LEGISLATIVE COUNCIL.

Thursday, October 17, 1957.

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

REGISTRATION OF DOGS ACT AMENDMENT BILL.

The Hon. N. L. JUDE (Minister of Local Government), having obtained leave, introduced a Bill for an Act to amend the Registration of Dogs Act, 1924-1948. Read a first time.

The Hon. N. L. JUDE—I move—

That this Bill be now read a second time.

Its purpose is to increase the fees payable for registration of dogs under the Registration of Dogs Act. The fees now payable are set out in the second schedule to the Act which provides that the annual registration fee for a male dog is to be 5s. and for a female dog 7s. 6d. By an amendment made to the schedule in 1948 it is provided that, if the registration fee for a dog is not paid within 31 days of the due date, an additional fee of 1s. is to be paid.

The enactment of legislation relating to dogs was a very early and frequent preoccupation with the South Australian Legislature, and it is interesting to see how the fees to be paid for registration of dogs have varied over more than 100 years of registration. The first Dog Act was passed in 1852 and it has the following preamble:—

Whereas the streets of the City of Adelaide and other places within the Province are invested by great numbers of dogs, which are allowed to go loose at all hours of the day and night, to the danger of passengers as well as the great annoyance of the inhabitants at large: And whereas much loss is occasioned to the owners of poultry, of sheep, and other small cattle, by the ravages of such dogs, as well as by dogs of the native breed.

The enactment then proceeded to require the registration of dogs kept within 10 miles of Adelaide and fixed a registration fee of 1s. In 1860 another Act was passed etxending the liability to register dogs to the whole of the Province and the registration fee was increased to 10s. In 1867, a further Act was passed and, apparently, the fee of 10s. was then considered too high, as it was reduced to 5s. These fees continued until 1884, when the fee was fixed at 7s. 6d. for a dog and 12s. 6d. for a slut. Yet another alteration was made in 1889, when the registration fee was fixed at 5s. for a dog and 7s. 6d. for a slut. These are the fees now provided in the present Act, although the term "female dog" has been substituted for the more robust word "slut."

Thus, the existing fees have been left unchanged for some 67 years, although the value of money has altered tremendously during that period. The point is taken by councils that the existing fees are inadequate to cover the cost of administration, and the Government has been asked to introduce legislation giving effect to a recommendation of the Local Government Advisory Committee to increase the present fees of 5s. and 7s. 6d. to 10s. and 15s. respectively. These increases, Sir, are provided for in Clause 2. It will be seen that the fees proposed are only slightly higher than those thought appropriate to the occasion by the Legislature many years ago.

It is also provided by clause 2 that the additional fee of 1s. for late registration should be increased to 10s. It is obvious that the payment of an additional fee of 1s. is, in these days, not a very powerful inducement to owners to register their dogs by the due date, and it is considered that the penalty fee of 10s. proposed is a suitable fee for the purpose. This amendment also was recommended by the Local Government Advisory Committee.

The annual registration fee for Alsatian dogs is fixed under the Alsatian Dogs Act, 1934, at £2. No alteration to this fee is proposed by the Bill. Clause 3, Sir, makes a drafting alteration to the fourth schedule to the Act. Section 20 provides that, if a stray dog is seized, it may be sold or destroyed unless claimed within four days. The fourth schedule contains a form of notice to be sent to the owner of a registered dog which is seized, and sets out that it will be sold or destroyed if not claimed within 72 hours. Obviously, the reference to 72 hours should be four days to conform with section 20, and clause 3 alters the form accordingly. I commend the Bill to members for their consideration.

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

METROPOLITAN TRANSPORT ADVISORY COUNCIL ACT AMENDMENT BILL.

The Hon. N. L. JUDE (Minister of Roads), having obtained leave, introduced a Bill for an Act to amend the Metropolitan Transport Advisory Council Act, 1954. Read a first time.

S.A. RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL.

The Hon. N. L. JUDE (Minister of Railways), having obtained leave, introduced a Bill for an Act to amend the South Australian

Railways Commissioner's Act, 1936-50. Read a first time.

The Hon. N. L. JUDE—I move—

That this Bill be now read a second time.

For many years the Railways Commissioner has experienced difficulty in connection with the detection and prevention of pilfering in and around goods and parcels depots. The fact that railway detectives lack the power to search vehicles and parcels is, without doubt, one of the main contributing causes. The Government believes that the giving of this power, which will be entrusted only to responsible persons appointed as railway detectives, will go a long way towards the prevention of pilfering of goods and parcels.

The purpose of the Bill is therefore to allow the Railway Commissioner to make by-laws which will enable railway detectives to detain and search vehicles and parcels in the possession of persons on railway property at or in the vicinity of goods yards or parcels depots. The Bill will also enable the making of by-laws to compel the production of consignment notes or other documents relating to any goods subject to search, and to authorize railway detectives to seize and retain any parcels or goods when they reasonably believe them, upon inspection, to have been stolen or illegally obtained. Similar powers have been granted to railway authorities in the other States and have proved helpful in the detection and prevention of pilfering. Any by-laws made by the Railways Commissioner under this proposed power would be subject to disallowance by Parliament.

The problem of pilfering, which has assumed larger proportions than petty theft, is worrying the Railways Commissioner considerably and we are making every effort to stamp it out in order to secure the continued business of our customers. I commend the Bill to members and trust that it will be passed speedily.

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

HOMES ACT AMENDMENT ACT.

Read a third time and passed.

AMUSEMENTS DUTY (FURTHER SUSPENSION) BILL.

Read a third time and passed.

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL.

Read a third time and passed.

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

Second reading.

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

That this Bill be now read a second time.

Its principal purpose is to extend for another year the operation of the Landlord and Tenant (Control of Rents) Act. Although the housing position has eased substantially by virtue of the house building rate which has been kept up in South Australia and the position is by no means as urgent as it was some years ago, the demand for rental housing is still very much in excess of the supply. This is the case even though the Act has not since 1953 applied to new houses and anybody who builds a house for letting now is not subject to any control either as regards the rent to be charged or the terms upon which the tenancy may be terminated.

It may be said that, apart from house building by the Housing Trust there is no new building taking place for the provision of rental housing for the workers. There is quite considerable activity in the building of flats but the new flats which are being completed these days are commanding rents beyond that which the working man can afford. That the demand for rental housing is still very heavy is shown by the fact that during the last financial year the Housing Trust received 5,417 applications for rental houses and 1,720 applications for emergency housing. In addition it received 2,547 applications for purchase houses. The Government is therefore of opinion that the Act should be extended for another year and that, with some exceptions to be mentioned later, the existing control should be continued.

