ROBINSON—I understand that some measures were taken to overcome to some extent the problems of the flour mills in South Australia. A special levy was recently made on wheat with the idea of enabling the flour mills to compete.

The Hon. F. J. Condon—They are in a worse position now than they ever were.

The Hon. W. W. ROBINSON—I am sorry to hear that, but we will deal with it on another occasion. Mr. Bardolph suggested that the Government should get busy and provide supplies of fodder, but I do not agree with that. It is the responsibility of the individual to provide for his own wants and I point out the difficulties that we ran into under the Hay Acquisition Act of 1944. It will be remembered that quite a lot of hay was purchased but little of it used. That which was stacked at Tarlee, I think, did get into consumption because there was a good chaff merchant there, but a large percentage of the hay stacked at Hamley Bridge and on Eyre Peninsula was not used. It is not the duty of the Government, and I would ask those who are anxious to purchase hay for themselves to make their own arrangements and not involve the Government in this expenditure. In travelling to my home town on Saturday I was agreeably surprised to note that almost without exception, there were hay stacks in the farm yards, and some farmers seemed to have a considerable amount. Returning from Jamestown Show the Minister of Lands (the Hon. C. S. Hincks) said how pleased he was to note so much hay stored in the country.

Some criticism has been levelled against pastoraists and farmers for over-stocking their properties, but I pay a tribute to the improved management of the pastoral industry and the better soil control. The wider rotation of crops and the carrying of sheep has enabled this year's flocks to carry through in much better condition than if this practice had not been adopted. I admit that we are receiving advantages from some of the rain that fell last year which has been stored in the subsoil. As regards the allegation that farmers have not stored enough hay, I have taken out figures over the last 10 years showing the amount of hay cut and stored in South Australia. The average for that period was 379,000 tons and the figure for last year was 460,821 tons, which is considerably above the average. Moreover, on the figures mentioned by Mr. Story as to the number of balers purchased, rising from 275 in 1947 to 2,011 last year, I suggest that the amount cut for this year, for which figures are not yet available, will be even greater. Unfortunately the Murray River floods denuded many of our lower reaches of their pastures which account for a certain amount of hay which normally would not have been used, but I am pleased indeed to relate that those pastures are now giving good promise of being infinitely better than they were prior to the flood.

Quite an amount of sarcastic criticism has been directed against me regarding the question I asked about concessional rates for stock being railed to the Abattoirs for boiling down. I wish to make it clear that I had no personal motive in asking that question, for my own stock position is perfectly sound, but I was concerned for those in the far distant areas to whom the normal rail charges would be very heavy. Before dealing further with this question I should like to express my appreciation of the attitude of the Abattoirs employees who have agreed to slaughter over the week-end. That will have quite a bearing on the position.

The Hon. A. J. Shard—They have done that for a number of years.

The Hon. W. W. ROBINSON—I am expressing my appreciation particularly now because we face a serious situation.

The Hon. A. J. Shard—But they have agreed to do that over a number of years. It is not new.

The Hon. W. W. ROBINSON—Quite so, but that is no reason why I should not express my appreciation, and I hope that the good relationships between the board and the employees will continue.

The Hon. A. J. Shard—That is one of the good results of the strike.

The Hon. W. W. ROBINSON—It has quite a bearing upon our pasture position. If we can get rid of the surplus quickly it means that that much more feed is available for the remainder which can be marketed in better condition. Stock slaughtered on the property causes blow flies to breed and this has a bad effect on the remaining stock. I am led to believe that the Leader of the Opposition in another place said he would rather slaughter sheep on the place as it would not pay to incur the transport charges. However, it is physically impossible to slaughter any large number of stock on a property because of the lack of proper facilities and, moreover, it results in a serious loss of meat meal which is already in short supply judging by a question asked by Mr. Bywaters, to which the Premier replied that it would be unwise to attempt to control the price of meat meal because there was a shortage in the other States and any attempt to control the price would simply mean that it would be shipped there and we would thus lose what we had. It is important in the interests of the pig and poultry industries that we should conserve our meat meal supplies, as it is an important factor in those industries and we should therefore save all the meat available for them. It is infinitely better than allowing stock to be slaughtered on the property and the carcases wasted.

Mr. Shard, by interjection, said that there were better relationships at the Abattoirs since the strike. This is so and I believe it is on account of the settlement brought about by the Premier and the then Minister of Agriculture, the Honourable A. W. Christian. Mr. Shard said that the Premier and the Minister were responsible for the strike, but I point out that that institution is controlled by a board and not by the Government, but by their good graces—

The Hon. A. J. Shard—The Minister had a lot to say to them.

The Hon. W. W. ROBINSON—He did finally, but by the good graces of the Premier and Mr. Christian good relationships were brought about. In conclusion, I say that this country offers great opportunities for development. Much progress has been made in developing our undeveloped land. The drainage of the South-East and the development on Kangaroo Island and Wanilla have led to expansion in our pastoral and agricultural industries. Coupled with the development of secondary industries, I think this shows that we can look forward with confidence to the future of the State. I have pleasure in supporting the Bill.

The Hon. C. D. ROWE (Attorney-General)—I do not wish to delay the House very long in replying to the speeches made during this debate, to which I listened with great care and attention. I assure members that matters raised which affect various Government departments are referred to those departments for consideration, and that practice will be followed on this occasion. I wish to refer to one or two points in particular. Mr. Anthoney mentioned the good work done by the Electricity Trust, but Mr. Bardolph criticised what he termed the Trust's topheaviness in executives. My view is that the trust is a very efficient body; at least it has proved to be more efficient than any similar body in Australia. The average householder in South Australia now pays less for electricity than the householder in any other State. Those of us who represent country constituencies and travel about the country all know the excellent work done by the trust to extend supplies to country areas, so there is no evidence to support the contention made by Mr. Bardolph, and I am sorry that he should have raised the matter because there is no room for criticism of the trust's activities.

Mr. Wilson mentioned the subsidy paid to the Flying Doctor Service, which covers an area of about 3,000 square miles. The work done by this service is not always appreciated, and Mr. Wilson rendered a public service in referring to it. Mr. Story, in his reference to the Highways and Local Government Department, suggested that district engineers should reside in their districts so as to avoid a certain amount of time in travelling and thus be able to give more time to their work. It is the policy of the Government that, as far as possible, this shall be done. A large proportion of district engineers live in their own districts, and it is my view that they do very efficient work indeed.

The only other matter to which I wish to refer is a subject that was brought to my notice by this afternoon's press, in which reference is made to the fact that members of this Council do not perform any useful service. The implication seems to be that the only time in which members do any work or are engaged on political activities is when they are actually sitting in this House. This statement should not be allowed to pass without comment.

The Hon. F. J. Condon—Did you take any notice of where it came from?

