LEGISLATIVE COUNCIL.

Thursday, October 31, 1957.

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

ASSENT TO ACTS.

His Excellency the Governor by message intimated his assent to the Appropriation (No. 2), Marriage Act Amendment, Associations Incorporation Act Amendment, Acts Interpretation Act Amendment, Scaffolding Inspection Act Amendment, Metropolitan Taxicab Act Amendment, Land Settlement Act Amendment, Crown Lands Act Amendment, Agricultural Seeds Act Amendment, and Brands Act Amendment Acts.

QUESTIONS.

RADIO PROGRAMMES.

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

Leave granted.

The Hon. K. E. J. BARDOLPH—Recently there has developed over some of the radio stations sponsored serials which in effect glorify crime, such as murder, to young people who are listening. Can the Attorney-General say whether these programmes come under any form of censorship?

The Hon. C. D. ROWE—There is legislation to deal with the type of programme mentioned, but at the moment I am unable to say exactly which section of which Act covers the matter. However, I will look into the question and obtain a report. I have never listened to these programmes and therefore have no first-hand knowledge of them, but will do what I can in response to the honourable member's question.

TIMBER STEALING.

The Hon. W. W. ROBINSON—I ask leave to make a statement with a view to asking a question.

Leave granted.

The Hon. W. W. ROBINSON—I have received a communication from the Stock-owners' Association of South Australia and also from members of its north-western division regarding pilfering in that area of green timber, which is cut as posts. Much of this is going on, and the branch is of opinion that the penalties are not sufficient to discourage the practice. Will the Minister representing the Minister of Lands take up with him during the recess the question of the desirability of increasing the penalties, because these people can cut 200 or 300 posts in a night, the value of which more than covers the fine. It is felt that the penalty should be increased.

The Hon. C. D. ROWE—I can imagine that there would be considerable difficulties from the practical point of view of apprehending the offenders, but I am prepared to refer the matter to my colleague for consideration.

LEGISLATIVE PROGRAMME.

The Hon. F. J. CONDON—Can the Attorney-General say what further Bills will come before the Council this session?

The Hon. C. D. ROWE—Apart from those already being dealt with in the House of Assembly, and those in the course of consideration in this House, no further Bills will be introduced this session.

The Hon. F. J. CONDON—I ask leave to make a statement with a view to asking a question.

Leave granted.

The Hon. F. J. CONDON—Last night we were kept here for six hours during conference proceedings and but for the Opposition there would not have been a quorum. Members may have had good reason for being absent, but I would like to know what we still have to do, because the Opposition is sick and tired of maintaining a quorum. We should work in unity and should know what legislation will be brought before us so we can know whether we can go home or not.

The Hon. C. D. ROWE—When the Bills I have mentioned come to us is out of my hands, as it depends on the House of Assembly. On the question of co-operation and advising members what is to happen, I have tried to let members know beforehand what moves have been taken and the course we propose to adopt. I think members would agree with that statement. By the same token, I might say that I appreciate the co-operation and assistance I have had from the Leader of the Opposition and his colleagues, and trust that it will be continued.

NOARLUNGA MEAT WORKS.

The Hon. S. C. BEVAN—I ask leave to make a statement with a view to asking a question.

Leave granted.

The Hon. S. C. BEVAN—Quite recently there has been much controversy in the press about meat. We have been told at considerable

length from time to time that it is the Government's policy to assist private enterprise as much as possible. However, because of the provisions of the Act, a private abattoirs, the Noarlunga Meat Works, has its activities considerably restricted because of the very small percentage quota of reject export lambs that it is allowed to bring into the metropolitan area for consumption. This is causing considerable hardship. The meat is passed by both State and Commonwealth inspectors, but the quota is only 8 per cent. Would the Minister representing the Minister of Agriculture inform me whether the Government will consider increasing the quota or provide for zoning, which would have the effect of allowing a greater quota from this company to be consumed in that zone?