Accordingly clause 10 extends the operation of the Act until 31st December, 1958. However, the Government is of opinion that the time has arrived when an increase in basic rents as fixed by the Housing Trust is justified. At present when rent is to be fixed by the trust or by a local court, the law provides that the trust or court is to have regard to the general level of rents obtaining at 1st September, 1939, plus an increase of 33⅓ per cent. In addition, of course, regard must be had to increases in outgoings such as rates and taxes, maintenance, and so on, so that the rent fixed at the present time would be substantially more than 33⅓ per cent of the 1939 rent. The 33⅓ per cent was fixed by the amending Act of 1955 when it was

increased from 27½ per cent. Since 1955 there has been an increase of 20s. in the living wage and the Government feels that it is now time to increase the percentage fixed by the Act. Clause 2 therefore provides that the 33⅓ per cent previously mentioned is to be increased to 40 per cent.

Sections 24 and 38 of the Act provide that if a landlord charges rent beyond that to which he is entitled under the Act the tenant may recover any amount which has been overpaid during the preceding six months or may deduct it against rent becoming due to the landlord. The experience of the Housing Trust is that in very many cases the overpayment of rent is not ascertained until a longer period than six months has elapsed and it follows that in instances the landlord is, under the present law, entitled to retain what amounts to an unlawful rent over a period of years. Clause 4 proposes that as regards rent paid after the passing of the Bill the period of six months is to be increased to 12 months. It should be realized that as the clause is drafted it will not have any retrospective effect as regards rent overpaid in the past, but as regards future overpayments of rent the tenant will be entitled to a refund of rent paid during the preceding 12 months.

Clause 5 corrects what may be termed an omission in the present Act. Subsection (9) of section 42 says that an alien is not to give notice to quit to his tenant on the ground that he wishes to reside in the house or that he desires possession to enable him to allow a member of his family to reside in the house unless he has continuously resided in the Commonwealth for three years. Section 55c was enacted in 1955 and provides that the landlord may give six months' notice to quit on the ground that the premises are needed for occupation by himself, his son, daughter, father or mother, but the restrictions provided under section 42 (9) in the case of an alien do not apply to section 55c although obviously the two provisions should be uniform in this regard. The effect of clause 5, therefore, is to provide that an alien cannot give notice under section 55c on the grounds mentioned unless he has resided in the Commonwealth for three years. The amendment, however, will not have retrospective effect and the amendment is limited to notice to quit given after the passing of the Bill.

Clauses 6 and 7 were introduced into the Bill in another place by way of amendment. The effect of clauses 6 and 7 is to provide that in proceedings under section 55c for recovery of possession of premises, the court is to have regard to the hardship provisions and is to give weight to the fact that the applicant is the owner of the house. The existing policy of section 55c is that the relative hardships of the parties is not to be considered by the court.

Clause 8 deals with another matter arising out of section 55c. Section 60 provides that where a notice to quit is given on one of a number of grounds and the court, in due course, makes an order granting possession of the premises to the landlord, it is an offence if the landlord lets the premises or sells them within twelve months after the premises are vacated unless the court authorizes the lease or sale. The purpose of this, of course, is to prevent a person recovering possession of premises on the ground that he wants to occupy them himself or on some similar ground and then proceeding to let them to someone else. Section 55c again runs counter to section 60 as the limitations imposed by section 60 do not apply to proceedings under section 55c. The purpose of clause 8, therefore, is to bring proceedings under section 55c which are taken after the passing of the Bill within the scope of section 60.

It has sometimes occurred that a tenant who has customarily paid rent to an agent or somebody else on behalf of the landlord has been informed by the agent or person that he will not accept any further rent and the tenant is not informed to whom the rent is to be paid. In fact, in the case of many small properties the tenant frequently does not know who is the landlord and cannot ascertain that fact without some difficulty. Other cases have arisen where the landlord is living in the country and has insisted upon the tenant paying the rent to him at his place of residence. In one case the tenant has sent the rent by post in the form of money orders and the landlord has refused to accept delivery of the letter.

The ordinary law relating to this matter is that it is the duty of the tenant to pay the rent in legal currency to his landlord and it will be seen that under the circumstances mentioned, if the tenant fails to pay the rent, although he has attempted to do it, he becomes in arrears in his rent and procedings can be taken against him for recovery of possession of the premises.

Clause 9 deals with these two matters. The clause provides that where rent is customarily paid to a person by the lessee and the lessor

has not given him notice that the rent is to be paid to some other person, then payment or tender of the rent to the first mentioned person is to be valid payment or tender. The clause also provides that if the lessee forwards by post to the lessor or the person to whom the rent is customarily paid a letter containing bank notes, postal notes or money orders of the value of the amount of rent payable and the lessor or other person refuses to accept delivery of the letter then that is to constitute a valid tender of rent. If the rent is tendered and not accepted by the landlord the position, of course, is that, under those circumstances, he has no right of action for recovery of possession on the grounds of non-payment of rent.

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

LAND SETTLEMENT ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its object is to extend the operation of the Land Settlement Act until the end of next year. At present there are two provisions of the Act which are about to expire. The prescribed term of office of members of the committee will expire on December 31 next. Section 27a of the Act, which enables the Government on the recommendation of the committee to acquire certain lands in the South-East within nine years after the passing of the Land Settlement Act, 1948, will expire on December 22. The Government considers that in present circumstances there is justification for continuing the Act in operation, and therefore proposes to extend the term of office of the members of the board and the operation of section 27a for a further 12 months.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 16. Page 1102).

The Hon. J. L. COWAN (Southern)—This Bill makes a number of worthwhile commonsense amendments to the Act that I feel sure will be appreciated by most people who participate in the administration of local government throughout the State. As stated by the Minister in his second reading speech, most of these amendments were considered and recommended by the Local Government Advisory Committee which was appointed by the Government for that purpose. The members of that committee are well versed and experienced in local government affairs, and on that account we can attach much importance to the recommendations. So that members may better appreciate their ability to act in an advisory capacity on matters appertaining to local government, I will mention the names of members of the committee. The chairman is Mr. J. Cartledge, the Assistant Parliamentary Draftsman, the secretary is Mr. L. Ide, an officer of the Highways and Local Government Department, Mr. R. Burnell and Mr. G. Whittle represent the Municipal Association, Mr. M. Holland and Mr. Bertram Cox represent the Local Government Association, and Mr. Veale, Town Clerk of the City of Adelaide, and Mr. Lewis, Town Clerk of Glenelg, are also on the committee. These people have had almost a life-time experience in local government affairs, and I think we can be well guided by their decisions and recommendations.

Clause 2 exempts from rating any hospital or other such institution where the fees received do not exceed one-quarter of the annual income. I think that is a very good move as it will help to aid financially worthwhile institutions that are doing very good work and are perhaps up against it for finance. Of course, the Adelaide Children's Hospital will be the main institution to benefit from this relief from rates, but other organizations will also come within this category.