The Hon. C. D. ROWE—I think it is perfectly obvious where it came from—I believe it came about because of a statement made to the press by a member of the House of Assembly, who has seen fit to attend for only three-quarters of the sitting days, but has then criticized that House and this Chamber.

The Hon. F. J. Condon—I was referring to a sausage wrapper.

The Hon. C. D. ROWE—I am not now an ordinary member of the Council, and apparently not one of those involved in the criticism, but I was an ordinary member of the Council for a number of years, during which time I kept a record that showed that I travelled at least 15,000 miles a year in my own car on business wholly related to political activities. If we put that down at 1s. a mile—approximately the amount the Government allows to its employees for the use of motor cars—the total expenditure on that item alone came to £750 a year. In addition to that, my out of pocket expenses, for such things as hotel accommodation when living in the city while the House was sitting, donations, etc., involved me in an expenditure of quite £500 a year. Also, as I was away from my legal practice in Maitland, I had to engage additional typing assistance, which cost another £350 a year. Out of the £1900 I was receiving I was spending at least £1600 for the purposes I have mentioned. I do not think the writer of the newspaper article took into account the fact that whereas members of the House of Assembly have relatively confined districts, Legislative Council districts extend over a large area and members are involved in a great amount of travelling.

The inference one draws from the article, that the only time a member of this Council is doing any political work is when he is actually sitting in the Council, is quite wrong, and no-one with any knowledge of the situation would have made such a statement. The majority of our work is done, not when the House is sitting, but when we are moving among our constituents listening to their problems and endeavouring to see that their requirements are met. Indeed, I believe we are rendering a more important service when we are out amongst our constituents than when sitting in this Chamber.

One comment made in the article was that this Chamber does not achieve anything worthwhile because, to use the words of the article, it seldom initiates any important legislation. It seems to me that anyone who knows the basis of our Constitution and what the respective responsibilities of the two Houses are would never make such a statement, which is so far from the facts. Everyone knows that under the bicameral system it is not possible for much legislation to be introduced in this House.

Another statement in this article that this, as a House of review, is more of a rubber stamp for the Government than a genuine safeguard for the people, is also very far from the point. I do not think any other House in the Commonwealth, perhaps in the British Commonwealth, has maintained the true traditions of a House of Review as this Chamber has done, and if anyone takes care to look at the voting here, they will not have to look far before they realize that it is certainly by no means a rubber stamp for the Government.

Normally one is not called upon to answer criticism that is not founded on fact, but in view of the publicity given to this matter I feel the correct position should be placed before the public, who should have drawn to their notice that a member's responsibilities in this Chamber represent only a small part of his duties, that members are involved in extensive travelling, involving a great deal of time and the expenditure of a considerable sum on out of pocket expenses. Some people think that at least some portion of our salary is exempt from income tax, but no portion is exempt—we pay full taxation on the amounts we receive. I am indebted to members for the attention they have given to this Bill, and I assure them that the matters they have dealt with will receive the attention of the Government.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Appropriation of general revenue."

The Hon. F. J. CONDON (Leader of the Opposition)—I was pleased to hear the Attorney-General say that matters raised by members will receive due consideration by

the Government, and I support him in his remarks about the criticism of this Chamber. I have been a member of this Council for many years, before which I was a member of the House of Assembly. Criticism is very cheap, and the present criticism merely shows the ignorance of some people. It is absolute nonsense for anyone to say that all this Chamber has to do is to sit for a few hours, and I would never have thought that any responsible person would stoop to such low tactics.

The Hon. E. Anthoney—Members of Parliament themselves are not entirely exempt from that charge.

The Hon. F. J. CONDON—Everyone can speak for himself, as I am doing. I ask members to consider the time spent by members of committees on Parliamentary duties. The Public Works Standing Committee meets three times a week for 11 months of the year.

The Hon. C. R. Story—How much do they get for that? Practically nothing.

The Hon. F. J. CONDON—If compared with payments made to people outside—which I do not criticize—their payment is very low. Every member of Parliament comes here with one object in view, irrespective of his political opinions, and that is to do something in the interests of the State as he thinks it should be done.

People talk of working a 40-hour week, but my hours are much longer than that, and I am only too happy to work those hours because I feel it is in the interests of the public and the State. I had three telephone calls before 7 o'clock this morning from people in trouble. Some time ago I took a census of the number of people who came to my home, and in three months the average was 75 visits every week. I can be found in this place before 9 o'clock in the morning, and I do a couple of hours' work before I come here. I can honestly say that when I go home at night my work is not finished. People pour insults on Parliament and instead of uplifting an institution they try to decry it. I do not think it is the intention of any member of Parliament to do that, but at least the press should try and be fair no matter how difficult it is for them.

The Hon. J. L. S. Bice—They know what goes on because they attend dozens of functions.

The Hon. F. J. CONDON—The policy of the Party I represent is adult suffrage. I stand for whatever is constitutional, and if the people do not want a second Chamber they can decide that matter, because we do not elect ourselves. Certain smart alecks have a perfect right to stand for Parliament in the same way that we have. I say that an institution which plays such an important part in this State should not be belittled. We continually hear that the South Australian Parliament is the best conducted Parliament in the Commonwealth, and who makes it so? We have our arguments and this would not be much of a place if we did not have them. I resent the dirty insinuations made by a certain section of the press, and I have taken this opportunity to express my feelings on the subject.

Clause passed.

Clauses 4 to 7 and title passed.

Bill reported without amendment and Committee's report adopted. Read a third time and passed.

SCAFFOLDING INSPECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 15. Page 1036.)

The Hon. S. C. BEVAN (Central No. 1)—This Bill is, I suggest, a result of deputations to the Minister by the Trades and Labor Council. This Act first came into operation in 1907. It was consolidated in 1934 and was amended slightly in 1940, but the Act has remained practically unchanged since 1925, which means that there has been practically no review of the legislation for more than 30 years.

In glancing at this legislation one may feel that it is not so very important, but I suggest that it is very important and has far-reaching effects. Vast improvements in building methods have taken place in recent years, and today the tendency is to erect bigger and better buildings not only in the metropolitan area but in the country. Unfortunately, this Act does not apply to country areas unless they are specifically proclaimed in order to bring them within the scope of the Act. We have had a departure from the old time scaffolding, which was a barrel with poles stuck into it at various spaces and interwoven with flash poles criss-crossing from one to the other. The barrel would be filled with sand or a stone to give it weight to hold it in position, and from that the planks went across. People who erected the scaffolding in those days gained considerable skill in its erection. With the advancement in building activity we have reached the stage where that type of scaffolding no longer exists, and today tubular steel scaffolding is used in the erection or demolition of large buildings.

We have reached the stage where companies manufacture this tubular steel scaffolding and

the various fittings used to clamp the steel rods in position. This scaffolding is not sold or let out to a building contractor, and the tendency is for the firms to become the contractors to supply and erect the scaffolding.

The Hon. E. H. Edmonds—They employ skilled men for the purpose.

The Hon. S. C. BEVAN—No, they do not, and that is the point I will come to. There has been a considerable increase in fatal accidents among men working on scaffolding, and the building trade unions have become alarmed at the prevalence of accidents. They have made representations on the jobs and suggested to builders that certain things should be done. Representations were made to the Chief Inspector of Factories and Steam Boilers, who is the chief inspector of scaffolding, regarding dangerous scaffolding which men were working on, and it was asked that greater safety measures should be taken.

The Hon. Sir Frank Perry—Isn't that covered in the Act?

The Hon. S. C. Bevan—Only to a certain extent. The representations made to the employers by the unions did not bear fruit. It was reported to the Trades and Labor Council that in some instances builders became very arrogant when defects and dangerous conditions were pointed out to them. The Council then investigated the matter and then sought and were granted a deputation to the Minister. The first deputation was received in December last year. These matters were pointed out to the Minister with a request for an amendment to the Act to provide greater safety precautions. Some months elapsed and nothing was done. The Council again sought a deputation with the Minister. The Minister received the deputation and listened very attentively to the points raised, and I know that he was very concerned with the deaths which were taking place as a result of accidents caused by the defects and the lack of safety precautions. The Minister promised that he would immediately bring the whole matter before Cabinet, and stated that he considered that something should be done, and in addition he thought that after investigating the whole question amendments to the regulations might have the desired effect. The deputation pointed out that had the Act been properly policed some of the accidents would have been avoided, but the reason why it had *not* been properly policed was the lack of sufficient inspectors.

The new regulations were gazetted on June 30, 1957. They dealt with the erection of tubular steel scaffolding, including what is known as birdcage scaffolding. Admittedly, they have had some effect. Previously there was little safeguard in the Act in relation to birdcage scaffolding which was primarily used for interior decoration, work on ceilings and so forth. I have in mind a death that occurred at Tonsley when scaffolding of this type collapsed. The regulations also deal with hazards created by electrical wiring hauling devices. Instead of the old method of hauling by block and tackle the modern way is to use electrical hoists for handling materials required in the course of building construction. The regulations now provide adequate protection in this regard and I compliment the Minister on that. Following the gazettal of the regulations there were some prosecutions, but I suggest that had that action been taken earlier some accidents might have been avoided.

The amendments now before us will have far reaching effects and will go a long way towards eliminating accidents, but they do not go far enough and while the Government was dealing with the matter it might well have considered the suggestions that were placed before the Minister. For example, there is still no provision for requiring safety nets to be used. Other States have regulations requiring safety nets. With their use, if an employee falls or is knocked off a scaffolding there is little chance of his being killed as he simply falls into the net, and it should be possible to include such a provision in our Act. It may be argued that in many instances it is not warranted, but with modern buildings which extend to considerable heights there should be more protection.

During the erection of the building on the corner of Pirie Street and King William Street other members doubtless will have noticed, as I did the kind of scaffolding in use. On one occasion had an employee not been able to grasp something and hang on until he could be hauled to safety he would have fallen a considerable distance with only the verandah in King William Street to prevent his falling to the footpath from very near the top floor. That scaffolding had only a railing at about waist height and some hessian hung from it. I ask members how much protection they think that would afford. It might check a fall long enough to enable a workman to grasp something, but it was very poor protection. At the new insurance building in Victoria Square an unfortunate workman apparently stepped on to some material which rolled under him and shot him out through the window aperture.

The Hon. Sir Frank Perry—That was not from scaffolding.

The Hon. S. C. BEVAN—No, but there was no protection in the aperture and he went straight through. Apparently the Government has considered the suggestions that were made and feels that it is not necessary to provide this safety measure.

The Hon. Sir Frank Perry—Does not clause 8 cover that?

The Hon. S. C. BEVAN—I doubt very much whether it does. It gives additional powers to inspectors. Where they consider there is some unsafe condition they can stop the job until the contractor or builder has remedied the defect.

Building operations are not confined to the metropolitan area but are increasing considerably in country districts where bigger and better buildings are being erected. Some country towns are becoming large centres and I feel that the Act should have State-wide application, and consequently I intend to move in that direction in the Committee stages. My first criticism of the Bill itself is of clause 3 "Interpretations." To erect scaffolding there must be scaffolders. It has become a trade practice to engage sub-contractors for the erection of scaffolding—perhaps Cyclone Ltd. or some other company. Any employee of such a company can be engaged to erect scaffolding on any building. He may be simply a labourer, and the Bill contains no definition of a scaffolder and what his qualifications should be.

I feel that considerable skill is required in the erection of tubular steel scaffolding. Earlier this afternoon Mr. Edmonds asked, "Would they not be experienced men?", but there is nothing to say that they must be qualified in any sense, and there should be a definition of the qualifications of a scaffolder and I intend to move to insert one for that purpose, as follows:—

A scaffolder means a person in charge of the erection, alteration or demolition of scaffolding.

If that were agreed to, we would then have people qualified in relation to erection of scaffolding. A scaffolder should be an experienced person and registered. It is not asking too much that those so employed are experienced men who are safeguarded by being registered.

The Hon. Sir Frank Perry—Is not the employer responsible at the moment under penalty?

The Hon. S. C. BEVAN—The owner is responsible. Clause 4 deals with the appointment of inspectors and subclause (2) provides that:—

The Governor may appoint suitable persons to be inspectors of scaffolding under the Act.

We consider that a retrograde step compared with the present provision in section 5 that a person appointed as an inspector must have had at least four years' experience in the erection of scaffolding. Appointments are made on the recommendation of the Chief Inspector. The amendment provides that "suitable persons" may be appointed. At present there is a shortage of inspectors to adequately supervise the Act, and possibly it is therefore necessary to provide for the appointment of additional inspectors, but the amendment does not go far enough.

Both New South Wales and Queensland have provisions dealing with the appointment of inspectors. For instance, the Queensland regulations provide that an inspector must produce satisfactory evidence as to character and experience as a tradesman, covering at least seven years since serving his apprenticeship in the building trade, must produce a medical certificate that he is not suffering any infirmity or heart trouble, must be a British subject and must pass an examination to show that he has a sound knowledge of the Act and regulations. In addition, he must have a thorough knowledge of all materials used in connection with scaffolding or gear, the ability to construct and erect various kinds of scaffolding, and a sound knowledge of elementary mathematics. Also, he must have the ability to make a free-hand sketch or working drawing of any kind of scaffolding required, and must obtain 60 per cent of the total number of marks allotted by the Chief Inspector.