Clause 3 deals with the taking of an oath by a mayor or a chairman of a district council to become an *ex officio* justice of the peace. It has been necessary in the past for this to be done after the election of this person, no matter how many times he has been elected. In future he will only have to take the oath in the first place, and it will carry on until he vacates his office.

Clause 4, which deals with the qualifications of local government auditors, is an important amendment. These people have very important duties to perform and it is essential that they should be not only efficient, but honest and reliable. The appointment of a third member to the Qualification Board is a very good move, and I think it will be beneficial in regard to the future appointment of auditors. Clause 5 deals with the inspection of council minutes. In the past it has been permissible for any interested person to come along to a council office and seek permission to inspect the

minutes, but only 30 minutes has been allowed for the inspection. It is now proposed to remove the time limit to allow as much time as required, and that is a commonsense move of which I approve.

Clause 10 is an important clause referring to the right of appeal against assessments of one's property. Previously a ratepayer has only had the right to appeal against his assessment on the basis of the fair and reasonable value of the property. The ratepayer has not had the privilege of appealing against the assessment of his property on the ground that it is higher than some of the adjoining properties, but in future where an appeal is made because of a too high assessment the Assessment Revision Committee or the local court, whoever might be hearing that appeal, can take into consideration the assessment values of the adjoining properties, and if they are lower than the one in question the appeal can be upheld on this ground. I think that is a very good move.

Clause 11 refers to differential rating which is a very important matter. In the past councils have been permitted to strike a differential rate over a portion of any particular ward. This clause proposes to end that procedure and will only allow a differential rate over the whole of the ward. I believe this has come about because in some instances certain buildings and properties have been selected for differential rating among quite a number of other similar properties, and this is not a good practice. In future it will be necessary to strike a differential rate over the complete ward, which might necessitate an alteration of ward boundaries. This may be quite a difficult matter, but I believe that that is what will be done in some cases. I am not quite clear on subsection (*b*) and I hope the Minister will clarify that in his reply. This clause has no bearing on the urban rating system which was introduced some time ago and which comes under a different section of the Act.

Clause 12 authorizes a council to expend from its revenue, for any purpose approved by the council and not already provided for in the Act, a sum not exceeding £200 or one per cent of the rate revenue for the previous year. I give full support to this clause, but think that perhaps the sum of £200 is rather low. During my experience in councils there were many occasions on which a council felt that it would like to contribute to some worthy object or institution within its area and for the benefit of its ratepayers in general, but was not permitted to do so because it was bound very rigidly by the Act with regard to expenditure. This will ease the position to some extent, but I would favour a slight increase on the £200.

Clause 18 will allow councils to double their borrowing powers. This is a move in the right direction and has my wholehearted support. Very often councils find their activities with regard to major works very much curtailed because of lack of finance. Now they will be able to borrow twice as much as they have been allowed to do in the past and this will put them in a better position to carry out major works.

Clause 25 gives councils the power to remove and sell vehicles left on streets or roads. I believe this power will be more necessary in the future. While journeying to Adelaide I passed two abandoned vehicles on the road; they have been there for some months. They are already a nuisance and will have to be removed sooner or later. This clause is a move in the right direction, because it will permit councils not only to remove these vehicles but to dispose of them by sale after advertising.

Clause 32 deals with deposits of rubbish on roadways. This is a very important matter, because this offence is becoming more prevalent throughout the State. I am certain that when travelling around the country members have noticed along roadways fresh deposits of rubbish which are very detrimental to the appearance of the roads. In future it will not only be possible to prosecute these people but charge them the cost of removing the rubbish, and I think that is as it should be.

Clause 34 deals with the authorization of witnesses for the purpose of casting a postal vote at council elections, particularly when the person wishing to obtain a vote is at the time in another State. I consider this is quite in order. I was very interested in Sir Arthur Rymill's remarks with regard to postal voting generally, and I agree that the casting of a postal vote for a council election in this State has become irksome, unwieldy and unnecessarily tightened up to such an extent that it is much more trouble to record a postal vote for a council election than it is for a State or Federal Parliamentary election. We frequently hear of the low percentage of votes cast at council elections, and I think this position is aggravated by the present system of postal voting. I know that elections have been won or lost on postal votes, but a candidate always has the right to appeal against any improper practices of any other candidate. I am sure that making it very difficult for people to cast a postal vote is not in the best interests of

local government generally, and I support any move that will bring about an easing of this position. I think that it has only been on very rare occasions that there has been any misuse with regard to postal voting.

I have not touched on all the clauses of this Bill, but I believe they are all really worthwhile and I have much pleasure in supporting the Bill.

The Hon. J. L. S. BICE (Southern)—I have listened with great interest to the speeches on this Bill, which contains 38 clauses, firstly to the Minister's second reading speech which was full of information and later to the speeches of members who have had a great deal of experience in local government. I think we can subscribe to those views. Many of us who have had local government experience can put a very useful angle to the various clauses. As the Minister and other speakers have said, this is a Committee Bill. One could talk around the various clauses for quite a time, but we have to realize that the House of Assembly has yet to consider the measure, and because there is so much urgency in certain clauses it would perhaps be better to get to the Committee stages and then we could debate the various matters.

I stress the importance of the clause relating to postal voting, a matter which has been discussed in this Chamber on many occasions. I was tremendously intrigued with the Minister's reference to clause 11 dealing with differential rating within wards. Having had some experience of a differential rate within a ward this immediately aroused my interest for I just could not fathom how a council could have a differential rate to cover a whole ward. However, I have discussed the matter with the Minister and various people who have considerably more information on local government affairs than I have and I think that if I read portions of section 24a of the principal Act it may clear up the misunderstanding. It reads:—

(1) Any such general rate or special rate which is declared for urban farm lands shall not be deemed to be a differential rate for the purpose of subsection (2) of section 214.

(2) The maximum amount in the pound of the general rate declared in respect of urban farm land shall not exceed one-half of the amount in the pound of the general rate declared in respect of other land in the municipality. The maximum amount in the pound of any such special rate declared in respect of urban farm land shall not exceed one-half of the amount in the pound of the special rate declared in respect of other land in the municipality.

I think that knowledge may help members to understand more easily the Minister's statement on differential rating in wards.

Other matters that I have in mind can be better dealt with in Committee, but I would like to mention one which concerns the authority of councils over the property of deceased trustees. A case has been brought under my notice—I think it was at Port Macdonnell—of a disused cemetery with only four graves; it has been neglected and neither the council nor the Lands Department can find anyone with any authority to take charge of the cemetery. I believe that clause 21 may have a bearing on this subject and offer a solution to the difficulty. Generally I agree with the Bill which merits the careful consideration of all members and I think it will be of benefit to councils. They have a difficult task to perform. Their members do the work voluntarily and if we can help them by enacting legislation which is the outcome of experience we should do our best to that end. I support the second reading.