Although the New South Wales Act does not go as far as the Queensland legislation, it also provides certain qualifications for an inspector. Among other things he must have had experience in the building industry. Our law provides that an inspector must have had four years' experience in the building industry, but the Bill excises that and in its place is inserted a subclause providing that a person may be appointed if he is considered a "suitable person." What is a "suitable person" and who is to define the suitability of a candidate for appointment? We have had past experience of such phraseology and have had to amend laws because of the anomalies which have arisen. In Committee I intend to move an amendment to subclause (2) to add after "suitable person":—

having not less than two years' experience in erecting, altering, or demolishing scaffolding.

That reduces the qualification of four years'

experience in the building industry by half. If we apply the four-year qualification, there may not be sufficient persons offering with the necessary qualifications. The scaffolding inspector's job is a very important one. Because of the number of men employed on a job at the one time deaths could be caused if the work were defective. Therefore, we should have sufficient efficient inspectors to prevent such a position arising.

Clause 5 deals with the notification of erection of scaffolding. Subclause (*a*) provides that the inspector mentioned in the Act in relation to this notification shall be the Chief Inspector. I have no criticism of this, because it is imperative that the Chief Inspector should be notified of the erection of scaffolding, and that any scaffolding should be inspected before it is used. Subclause (*b*) increases the penalty for failure to notify from £5 to £20. It would be a very grave thing for a contractor or sub-contractor not to give the required notice; it would be a deliberate act, as a plea of ignorance could not be advanced, so the penalty should be at least £50.

The Hon. E. Anthoney—Who is responsible for the penalty?

The Hon. S. C. BEVAN—The person who is erecting the scaffolding—whether that is the owner, contractor or sub-contractor—who fails to notify the Chief Inspector. I realize that the Bill provides for an increase from £5 to £20, which is a 400 per cent increase, but it should be far greater if it is to act as a real deterrent to omissions. Big building contractors would not mind paying a fine of £20. In many instances scaffolds have been erected without notification, or if notification has been given, it has been done after workmen have started work.

The Hon. C. D. Rowe—This Bill will correct that.

The Hon. S. C. BEVAN—That may be so, but in some cases the penalty of £20 would not be a sufficient deterrent. The penalty should be high enough to ensure that this provision is fully complied with. Although clause 6 goes a fair way, it stops a little short of what I would like to see. What constitutes the "serious bodily injury" mentioned in the clause? I ask this because any accident other than that which causes loss of life or serious bodily injury does not have to be reported. A man could be fortunate enough to escape serious bodily injury but could nevertheless have a nasty accident caused by defective scaffolding, yet this would not have to be reported. We should have some definition of "serious bodily injury," and I ask the Minister to consider this matter before giving his reply.

Clause 8, which deals with the general powers of inspectors, is a considerable advance on the present provisions. It provides for the insertion of new subsection (1a) in section 11 as follows:—

> If it appears to an inspector that men engaged in building operations are working in a place where they are exposed to a risk of injury from falling, or from being struck by moving material, and that if it is reasonable and practicable to protect the men from such risk by a fence, guard, screen, net, rope, or other precautions he may give directions in writing to the owner of the building, or to the person carrying out or in charge of the building operations, to take such precautions as he deems necessary for the purpose of removing or reducing such risk:

This is a very fine provision which will probably meet any objections we have had to the Act in this regard previously. The amendment to section 11 (2) is a good provision, as it empowers the Chief Inspector to withdraw men from a section that he considers to be in a dangerous condition until such time as his orders have been carried out. If this sort of thing had been written into the Act previously many accidents would have been avoided. Subclause (*c*) of this clause provides:—

> Subsection (4) is amended by inserting after the word "appliance" in the sixth line the words "or to cease to work in a specified place."

Does this go far enough? Are the powers of the inspector sufficient to enable scaffolding to be inspected by a scaffolding inspector or the Chief Inspector before men are allowed to use it? That would not be a hardship, as it is imperative under the Act to give notice that it is proposed to erect scaffolding. Then an inspector has to inspect it, and he would be able to say whether it was satisfactory or not. However, it should be made imperative for it to be inspected before men start work on it.

The Hon. Sir Frank Perry—But scaffolding is never finished in some cases; it keeps going on.

The Hon. S. C. BEVAN—I appreciate that, and this Bill provides that additions shall be reportable. If scaffolding is erected for another three floors, for instance, it is additional scaffolding and must be reported. That is what the Bill provides.

The Hon. Sir Frank Perry—I hope it does not.

The Hon. S. C. BEVAN—If it does not, a contractor who is building a 12 storey building would only have to erect scaffolding up to the top of the ground floor, notify the inspector, have it passed, and would have no responsibility for any further additions. If that were the position, what would be the good of this legislation? What safeguards would there be if a workman were killed? The Bill would be absolutely useless under those circumstances. That is why I am sure it is felt necessary to amend the Act to safeguard employees working at great heights.

If complete scaffolding is not erected at the beginning, additions must be inspected, as they must be in conformity with the legislation. If the honourable member's interpretation is correct, this clause should be withdrawn and redrafted so as to provide that any additions must be notified and inspected. I do not feel that is necessary because I think the Bill covers it. I would like to be satisfied that the scaffolding will be inspected prior to the workmen taking their place on it. I do not think that would be a hardship, because a contractor knows when the scaffolding would be completed; he would send a notification to the Chief Inspector and it could be inspected early the next morning. I support the second reading, and in Committee will move the amendments I have foreshadowed.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 15. Page 1053.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—This is a Bill to amend the Local Government Act which now has over 900 sections. A Bill of this nature must necessarily be a Committee Bill. It is not a coherent whole in itself, but is a Bill to amend a number of varying sections and authorities and powers contained in or given by the Act. I will make one or two general comments on the Act to get it in a satisfactory perspective, and perhaps mention one or two of the more important clauses. Mr. Bardolph mentioned that the Labor Party in this House contains three past-presidents and the present President of the Trades and Labor Council. I might mention that on our side of the House I think there are at least four ex-mayors, five ex-chairmen of district councils, and a few present members of district councils and municipalities.

The Hon. S. C. Bevan—You are not putting them in the same category as Presidents of the Trades and Labor Council?

The Hon. Sir ARTHUR RYMILL—They receive no remuneration, and they have strictly amateur status because they do not receive gold medals either. I mention that to show that this House is probably distinctly qualified to debate a Bill of this nature. However, it seems to me that one does not have to have any experience in local government to be an expert on it, judging by what goes on in the House of Assembly and elsewhere. Most people are experts on financial matters, the Stock Exchange and so on, but everybody seems to be an expert on local government. I hope the Minister of Local Government is able to get this Bill through within the comparatively short time that seems to have been allotted to it. The Bill in general is a very good one. I can claim some experience of local government over the years, and I probably know a little about the Local Government Act. I think it would take a life-time of full-time devotion to know the whole Act, but I have come in contact with various parts of it, such as penal clauses and other matters, and I know some of the things that are referred to in this Bill from my personal knowledge.