Bill read a second time.

The PRESIDENT (Sir Walter Duncan)—Sir Arthur Rymill gave notice of a contingent Notice of Motion for an instruction to the committee. Probably this is the opportune moment again to draw members' attention to the use—and sometimes the abuse—of the Standing Orders dealing with instructions. Under Standing Order 429 the scope of an instruction is limited to matters which are relevant and not contradictory to the order of reference. I am prepared to admit that there is a good deal of doubt. Past Presidents have given rulings on many occasions which leave one doubtful as to the exact position, and although I give my ruling and think it is right, if members care to move that it be disagreed with they may do so. The Standing Orders were never, in my opinion, intended to be used in the broad manner that some members want to use them. As May put it:—

Instructions are only to "perfect and complete the legislation defined by the contents of the Bill, and unless amendments are relevant to the subject matter of the Bill they are, in my opinion, out of order and cannot be moved even with an instruction."

Sir Arthur's contingent Notice of Motion is designed to repeal the validity of certain by-laws. The Bill contains nothing dealing with validity or with by-laws, so I say that no amendment that deals with one or other of those subject matters is eligible for consideration. I have ruled in this way in the past and

do so again. My ruling is that the motion by Sir Arthur Rymill was out of order and therefore cannot be moved.

The Hon. Sir ARTHUR RYMILL—Is it competent for me to move that Standing Orders be so far suspended as to enable me to move such a motion notwithstanding that the proposed amendments are not in line with Standing Orders?

The PRESIDENT—It would be a complete reversal of the ruling I have just given, and as the honourable member has not moved that my ruling be disagreed with, which he can do with the same objective, I also rule that out of order. The only move that I can suggest is that he move that my ruling be disagreed with.

In Committee.

Clause 1 passed.

Clause 2—"Definition of ratable property."

The Hon. N. L. JUDE (Minister of Local Government)—As members have indicated that they prefer to deal with clauses as they take their particular interest, and as the Bill was introduced only this week, I feel it would be desirable to report progress so that members can study the amendments over the week-end.

Progress reported; Committee to sit again.

LONG SERVICE LEAVE BILL.

Adjourned debate on the motion of the Hon. C. D. Rowe (Attorney-General)—

That this Bill be now read a second time—which the Hon. F. J. Condon had moved to amend by deleting all the words after "be" with a view to inserting "withdrawn and redrafted to provide for three months' long service leave after ten years' continuous service."

(Continued from October 15. Page 1052.)

The Hon. C. D. ROWE (Minister of Industry and Employment)—It is not my intention to delay the House very long in my reply, because the matter has been very well canvassed by members, and I think the Bill can be dealt with more successfully in Committee. However, I would like to make one or two points on the matter. The Bill was introduced by the Government to provide specifically for long service leave for many people who are not subject to awards of the court or who do not receive it under agreements with their employers, but who it was felt should not be debarred from those privileges. It will apply, of course, in the main to agricultural workers and casual workers, and will give to them a very substantial benefit. The second point is that it is the most generous Bill of its kind in any State of the Commonwealth and it will result in a larger percentage of employees receiving long service leave benefits than any other legislation that I know.

The Hon. K. E. J. Bardolph—You don't honestly believe that, do you?

The Hon. C. D. ROWE—I do, and I do not think any evidence can be produced to contradict it. This legislation will mean that many people, particularly women employees who would not remain with one employer for 10 years, but who would remain with an employer for seven years, will receive a benefit. It has been said that the Bill is not uniform with other legislation of this kind in the Commonwealth, but I point out that it is designed particularly to deal with people who are not under awards, and to a large extent with people who are agricultural employees. In most of those instances the employer has only one or two or a very few employees, and it would result in very serious disruption of his business if he had to arrange for an employee to be absent for a period of three months to take long service leave, whereas in most agricultural activities there are periods each year when there is less work to be done than at other times, and this scheme would enable leave to be taken then without dislocation to the industry and at the same time would ensure to the employee a benefit that he would not receive under any other scheme.

Mr. Condon has moved to strike out certain words and to insert in their place words that would have the effect of granting three months' long service leave after 10 years' continuous service. It seems to me that that was a rather unreasonable amendment, because it is something that does not apply at present in any other State of the Commonwealth. It also seeks something for which the Australian Council of Trade Unions has not asked, and has not sought in any negotiations now proceeding. I feel, therefore, that to submit an amendment that is completely out of line with requests of employees' organizations is expecting too much, and it is something that I do not think many would treat seriously. I therefore ask the Council to oppose the amendment.

The Hon. K. E. J. Bardolph—But the amendment only defines the true purport of the Bill.

The Hon. C. D. ROWE—I do not think it does that; I think what it attempts to do is to establish something that is certainly not uniform throughout the Commonwealth and is completely different from any of the agreements that have been and will be agreed upon

by the A.C.T.U. In this matter I feel the Government is leading the way in that it is giving a more generous scheme than that provided in the Acts of other States, and if members will take the trouble to work out the details, in particular the total amount of leave to which a workman who stays with an employer is entitled, they will realize that my remarks are justified.

I do not propose to take the matter further as it is perfectly obvious that some members are finding themselves in severe difficulties. It is not my policy to impose undue hardships on members or to put them in a more awkward situation than they are in at the moment. I endeavour to be as helpful and co-operative as possible. If members of the Opposition want any confirmation of the statements I have made, I suggest they read the press reports published about the time of the annual conference of the Labor Party. These make illuminating reading, as they show that members of the Labor Party are directed by people who are not necessarily responsible to Parliament on what their action in this place shall be. It is not my purpose to become involved in action of that kind, which is a complete negation of democracy, and which I am sorry to see raised in connection with the State or affairs of this House.

I am indebted to members for their quiet and considerate attention to my reply. I feel certain that the Bill will be passed by the Council and that workers will not be denied, despite the amendment moved by Mr. Condon, the very generous benefits it provides. In view of foreshadowed amendments it is my intention to move when the Bill goes into Committee that progress be reported so that members will have the opportunity to consider the legislation over the week-end.

The Council divided on the Hon. F. J. Condon's motion to amend the Hon. C. D. Rowe's motion that the Bill be now read a second time.

Ayes (4).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), and A. J. Shard.

Noes (13).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, L. H. Densley, E. H. Edmonds, N. L. Jude, A. J. Melrose, Sir Frank Perry, W. W. Robinson, C. D. Rowe (teller), Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 9 for the Noes.

Amendment thus negatived.

The Council divided on the second reading.