The Hon. K. E. J. Bardolph—Why not scrap the Act and make it more simple?

The Hon. Sir ARTHUR RYMILL—It is one of those things which is essentially complicated because the Act is the charter under which all councils work, and this Parliament has always insisted that their powers be express, explicit and limited. Consequently, there must be a forest of sections in the same way as it is necessary to have a large number of signs to regulate the traffic laws.

The first clause I wish to deal with is clause 2. As the Minister said, it affects principally the Adelaide Children's Hospital. As a member of the council concerned I can tell the House the very brief history of this matter. For many years this Hospital was not rated, either because of its then set-up or alternatively because the council thought that it should not be rated. Several years ago a diligent officer discovered that the hospital should be rated, and the council had legal advice that it had to rate it. The assessment involved a rate of about £4,000 per annum. I can tell members that, to the credit of the Adelaide City Council, it made an immediate approach to the Government for an amendment to the Act so that it would not be obliged to levy this £4,000 per annum,

but, for some unaccountable reason, despite the fact that the Government has in effect to make up the difference between what the Hospital collects for itself and what it costs to run, the Government refused at that stage to make any amendment. However, it has now seen the light—because it always considers amendments very carefully—and the amendment is now before us. I think it will receive the support of all members.

Another important clause is clause 10. Members may remember that at present a ratepayer may appeal against his own or other ratepayers' assessments, the latter appeal really being to put them up rather than down. It will be readily seen that that might be feasible in a tiny village, but in a town of any size it is quite an impractical procedure. The difficulty that some of us have always seen in this is that most councils assess below the true value of the property, which in effect avoids any possibility of a successful appeal against one's own assessment.

It is not practicable to appeal against other people's assessments because there are so many of them, and the difficulty where properties are assessed below their actual value is that there might not be and often is not a regular level of assessments. My house, for instance, might be assessed at 80 per cent of its true value and thus I cannot appeal against it, whereas all the other houses in the municipality may be assessed at only 40 per cent of their value and one would have to appeal against all of them to get justice. Clause 10 seems to overcome that in a very satisfactory way, because it provides, in effect, that if the assessment is above the level of other properties one can get it reduced to the general level of the other assessments. That is a very practical way of dealing with it, and will ensure regularity of assessment or right of appeal if the assessment is irregular.

I do not wish to embark at this stage on any comment on clause 11 referred to by Mr. Condon because I have not studied it closely enough and no doubt it will be dealt with in Committee. However, I suggest the new wording might be ineffective. It is proposed to strike out the words "portion of the area" and to insert the word "ward," and that leaves the clause reading "the council may declare a general rate in respect of the ratable property within any ward." The Minister said that that was proposed to cover the whole of the ward, but I suggest that the words "property within any ward" might well mean "property within portion of a ward" and that the words may not get over the difficulty. What is aimed at is that there shall be a differential rate for the whole of a ward and not for part of a ward, but, as I have said several times, Acts of Parliament must be made as unambiguous as possible, and I think that there is a definite possibility of ambiguity here.

Clause 18 sets out to multiply the amounts which can be borrowed. The borrowing powers of councils are in relation to the amount of certain rates that can be raised. The Minister stated that the amounts that councils can borrow have not been varied, although the value of money has changed appreciably and many councils are finding that their borrowing powers are inadequate. With the utmost respect to the Minister I do not think that statement is quite accurate because, although the wording of the Act has not varied, the borrowing powers have varied very considerably because of the increase of the assessments. Although, for instance, the borrowing power of a council might be still the amount of a rate of 1s. in the pound on an annual value assessment, the assessment may have trebled or quadrupled in the meantime and that would automatically treble or quadruple the borrowing power of the council. I feel that the answer is in the assessment book and that this amendment is unnecessary. That does not necessarily mean that I will oppose it if the Government wants it, because I do not think there is any need to rigidly limit borrowing powers.

The Hon. N. L. Jude—These are alterations requested by the councils.

The Hon. Sir ARTHUR RYMILL—I was referring to the reasons rather than the substance, for I maintain, and I think I am correct, that the borrowing powers of councils automatically increase considerably when there is a rise in the assessment, and there are still many councils whose assessments have no relationship to real values. If they want to increase their borrowing powers they have the remedy in their own hands through the assessment book. I do not quarrel with the objective of this clause, but merely point out that the borrowing powers of councils have increased substantially.

Clause 2 relates to unsightly premises and chattels and is something new in the Act. In this way we may try to develop some sort of code for dealing with this matter, but again I have not yet gone very thoroughly into it and all I can say is that experience will probably suggest some alteration later.

Clause 34 is apparently aimed at interstate witnesses. I remember that when postal voting was first brought into the Local Government Act in about 1933 or 1934 the application for a postal vote could be witnessed by any ratepayer, although the actual casting of the vote had to be witnessed by one of the specially qualified witnesses prescribed. Since then several amendments have been made to the provisions governing postal voting, all of which have had the effect of restricting the facilities. I would have thought that generally we should encourage everyone to cast a vote by making the facilities easier. This applies particularly to business areas like the City of Adelaide because the general elections still have to be held on Saturdays when many of the ratepayers are not in the area. Consequently, unless they are prepared to take a journey they must cast a postal vote if they wish to exercise their franchise. These people should be enabled to vote more easily and I am contemplating an amendment, which I think would come within the scope of this Bill, to adopt the old practice of allowing any ratepayer to witness an application for a postal vote. Otherwise a tame J.P. has to be trotted around twice, which I think is overdoing it, particularly as the House of Assembly insists that everyone shall go to the polling booth willy-nilly. After all, an application for a vote is not a very serious thing and it could readily be witnessed by an ordinary ratepayer. This would be a great help to candidates who are trying to look after their electoral interests and would be of assistance to those who want to exercise their franchise but now have to rush around and find witnesses.

Finally, the schedule is a sort of tidying up, but I think there is one mistake in it. It is proposed to strike out the words "as the case may be" in section 528 (2), but I do not find any such words in it. I think the reference should be to subsection 1*a*, and perhaps the Minister will have a look at that. Later I propose to move that Standing Orders be so far suspended as to enable me to move for an instruction to the Committee to consider a clause relative to what is known as the Ross Chenoweth case. This matter has caused a good deal of concern in local government circles. It relates to section 676 which, again from memory, was put into the Act about 20 years ago and was not previously in it in any shape or form. It provides that no by-law made after the commencement of the Act, to which a certificate of the Crown Solicitor or a judge is given, shall be held to be invalid on the grounds that it is not a by-law which is within the competence of the council to make. In other words, if a judge or the Crown Solicitor certifies that the by-law is *intra vires* of the council that by-law stands whether in fact it is within its powers or not. I am told on good authority that in that case the court said that in its opinion the by-law was *ultra vires*, but that the court was bound by this section and could not do anything about it.