Ayes (13).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, L. H. Densley, E. H. Edmonds, N. L. Jude, A. J. Melrose, Sir Frank Perry, W. W. Robinson, C. D. Rowe (teller), Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Noes (4).—The Hons.—K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), and A. J. Shard.

Majority of 9 for the Ayes.

Bill thus read a second time.

In Committee.

Clause 1—"Short title."

The Hon. F. J. CONDON (Leader of the Opposition)—The Opposition has outlined its policy on this Bill, and therefore it is not much use trying to express our opinions on the matter. We oppose the title because it is not a long service leave Bill but an annual leave Bill. I thank the Attorney-General for his lecture on what we have to do. It is very kind of a non-member of our Party to instruct us on what we have to say and do.

The Hon. Sir Frank Perry—He was advising you.

The Hon. F. J. CONDON—We cannot accept the advice. I can remember when my friend was a private member and he was the most conservative member of this Chamber, not that that is a sin, but today things are different.

The Hon. Sir Arthur Rymill—Mr. Bannister's ruling was quite clear, wasn't it?

The Hon. F. J. CONDON—My friend is not clear very often. We have maintained right through that this Bill will not benefit the workers. We have heard quite a lot about it being better legislation than that of other States, but we would take a lot of convincing on that point, because this Bill awards nothing more than an extra week's annual leave after seven years' service. The unions have received a better deal in the courts than the working community will receive under this legislation. I cannot understand how this Government can give 13 weeks' long service leave to all Government employees after 10 years' service and yet deny the same to the ordinary working man. How can members reconcile that?

I assure the Attorney-General that the Opposition intends to fight this Bill as much as possible. Employees will be divided into two different groups in regard to long service leave, and there will be chaos and trouble. I am the last person to advocate trouble, but there will be so much difference of opinion and argument over this legislation that the day will come when the Government will be very sorry it introduced it.

The Committee divided on the clause.

Ayes (13).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, L. H. Densley, E. H. Edmonds, N. L. Jude, A. J. Melrose, Sir Frank Perry, W. W. Robinson, C. D. Rowe (teller), Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Noes (4).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), and A. J. Shard.

Majority of 9 for the Ayes.

Clause thus passed.

Progress reported; Committee to sit again.

BRANDS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 16. Page 1091).

The Hon. F. J. CONDON (Leader of the Opposition)—This is a very innocent Bill like the one we have just finished discussing. Many years ago a Royal Commission was set up, of which Mr. Anthoney and myself were members, known as the Secondary Industries Commission, and one of the matters referred to it was the branding of sheep and cattle. It was alleged at that time that millions of pounds a year were lost to the industry through careless branding, and the commission made a recommendation on this subject which was never put into operation and I have often thought since then that this was very unfortunate. The Minister in his explanation of the Bill referred to the shortage of staff in the Government Printing Office and pointed out that the repeal of the provision requiring the compilation of the brands directory will considerably lessen the work of the Government Printer. However, it is interesting to reflect on why there is a shortage of staff. It seems to be because other establishments take some of the best men available from the Government Printing Office simply because the Government will not pay the salaries the men can get elsewhere.

The Hon. E. Anthoney—The Government cannot compete.

The Hon. F. J. CONDON—Exactly, the Government cannot compete with private industry in this matter. In addition, we are told that the abolition of the directory will represent a direct saving of £5,000. Notwithstanding the non-publication of the directory interested persons can obtain the information they require as to brands and so forth from the Registrar upon request. I see nothing wrong with the measure and support the second reading.

The Hon. R. R. WILSON (Northern)—About two years ago the Brands Act was before us for the consideration of certain amendments, in particular, prohibiting the use of black colour in branding. The operation of this amendment has proved entirely satisfactory. At present we have in South Australia 14,500,000 head of sheep, cattle, horses and pigs owned by many thousands of people, so branding is quite an important matter. The Stock and Brands Department has had a heavy task in compiling both the quarterly statement and the brands directory and, as Mr. Condon said, the repealing of the provision for publishing the directory will save £5,000 a year and result in much less work for both the Printing Office and the Stock and Brands Department. Any information required as to brands will be available to stock owners upon request. I support the Bill.

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

SCAFFOLDING INSPECTION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 16. Page 1099.)

The Hon. Sir FRANK PERRY (Central No. 2)—Any attempt to improve the safety precautions under which people work is all to the good, and this Bill seeks to make safer the occupation of people engaged in building who have to work on scaffolds. The existing legislation has endeavoured to accomplish that, and it has worked fairly effectively over the years. It is true that accidents have occurred, but no matter how much we try to guard against them, very often the unexpected happens and the most trivial and unthought of thing causes a mishap, sometimes resulting in injury and sometimes in death. Consequently, I am sure the House welcomes any legislation that the Government and its officers feel will improve the law in this matter.

Mr. Bevan mentioned that there had been pressure from the Trades and Labor Council for something to be done in this matter. That body may take credit for this, because naturally it represents the people who work on scaffolds and consequently is brought close to them if an accident occurs, but the employer is just as desirous of providing conditions that are recognized to be safe as anyone else. I take it that the Government has taken the advice of the Factories Department, which administers the Act, and as a result seeks the amendments contained in this Bill, which I believe will improve conditions.

It is quite true that the type of scaffolding in use now is quite different from that used when the Act was drafted. Very few scaffolds that are not of the tubular steel type are now used. This type is clamped and bolted; hardly a rope is used, although the rope was the original method of holding scaffolding together. If skill came into this matter, the man who handled the rope and timber was probably a more skilled man than the person who now fixes clamps and bolts. The old type of scaffolding has gone out of use, but the new type goes up much higher as it is stressed a great deal more, and serves a purpose that it would have been difficult to get the old type to serve. Consequently, it takes a different type of operator to erect it.

Some of the clauses in this Bill relate to the new type of scaffolding being used and which will be used in the future. The measure deals with all scaffolding over 10ft. above the ground, and presumably it does not only apply to buildings, but wherever that type of scaffolding is used and for whatever purpose, so we can see that the functions of an inspector have been very much widened over the last decade or so. Mr. Bevan made a strong point about scaffolding being inspected before use, but the erection of scaffolding is a progressive operation that has to keep in step with the operations going on all over the building. I take it that if notification is given to the department that scaffolding is to be erected, it would be the duty of the department to inspect it from time to time during its erection and probably also during the construction of the building or the operation for which the scaffolding is being used. If the scaffolding had to be erected all at once, that would unnecessarily hamper the operations being carried out. All that should be necessary is to notify the department before commencing to erect a scaffold, as the builder or the person erecting the scaffolding would be just as desirous as an inspector to see that it is satisfactory.

I think too often those constructing and developing are criticized, and not given enough encouragement. After all, they are the progressive people who do something, and I do not think it is necessary to feel that anything they do would not be done in the best possible manner; I think it would be. There are just as many honourable contractors as honourable workmen, so there is need for notification only, because the contractor would see that the scaffolding is satisfactory. I do not say all of them would do this, because unfortunately it is not a perfect world, but the department could take care of the delinquents and deal with any mistakes made.

The Hon. E. Anthoney—As long as they do not cost human life in the process.

The Hon. Sir FRANK PERRY—I think the man who uses the scaffold is just as concerned with his life as the honourable member is with his. Probably he is a little more careful than most people, and the man who erects scaffolding is very concerned about its safety.

The Hon. S. C. Bevan—But the man who erects it does not use it.

The Hon. Sir FRANK PERRY—But he erects it under instruction. I do not feel it is necessary for every erection to be closely scrutinized and for doubts to be cast on the qualifications of everyone who does construction work. The Bill contains a rather strong clause that makes it compulsory for any distortion in equipment to be notified to the inspector. If distortion is noticeable it may be necessary, but I think the department is going a good way in asking for notification of distortion so it can examine a scaffold.

The Hon. S. C. Bevan—That is following an accident, isn't it?

The Hon. Sir FRANK PERRY—Yes, but it need not be a fatal accident or one that causes injury. This brings the erection of scaffolding down to very close inspection and I think it is going too far, because the people who operate scaffolding are used to the work. We see them walking along steel structures and climbing over six-inch steel beams high in the air. This seems very dangerous to the average man, but is part of the operator's work. Consequently, it is only the opinion of an inspector on what is safe for the man using scaffolding. Some workmen walk over narrow planks 100ft. in the air, whereas some people would need a plank 3ft. wide; such things should be taken into consideration in matters of this kind.

I think the words "suitable person" are all right—suitable for the job on which he is employed. The word "suitable" covers practically everything.

The Hon. K. E. J. Bardolph—It does not connote that he has had experience.

The Hon. Sir FRANK PERRY—I take it that the Chief Inspector would make sure that he had had experience. It is not necessary to have four years' experience to erect scaffolding, and the two year period provided in the Bill is quite sufficient to enable a man to qualify. The amendments are desirable and I hope they will result in preventing accidents. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

New clause 2 (*a*)—"Repeal of section 3."

The Hon. S. C. BEVAN—I move to insert the following new clause:—

2 (*a*) Section 3 of the principal Act is repealed.

Section 3 defines the area in which the legislation is applicable, including any additional area which may be proclaimed by the Governor. As I said in my speech on the second reading, extensive building operations are taking place in the country and there should be scaffolding supervision there. I consider that the legislation should be State-wide in its application.

The Hon. C. D. ROWE (Attorney-General)—As the honourable member said, the purpose of the amendment is to provide that the Act shall apply to the whole State instead of only to those portions proclaimed. The Government does not feel that the request should be granted. At present all the areas in which there are considerable building activities are covered by the Act, and no good purpose would be served by imposing an additional responsibility to cover additional areas requiring inspection. This would not result in any greater safety to people working on the buildings in those areas. The number of accidents occurring from the use of scaffolding in this State compares more than favourably with the position obtaining in any other State where, in some respects, it is thought that their legislation is more effective. In view of the evidence before us, I ask the Committee to reject the amendment.

Amendment negatived; clause passed.

Clause 3—"Interpretation."

The Hon. S. C. BEVAN—I move to insert the following new paragraph after paragraph (*c*):—

Clause *c* (1). "Scaffolder" means a person in charge of the erection, alteration or demolition of scaffolding.

I consider it necessary to define a scaffolder. This afternoon Sir Frank Perry said that a person erecting scaffolding would know what was required and would see that scaffolding was properly erected. Actually, that is not the position. In earlier days builders' labourers erected the scaffolding, but today we have contractors, who are not engaged in the building operations, doing the work. The honourable member says that those engaged on the erection of scaffolding would be experienced, but can he show me anywhere in our legislation where that is provided? As I said on the second reading, a person employed as a labourer by the contracting company could be sent out to erect scaffolding. There is no mention of scaffolder either in this Bill or the original measure.

The Hon. Sir Frank Perry—Is he defined or classified in any award?

The Hon. S. C. BEVAN—He would be called a rigger in Arbitration Court awards, and would be in the same category as a scaffolder. A rigger is defined in the Metal Trades Award, and he has a margin accordingly. It is imperative that we have something in the Act to cover this matter. Perhaps the scaffolder could be the foreman on the job or someone who could assume a responsibility in the erection of the scaffolding. "Scaffolding" is defined in the Act in lengthy terms, but when it comes to a person to be responsible perhaps for the lives of people who use that scaffolding there is no mention of such a person. I feel it would be a considerable advancement if my amendment were accepted, and therefore we should have a definition of a "scaffolder" in the Bill.

The Hon. C. D. ROWE—As Mr. Bevan indicated, these amendments have been brought forward as a result of a deputation which waited upon me because it felt that certain deficiencies existed in the Act. Consequently, I had certain regulations implemented which improved the position considerably, and subsequently the Government introduced this Bill. I have carefully considered the suggestion that there should be a definition of "scaffolder" in the Act. This would create a new class of people who would be handling scaffolding and I feel that there is no evidence to show that it is necessary to include this definition. I believe that something of that nature exists in the legislation in other States, but the facts show that in the three-year period from 1954 to 1956 there were six fatal and 32 non-fatal accidents in South Australia, whereas in New South Wales there were eight fatal and 72 non-fatal accidents and in Queensland nine fatal and 54 non-fatal accidents.

These figures are much more favourable to South Australia than one would at first imagine. The South Australian figures include accidents which were not caused by any defect in scaffolding or by falls from scaffolding. However, in Queensland, where there is a definition of "scaffolder" in the Act, accidents due to the use of scaffolding are included in the figures I mentioned. I submit that there is no evidence that even if we agreed to this amendment we would improve the position or make it any safer for the workmen. I therefore ask that

the Committee reject the proposed amendment.

Amendment negatived; clause passed.

Clause 4—"Inspectors."

The Hon. S. C. BEVAN—I move—

In new section 5(2) after "persons" to insert "having not less than two years' experience in erecting, altering and demolishing scaffolding."

I addressed myself to this question in my second reading speech. The Act states that a scaffolding inspector must have four years' experience in the building industry, and it was apparently felt at the time that that was imperative. That experience would enable an inspector to have practical knowledge of scaffolding and be in a position to judge whether scaffolding was safe and without defects. I feel that it is perhaps even more imperative than it was previously. I pointed out the conditions prevailing in other States, especially in Queensland, and the qualifications necessary for a person to be appointed as a scaffolding inspector in that State.