The Hon. A. J. Shard—The court said that it was within the powers of the council and that it could not upset it.

The Hon. Sir ARTHUR RYMILL—That is a negation of the usual principles for which this House stands. In other words if one person says that his opinion is one thing, even though our courts of law think otherwise, they cannot alter it. In effect, there is no appeal, which means that an injustice may be done and, indeed, in this case in the opinion of the court an injustice was done, but it could not be rectified because this section stood in the way. I propose, therefore, upon instruction to the Committee, to move an amendment to provide that, instead of the certificate making it conclusive evidence of the validity of the by-law, it will make it *prima facie* evidence. That would not interfere in any degree with the law except that it would give the right of appeal.

In general, I support the Bill which contains some very good amendments to the Act. I may have a few more detailed comments in Committee, but for the moment will vote for the second reading.

The Hon. E. ANTHONEY (Central No. 2)—As this debate proceeds it becomes more evident that this is a Bill that is better discussed in Committee than on the second reading, but I congratulate the Minister on introducing some very useful amendments. Clause 11 deals with differential rating and this has been a matter of dispute in councils where there is a dual system of rating, or in councils that have changed over from unimproved values to land values. Quite a number of anomalies have cropped up and in order to overcome the difficulty the Minister has introduced this amendment to provide that a council in making an assessment may apply a differential rate to a whole ward but not to part of it. I imagine this would go a long way towards helping a town clerk in making his assessment.

The Hon. F. J. Condon—If that is so why are so many councils objecting?

The Hon. E. ANTHONEY—I think it might work harshly in some cases. We all know of instances in our own electorates where

the land in certain wards is assessed at a very high figure in some parts and in other parts at a low figure, and if this differential rating on the ward system is adopted injustices may be done. I do not predict trouble but I feel that before this amendment gets thoroughly working some alteration will have to be made to it. The Minister said that most of these amendments were suggested by the Local Government Advisory Committee, but it seems to me that the committee suggested a series of amendments some years ago on this matter of differential rating that were better than those now before us.

I am pleased to see at long last that the Government has introduced a provision to deal with unsightly chattels. This has caused the Subordinate Legislation Committee a considerable amount of trouble and most of its members have been totally opposed to the far-reaching powers that councils have sought in framing by-laws to deal with the trouble, and the Government had considerable difficulty in making clear what an unsightly chattel was. Four or five years ago the Government inserted a provision in the Act which invited councils to make by-laws on this subject. Throughout the State there are places where people are allowed to deposit debris and disused material which, if near a township, became very unsightly, and it was considered by members of my committee that the councils were endeavouring to go too far, and generally we opposed any by-law that would give a council tyrannous power if it were exercised in the purely literal meaning of the by-law. Now the Government has taken this out of the by-law provision and placed it in the Act, which to my mind, and I am sure to the minds of members of the Subordinate Legislation Committee, is the right place for it. Clause 26 enacts new section 666b (1) as follows:—

> If the council is of opinion that any chattel upon any land within the municipality or any township within the district is unsightly and that its presence is likely to affect adversely the value of adjoining land or be prejudicial to the interests of the public, the council may give notice in writing to the owner or occupier of the land to remove the chattel from the land.

If there is non-compliance with this provision the council will have the right to remove any unsightly chattel at the expense of the owner. I am pleased that the Government has introduced this amendment, and I am sure it will meet with the approval of councils. I have pleasure in supporting the second reading.

The Hon. J. L. COWAN secured the adjournment of the debate.

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

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

HOMES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 15. Page 1036.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill, and I think every member will agree that the imprimatur of our Christian civilization is the housing and contentment of the people. The more homes available for those desiring to rent or purchase them, particularly the latter, because this gives people an equity in our economic set-up, and provides the barrier against any encroachment of a totalitarian State. The housing shortage is not only peculiar to this State or Australia, but is present in other parts of the world. I compliment the various financial authorities here on the manner in which they have released funds for home building. South Australia has done remarkably well in the home building sphere, particularly the housing Trust, which has become the monopoly for home building in this State.

However, it is regrettable that the Government in the early stages of the expansion of the trust did not heed the suggestion made by members of my Party in this Chamber and in the House of Assembly that a building commission should be set up under which all the branches of the building technique and all building resources would be marshalled. We also suggested that a complete over-all plan to catch up with the housing shortage should be put into operation. However, the Government did not see fit to adopt our suggestions, and the housing shortage is one of the worst problems now confronting the Government. Had a building commission been set up, with the change in building technique and the scientific approach to building because of the application of new materials, there would have been a great saving in cost of homes and other structures being erected now. Be that as it may, we have to face the position as we find it and do the best we can to provide finance for home builders.

This Bill virtually provides for an increase from £1,750 to £2,250 by way of mortgage, and it is interesting to note that in America, with its vast population and wealth, there has been a housing shortage. That country has

adopted a new technique, known as "packet mortgages," which take in the purchase of the land, building and furnishing the home right down to the window blinds. The reason for this scheme is that instead of going into a new home and having to buy the necessary appliances on terms, occupants have one consolidated loan on which they make monthly or quarterly payments, as the case may be. I believe that some financial institutions in Australia and New Zealand are investigating this scheme. It is true that the American scheme has had teething troubles, but it seems to me that if such a scheme could be brought about here, it would make it much easier for those who are purchasing their homes, because it would not only save interest charges but would enable the people to budget.

I compliment the Savings Bank for the way in which it has approached this problem. Up to June 1957 that institution lent £2,310,000, three-quarters of which has been used in home building, at an interest rate of 5¼ per cent. It is very creditable to the people of this State that this money has not been borrowed by way of loan from the Commonwealth Government but is the actual savings of the people who have deposited in that bank. I also compliment the State Bank. Up to June 30 this year that institution received £650,000 from the State Government for lending under the Advances for Homes Act, and £650,000 from the Commonwealth Housing Agreement. This bank has now invested £8,337,644 on housing.

Up to five years ago the State Bank was a constructing authority that built homes for sale, and I presume it was the policy of this Government to channel all the home building operations to the Housing Trust and thus take it away from the State Bank, which has been the pioneer of home construction in this State. Last year this bank financed the completion of 884 homes, and this year it is financing 618 homes being constructed under the Advances for Homes Act. In Victoria there is a scheme under which loans up to £4,000 are made on approved securities. I went to the trouble of finding out how this scheme works, and discovered it is not comparable to the long-term mortgage scheme operating here. In Victoria £4,000 is lent on a three-year term at 5¾ per cent interest if the house is to be used as a dwelling by the purchaser, and at 6½ per cent if it is for rental purposes. The rate of repayment there is £7 10s. a week, which does not bear comparison with the credit foncier system in this State.

The Hon. C. D. Rowe—The Victorian system is not a proposition for the man on a low income.

The Hon. K. E. J. BARDOLPH—No. Although it might appear to the people of this State that £4,000 is a very favourable advance, the liability is much higher because of the greater repayment rate and the higher interest charge. At the end of three years the mortgage can be reviewed but the borrowers have no security of tenure.

We have received £33,000,000 from the Commonwealth Government under the Housing Agreement, and it is interesting to note that that came from the Loan Council, and that part of it was a surplus of taxation that had been levied from the taxpayers of this State. This is channelled back to us through the Loan Council, and the taxpayers here have to pay interest on it if they use it for home building or any other State works. Members know my views on the Commonwealth Financial Agreement and on the activities of the Commonwealth Government. The time has come when this State, in concert with others, should attempt to call a halt to the dictatorial attitude adopted by the people in Canberra on our building and developmental programmes. Much of this amount has been channelled into the Housing Trust.

I compliment the trust, which has carried out an excellent policy in providing homes, but it is remarkable that it has embarked on a policy of building homes for sale, as it was originally intended that it should build homes to be rented by people on low incomes. However, as time has gone on, the policy has been changed from time to time, and the trust has now become the main builder of homes, under Government auspices, in this State.

I compliment the South Australian Institute of Architects on the assistance it has given to home builders. This institute has established a Small Homes Section under which it has been possible for young couples, instead of being mulcted into building homes and not knowing what they were going to get in the way of materials and workmanship and other things needed for the erection of a suitable home, to obtain plans for a small fee of five guineas. The institute has played its part and has realized the importance of housing to the people. I have much pleasure in supporting the Bill.

The Hon. L. H. DENSLEY (Southern)—I support the Bill. I commend the attitude of the Housing Trust and other similar institutions

for the support they have given to the building industry. There has been a tremendous demand for homes and I suggest that there is no other activity which has such a great impact on employment as building and its allied industries. I therefore think it is desirable that the Government at all times should explore every possible avenue of obtaining finance so that it can meet the needs of the people in the building of homes.

Some feeling of doubt has been expressed as to whether we are getting as much money from certain banking authorities as we should be getting, and I suggest that possibly the Government could take up this matter and make inquiries to see whether we are getting a reasonable amount from the banks other than those mentioned by Mr. Bardolph, and to see that the savings of South Australian people are being returned to them for housing purposes. It is desirable that we get as much of that money as possible. With the State growing as it is there is a good case for a greater influx of money from other States. The cost of housing has gone up tremendously, and the Government is justified in bringing in this Bill which will meet the requirements of many more home builders.

I am completely opposed to building a home which is only half good enough for people to live in, and consequently I feel it is desirable to make as much money available as possible for building purposes. I congratulate the Government on introducing the Bill. I hope it will look into the matter and if necessary give publicity to any attempt to reduce the money being made available to South Australia for the purchase and building of homes.

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

AMUSEMENTS DUTY (FURTHER SUSPENSION) BILL.

Adjourned debate on second reading.

(Continued from October 15. Page 1036.)

The Hon. F. J. CONDON (Central No. 1)—I do not think there will be any opposition to this Bill. Most Bills introduced into this Council involve expenditure of some kind, but that is not so in this case. The Bill merely suspends the levy of amusements duty under the Stamp Duties Act until July 1, 1961, four years hence. Members will recall the very strong debate which took place in this House when amusements tax was first introduced. The Federal Government took over the taxation from the State in 1942 and, although originally the Act was to expire on the cessation of the war, the Commonwealth Government continued collecting amusements tax until 1953.

It was expected that the Commonwealth would hand back to the State Government the powers to impose this taxation. A large amount was collected in this way to help the coffers of the Government of the day, and it was a great relief to a large number of people when in 1953 this taxing power was handed back to South Australia. This tax has not been imposed by the State during the last four years, and the proposed legislation is a continuation of that state of affairs. I do not think we can expect any alteration in this legislation for another four years. It is therefore quite a simple Bill and one which should have the support of all members. I support the second reading.

The Hon. E. ANTHONEY (Central No. 2)—This is a very simple piece of legislation merely to perpetuate what the Government has been doing for the last four years. Amusements tax was one of the taxes seized upon by the Commonwealth Government during the war with the idea of swelling revenue, and it was a fruitful source of revenue. That tax persisted for some time and I do not think the public complained about it very much, but every mickle makes a muckle and every little extra bit of taxation means that it is a little more difficult to meet. I think the public was relieved when the Commonwealth removed this tax. The State followed suit some time afterwards, and since then has not reimposed it. It would be much more difficult now to reimpose the tax, and I feel certain that if it were reimposed there would be a public outcry. We are always looking around for a little more revenue, but I do not think this would be a very popular way of getting it. The Government is not attempting to reimpose this tax at present, and the Bill postpones such an imposition for another four years. I support the measure.

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 15. Page 1054.)

The Hon. A. J. MELROSE (Midland)—It may seem rather unusual that a country member should involve himself in an argument about the registration of taxicabs in Adelaide,

but it seems to me that there is probably a great deal in what Sir Arthur Rymill said in his speech yesterday. When this Bill was before Parliament last year he predicted that it would not be the conclusion of the matter, and he said yesterday that he thought this amending Bill would not be a permanent solution. I feel the same way about it, and I think we are making confusion a little worse confounded. Neither in the Minister's second reading speech nor in any other discussion on this subject have I heard anything about what one might call comparative legislation, that is to say, what is being done in other places.

I am under the impression from information gained in talking to taxi drivers that Victoria does not seem to have the trouble that we have. The licensing of taxicabs there is in the hands of the Transport Control Board, and before a man can even get a start as a taxi driver he has to produce what one might call certificates of character and general desirability. Having provided the necessary introductory certificates, he then has to serve a six months' probationary period, after which, if he has proved satisfactory, he is allowed to acquire his own cab. I think that is one of the very first steps in initiating and running a taxi service. I am not one of those who say that taxi men are terrible drivers. My experience of them generally has been quite the opposite, but I have also had experience of several who should not be allowed to drive a wheelbarrow, much less a vehicle plying for hire. Some are shocking drivers, and cut in on traffic in every conceivable way, smoking cigarettes and driving with one hand —or mis-driving; others do not know where prominent buildings in the city are and such men should in no circumstances be given the right to drive a taxi. There is a great deal to be said for vetting these men as to their character, general ability and trustworthiness. Also, they should be proficient in local geography and at least know where the main suburbs and streets are so that they do not wander all over the place looking for them. I understand that in Victoria there is no suburban licensing of taxis. A man holding a licence can drive a cab in any part of the State. That is only sensible and I cannot understand why the various municipalities involved in this matter do not come to some arrangement whereby the taxi licences are issued by a disinterested party, such as our Transport Control Board; not necessarily the present, but an enlarged body. We know that under one form of licence suburban cabs can bring a passenger into the city but cannot pick up another to take him back to that suburb. I presume that if one hired a taxi to go to the Port Pirie races it would have to come back empty unless one kept it all day and came back with it. That seems to be an obvious absurdity.