It is all very well to say that no person would be appointed a scaffolding inspector under this legislation unless he were a competent person and had some knowledge of what would be required in connection with scaffolding. But would that be a fact? I think it would be readily admitted that there is a shortage of scaffolding inspectors even today, and one inspector has been appointed this year in an endeavour to catch up on the breaches of the Act that have occurred.

I draw members' attention to clause 8 which makes a vast improvement to the present Act. Subsection (1a) reads 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 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.

Subclauses (*b*) and (*c*) give further authority to inspectors. A person appointed as an inspector should have knowledge and experience so that he will know perfectly well what he is doing when he inspects a scaffolding. If he was experienced he would be a qualified person to tell the building contractor or his foreman, for instance, that a scaffolding was unsafe. An inspector should be able to back his argument as to why a scaffolding is unsafe. It may appear quite safe to the contractor and even to the employees working on it, but it may definitely appear unsafe to the inspector as a result of his practical experience.

The Act at present provides that an inspector shall have four years' experience, and we are only asking that that period be cut by half. It is imperative that an inspector must have at least two years in the building industry before he can be appointed, and I do not think it would be very difficult to fill any vacancies for qualified inspectors. Employees engaged on building operations should be adequately protected by an inspector who of his own knowledge knows exactly what is required.

The Hon. C. D. ROWE—I think this matter is covered by my references to clause 4 in my second reading speech, in which I said:—

Clause 4 deals with the appointment of scaffolding inspectors. At present the principal Act provides that the Governor may appoint one inspector and such acting or assistant inspectors as he thinks fit. No person, however, can be appointed either as an inspector or assistant or acting inspector unless he has had at least four years' experience in the erection of scaffolding. These provisions contain unnecessary restrictions on the appointment of inspectors and make it legally impossible to use the services of highly qualified inspectors in the Factories and Steam Boilers Department just because they have not had the appropriate length of experience in the erection of scaffolding. It is proposed to alter the law so that the Chief Inspector of Factories and Steam Boilers will automatically be the Chief Inspector of Scaffolding and the Governor will have a general power to appoint any suitable persons to be inspectors of scaffolding.

I think it is generally admitted that the Chief Inspector is a highly competent person.

The Hon. A. J. Shard—Is he qualified in this matter?

The Hon. C. D. ROWE—I would say he is quite qualified to make inspections of scaffolding, but I would imagine that he has not had two years' actual experience in the erection, alteration or demolition of tubular steel, and the amendment would have the effect of debarring him altogether from performing this duty, and similarly of debarring the department from using other qualified officers who understand all about scaffolding and the safety of it but who are probably not qualified by experience of two years in this particular aspect because tubular steel scaffolding is a fairly modern innovation. Consequently, I feel that the effect of the amendment will not be to assist but will mean that many people who have all the necessary qualifications and, indeed, qualifications in excess of people who have merely worked on the erection of this scaffolding, will be debarred from appointment as inspectors.

The Hon. A. J. Shard—Can you tell us the qualifications of the last inspector appointed?

The Hon. C. D. ROWE—I cannot, except that I believe he had all the qualifications necessary and from reports I have had is doing a satisfactory job. Whilst I do not doubt Mr. Bevan's *bona fides* I feel it would be a retrograde step to accept his amendment as it would result not in better inspections but in fewer of them, and I ask the Committee to reject the amendment.

The Hon. A. J. SHARD—I believe that the Minister is trying to help the building trade and we appreciate what has been done, but there are rumours about as to the qualifications of the last appointee. I do not know the gentleman or what his qualifications are, and I thought the Minister might possibly help us to quash some of the rumours if he could give us some information concerning him, with a view to allaying any alarm on the part of those engaged in the trade and the public.

The Hon. C. D. ROWE—This is the first time I have heard anything of the matters raised by the honourable member, but I shall be quite happy to make inquiries and supply the information as soon as possible.

The Hon. Sir FRANK PERRY—I think Mr. Bevan has informed us quite considerably on this subject and I am rather sorry that he is attempting to insert provisions that will not improve the Bill with which generally he seems to be quite satisfied. If I know anything of the department it gets the best qualified men available and I do not think this attempt to limit appointments to men with two years' experience assists us very much. I believe an inspector needs a lot more qualifications than that so the amendment touches only a portion of the problem. I support the Attorney-General in asking the Committee to reject the amendment.

Amendment negatived; clause passed.

Remaining clauses (5 to 10) and title passed.

Bill reported without amendment; Committee's report adopted.

POLICE OFFENCES ACT AMENDMENT BILL.

Adjourned debate on second reading.

Continued from October 16. Page 1090.)

The Hon. F. J. CONDON (Leader of the Opposition)—The most important amendment in this Bill is that in relation to the proposed blood tests of alleged drunken drivers, and I think we are all in sympathy with the objective of the measure. In certain circumstances a person arrested on the suspicion of drunkenness may have to wait a couple of hours before he can be examined by a doctor. This cuts two ways. A man when picked up may not be in a bad state but may be far worse after waiting for two hours. On the other hand, he may be recovering by the time a doctor is available. Although there may be some difference of opinion as to the value of blood tests I am prepared to accept the view of authorities who say that they are effective. To overcome the delays that sometimes occur it is proposed in this measure that persons arrested within 15 miles of the G.P.O. may be taken either to the nearest police station or the City Watch-house according to where a doctor is most readily available, and this will probably give more satisfaction than the present procedure.

Clause 3 deals with persons unlawfully on premises and extends the offence to apply to any area of land, whether enclosed or not, which forms the yard or garden of a dwelling-house of any building. The police have asked for these extra powers in order to prevent anticipated serious offences and I support this clause. The only other provision we are asked to discuss is with reference to the regulating of traffic on special occasions when streets and public places are unusually crowded. Generally, the police do a magnificent job and it is marvellous how quickly they act in an emergency. Clause 4 gives the Commissioner power to delegate authority for the direction of traffic to any member of the force whose rank is not lower than that of inspector, and I have no objection to this amendment. I support the second reading.

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

VERMIN ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 15. Page 1046.)

The Hon. F. J. CONDON (Leader of the Opposition)—This is another of what I have previously termed cockey chaff Bills. In 1945 the Act was amended to force landowners to destroy rabbit burrows and this Bill requires that they shall take this action during the simultaneous vermin destruction months without being given notice other than the notice published in local newspapers as to the period of simultaneous destruction. As we are told that there are so many rabbits in the country I often wonder why the public cannot buy them at a much cheaper price. I do not know whether the question of supply and demand comes into this or not. However,

everything that can be done should be done to destroy rabbits. Some landlords spend a great deal of time and money clearing their properties whereas others, either because they have not the finance or for other reasons, do not, so it is necessary to introduce legislation to force them to do this work.