A great deal seems to have been made about allotting taxi stands in the municipalities, but surely this is a matter for the municipality itself. If it does not wish to have the modern convenience of taxis it need not give them stands, but if companies are interested in running a fleet of taxis surely they could negotiate with the municipality for what they consider their rights. I am surprised that those two subjects have not been mentioned in the initial speeches on this Bill. I agree strongly with Sir Arthur Rymill that the Bill as framed is not going to make much of a job of it. I hope the Minister in reply will tell us whether what I have said about the Victorian system is correct; I believe it was so a year or two ago at least, but it seemed to be sensible and efficient, and I would have thought that the South Australian authorities would go for it hook, line and sinker when they know that our present control is unsatisfactory. I am not a metropolitan member, of course, but one can see the sparks and chips flying all the time so it is pretty obvious that it is thoroughly unsatisfactory. Although I cannot see that this Bill will clear it up it may improve the situation. The Minister did not justify regional registrations. We see these cabs going around almost like a coster's barrow on a bank holiday with licence plates all over them, and I think, with great respect to the Minister and his advisers, that they have not gone into the subject deeply enough. They have only to look around the world for better examples to do something really effective in the way of taxicab control.

I conclude by saying that a great deal more care should be taken in the personal selection of a candidate for a licence and I think that the Victorian system of a six months' probationary period after they have been vouched for by reputable citizens has much to commend it. I cannot say that I am enthusiastic about the Bill. It is really no pigeon of mine, and I think it will be practically a waste of time.

The Hon. N. L. JUDE (Minister of Local Government)—I will reply briefly to the points put by Mr. Melrose. I do not think he quite appreciates that the Government has set up, with the general approval of Parliament, a board to deal with this problem. It is doing a

tremendous amount of work, and as Sir Arthur suggested it is not unreasonable to think—though it may be necessary to tidy this up again as we develop—that every consideration is being given to this matter, but the solution is not easy. The board is rather unwieldy and it is finding it a tremendous task to make much progress. It has asked for these amendments and the Government has introduced them and I can only commend the Bill to members.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. A. J. MELROSE—I rise now only because I do not think the Minister grasped my point. It is completely futile to go on with a Bill styled "metropolitan." Taxis run all over the State and if the control were put under the Transport Control Board we would be doing something in keeping with its title and would not have the farce of a taxi legally picking up a fare in Magill and coming to the city and not being legally able to take a fare back. If the title of the Bill were "The Taxicab Control Bill" and the licences were granted to drive anywhere it would be a very big improvement.

Clause passed.

Remaining clauses (2 to 6) and title passed; Bill reported without amendment and Committee's report adopted.

LAND SETTLEMENT ACT AMENDMENT BILL.

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

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 15. Page 1042.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill is of great importance, for unless we have a good milk supply the health of the community is endangered. Some little time ago we considered a Bill dealing with the zoning of milk rounds and that caused a considerable amount of debate. It is proposed by this measure to extend "the metropolitan area" as defined in the Act. During the last five or six years the population of Adelaide has grown considerably and the Bill proposes to extend the jurisdiction of the board to Elizabeth and Dry Creek, but apparently the Government has not yet decided what further extensions should be made and I think we ought to know how far it is proposed to go. Any alteration to the defined metropolitan area will be made by regulation on the recommendation of the Milk Board, but after regulations are made we will have to wait for perhaps four or five months if we want them disallowed when Parliament is not sitting.

The Act provides for the control and regulation of the milk supply in the metropolitan area to be administered by the board. The board derives its revenue from licences to producers, retail vendors and milk treatment plants, and from levies on whole milk and cream sold for human consumption in the metropolitan area. Last year its operations resulted in a deficit of £429, despite increased levies. On the other hand, it is pleasing to note that the accumulated funds to June 30, 1957, amounted to £8,602.

To show how the quantity of milk consumed in this area has been limited in the past, milk sales for the year increased to 15,194,000 gallons and cream sales increased to 1,304,000 lb. An amendment to the Act in November, 1955, empowered the board to zone the metropolitan area and to license retail vendors to operate within zones. That legislation has been a success, and not so many complaints have been made as previously. All the Bill desires to do is to extend the area so that the board will have control over Elizabeth and Salisbury North. I think this extension is necessary, so I support the second reading.

The Hon. J. L. COWAN (Southern)—I support this Bill, which I believe will eventually work in the interests of both producers and consumers. I commend the board on the very valuable service it has rendered to the metropolitan area. I believe the whole milk supply in this area is equal to anything that could be found in any metropolitan area in the Commonwealth or elsewhere. The board has assured that a good supply of wholesome milk is available to householders within the metropolitan area. The milk supply is governed from the time it is produced because control is exerted over the standard of dairies, utensils, and every way in which the milk is treated from the time it leaves the dairy to the time it reaches the consumer.

To set up a dairy to the standard required by the board would cost about £2,000. That is a considerable amount, but the producer has a bonus of 3½d. a gallon on all milk that comes into the city as whole milk. At present a considerable amount of milk consumed in Elizabeth and Salisbury comes from the metropolitan area, so no greater amount will be

required to supply the new area. On the other hand, it will not be unfair to any producers in that area, because they are already licensed to supply the metropolitan area.

The board has prescribed areas up to 70 miles away, from Jervois in one direction to Cape Jervis in another, and there is still quite a considerable area that could be proclaimed as time goes on and further supplies are necessary for the city. This method will bring in the whole of the Salisbury council area at the beginning, and other areas will be proclaimed as required. I do not think there is anything to object to in the way this will be worked—by regulation—because these regulations will come back to the Subordinate Legislation Committee, and then to the House for approval. I have pleasure in supporting the second reading.

The Hon. J. L. S. BICE (Southern)—I support this Bill, which I believe is really required. I compliment my colleague on striking the important point that, although the Bill provides that the area can be extended by regulation, this does not mean that this Chamber will be deprived of reviewing it, because the regulations must lay on the table. It is essential that Parliament must recognize that, with the progress made at Elizabeth in the last two years, we must also expect similar progress in a southerly direction. I would like the Milk Board, which has done such a good job in maintaining the high quality of the milk supply, to be able to deal with the position as it arises and not to be restricted as it has been in the past. Some reference has been made to remarks in today's press and I am quite in accord with them. I ask the newspapers to consider the question of back loading when delivering papers in the South-East so that they could bring down some of the really good milk from that area. This would give us a good quality milk, and would lower the cost of delivery.

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

ADJOURNMENT.

At 5.58 p.m. the Council adjourned until Thursday, October 17, at 2.15 p.m.