Clause 3 deals with the duty to destroy burrows, and clauses 4 and 5 enact consequential amendments. Accumulated losses from the operations of the fund for lending money for the construction of vermin proof fencing to June 30, 1957, were £223,293, of which £54,048 represented capital losses. A deficit was also incurred on loans for fencing and water piping. A considerable sum of money has been spent. We cannot do anything but support this measure because it is in the interests of all concerned. If people are not prepared to do these things without being forced by legislation, it is only proper that we should enact legislation to help those who are prepared to help themselves in an effort to eradicate this pest. Although the rabbit is a pest, it is more tasty than a fowl, and I do not know why we cannot buy rabbits at a reasonable price. I support the second reading.

The Hon. R. R. WILSON (Northern)—I support the Bill, which provides that an occupier of a property must destroy all vermin on his land and on half the road adjoining his property. I was somewhat puzzled when I read the Bill because I understood it has always been compulsory at certain times of the year to destroy vermin. This Bill tightens the existing legislation in as much as, when notice is given in newspapers circulating in a district, property owners must then destroy vermin on their land and on their half of the road. The Bill provides a defence that, where it can be proved that physical features make it impossible to destroy burrows, the owners are exempted from the obligation.

I had several years' experience in the Murray mallee, where I found that rabbits had very few burrows in the sandy country, but lived in the bushes. Until myxomatosis was introduced it was difficult to deal with rabbits living under those conditions. The introduction of myxomatosis has been so effective that we have been able to carry thousands more sheep, and the loss of rabbits from a food point of view is more than offset by the increase in stock. I have heard that some rabbits have become immune to this disease, but it is rare to see rabbits running across the roads in the country and they are almost non-existent in the north.

The measure provides that a fortnight's notice must be given by a council, notifying landholders who have rabbits on their properties that they must destroy burrows. It has always been a problem that, while one property owner has been prepared to destroy burrows, the adjoining owner might not, but this Bill will provide that landowners must destroy burrows wherever possible.

The Hon. J. L. COWAN (Southern)—I support the Bill and the remarks made in this debate, particularly by Mr. Wilson, about the control of vermin. The chief point of this Bill is that it stresses the importance of all landholders destroying burrows. It has been their duty and responsibility to do this for many years, and two simultaneous periods of a month each are declared each year, during which time all landholders are supposed to be busy destroying rabbits. They are notified of the periods by advertisements in the papers, and this is the only notification they have. In the past, personal notices had to be served on some landholders before any action was taken. This Bill will make it necessary for persons to rip burrows during the simultaneous periods as well as to kill any rabbits they have. The ripping of burrows is very important in controlling vermin; in fact, I will go so far as to say that people can forget about the rabbits so long as they destroy the burrows and other protections they have. Of course, it is sometimes difficult to rip burrows, but mechanical rippers now in use make the task easier.

I have had a good deal of experience fighting rabbits that came into river frontages. They are a real problem, particularly because some landholders do not do anything, which nullifies the efforts of those who do everything they can. Even under the provisions of this Bill, unless councils administer the Act better than in the past I am afraid the legislation will not bear much fruit. In some cases it may be necessary for councils to make available to landholders tractors with rabbit rippers attached, because not all landowners possess such machines. They are fairly costly, and the expense is not warranted for a small landowner who would use them only on one or two days a year.

The Hon. A. J. Melrose—What about a man with a pick?

The Hon. J. L. COWAN—That would be useful, but not many people are prepared to do that now. A tractor with a ripper could

do more in an hour than a man with a pick could do in several days, so I am afraid the method suggested is outmoded. This is an important Bill, as it has a great bearing on the control of vermin and I support the second reading.

The Hon. A. J. MELROSE (Midland)—I do not know if it is expected that I should be at variance with some of the views expressed; however, I think this is very pious legislation. Legislation dealing with vermin is always honoured in the breach. There is an obligation on all landholders to destroy all vermin at all times. The very weakness of the thing is evidenced by the fact that councils advertise one or two periods called "Periods of simultaneous destruction of vermin." The best that can be said for that is that it is a very hopeless and weak effort to get people to do what their own commonsense should teach them to do, and what by already established laws they are supposed to do.

The weakness in this legislation is that it is, by and large, administered by landowners themselves. The fault of the whole thing lies in the very poor assessment that about 99 per cent of landowners have of the economic damage done by rabbits and also because of the fact that about 99 per cent of landowners consider they have no rabbits when they have only a few. What they do not seem to grasp is that rabbits do not breed when they are in plague proportions but when their numbers are scarce. The breeding rate then is phenomenal. It seems to me that in the destruction of rabbits it comes down a very simple question of who has the more brains—the landowner or the rabbit. After all, the rabbit is fighting for its existence and the landowner is fighting to get them thinned down to what are really ideal breeding conditions.

I am not inexperienced in this. I have had to deal with rabbits in various types of properties, in back ranges on the edge of Goyder's Line and in the wet country, and I have either controlled them myself or have been associatel with their eradication in what would normally be called impossible country. It comes down to the system by which this problem is tackled, and I can assure members that if the matter is tackled properly, the landowner will beat the rabbit.

Clause 3 provides a defence to a person who offends against the provisions of the Act relating to destroying burrows, and this will nullify what good will be done by the ripping of burrows. The administration of this law in the first place is very weak, because the administrators are mostly landlords, and possibly have as many rabbits as anyone else. I know of an instance where a council was forced to take action against a man, whose defence was that they were not his rabbits, but mine. They went from his property on to mine and ate the grass because he had none, and the public sympathy was on his side. I am certain there is no country so difficult that the rabbits cannot be thinned out.

It shows the stage we have reached when it is suggested that expensive tractors and rippers are necessary to get rid of rabbits. In the old days men were willing to work with picks and shovels, and burrows were completely dug out. I have no objection to the use of rippers, but we should not say that if a man cannot afford a ripper that shall be accepted as a defence. It is almost hopeless to get some people to destroy their vermin, therefore this legislation is only a pious gesture. Apparently, there is something in the present law with which I am not familiar, because I thought it was compulsory to destroy rabbit burrows. Even if this legislation can do no good, it cannot do much harm, although I consider that the Act is full of loopholes now. I support the Bill to a certain extent.

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

AGRICULTURAL SEEDS ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The Agricultural Seeds Act, 1938, contains many references to noxious weeds and the Noxious Weeds Act, 1931-1939. Members will recall that the Noxious Weeds Act was repealed last year by the Weeds Act, 1956, and that a new classification of weeds, defined as dangerous weeds, was introduced for the first time. The amendments of the Agricultural Seeds Act proposed in this Bill are of a consequential nature and are brought forward for the purpose of deleting reference to provisions of the repealed Acts and substituting references to the appropriate provisions in the new Act.

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

ADJOURNMENT.

At 5.06 p.m. the Council adjourned until Tuesday, October 22, at 2.15 p.m.