The Hon. C. D. ROWE—The honourable member referred to press reports regarding this whole matter, but let me say quite clearly and unequivocally that the press reports in this matter, and in many others, are not accurate nor do they tell both sides of the position. As to whether consideration will be given to an increased quota in the metropolitan area, the Act is not under my jurisdiction, but I am prepared to refer the matter to the Minister of Agriculture and request him to consider it.

QUEEN MOTHER'S VISIT.

The Hon. K. E. J. BARDOLPH—Has the attention of the Attorney-General been directed to a statement in this morning's paper about the proposed visit of Her Majesty the Queen Mother, and is it the intention of the Government to call Parliament together in March, during her visit here, so that she might open Parliament?

The Hon. C. D. ROWE—I, like all members, was very pleased to see the statement that the Queen Mother on her visit to Australia would visit this State, because I am sure there is no more loyal part of her Dominions than South Australia. The detailed programme of her visit here, however, will be a matter for the appropriate authorities, and I am not in a position to say what it will be. However, we must remember that the Queen Mother has had a very full life of service to the whole of the British Commonwealth, and she is not now as young as she used to be, so it would not be wise for us to tax her unduly. I know that the State Government is most anxious to do all it can to make her visit an overwhelming success.

TOWN PLANNING ACT APPEALS.

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

That the honourable members of this Council, appointed to the Joint Committee on Town Planning Act Appeals, have power to act on that committee during the recess.

Motion carried.

PARLIAMENTARY PAPERS.

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

That it be an order of this Council that all papers and other documents ordered by the Council during the session, and not returned prior to the prorogation, and such other official reports and returns as are customarily laid before Parliament and printed, be forwarded to the President in print as soon as completed, and if received within two months after such prorogation, that the Clerk of the Council cause such papers and documents to be distributed amongst members and bound with the Minutes of Proceedings; and as regards those not received within such time, that they be laid upon the table on the first day of next session.

Motion carried.

ROAD TRAFFIC ACT AMENDMENT BILL.

In Committee.

(Continued from October 30. Page 1411.)

Clause 10—"Lights on motor vehicles."

The Hon. C. R. STORY—I move the following amendments:—

In paragraph (*a*) after "distance" to insert "as near as practicable to but", and to delete "two-fifths" and insert "one-third".

In paragraph (*b*) after "distance" to insert "as near as practicable to but" and to delete "two-fifths" and insert "one-third".

The Bill provides that side lights on these large vehicles should be placed at a distance not exceeding two-fifths of the length of the vehicle from the front and back. That is far too close as in extreme cases the lights could be only 4ft. apart. My amendments are to ensure that they will be as near as practicable to the front and rear.

The Hon. N. L. JUDE—The amendment merely varies the proposed position of the lights. The Government has suggested two-fifths, but I feel that the proposed amendment is a good one. The idea was that we would leave one-fifth clear in the middle, and virtually Mr. Story has suggested that we should make it one-third, thereby tending to make the lights nearer the front and rear. I see no objection to it, and I am prepared to accept the amendment.

The Hon. Sir ARTHUR RYMILL—I support the amendment which I think is a good one. The Minister has referred mainly to the question of two-fifths and one-third, and actually I do not think that means very much because in a vehicle 20 feet long the difference between two-fifths and one-third is about 16 inches, so that part of it does not matter very much. The main part of this amendment is the words "as near as practicable to" relating either to the front or the back of the vehicle. In other words the front lights would be as near as possible to the front and the rear lights as near as possible to the rear within reason, and I think that is what is liable to make for greater safety. As it will not put the operation of this out of the realms of practicability I think it is a very good amendment which all members should support.

Amendments carried; clause as amended passed.

Title passed.

Clause 19—"Mode of making right hand turns"—reconsidered.

The Hon. N. L. JUDE—During the second reading speeches both Sir Arthur Rymill and Mr. Shard referred to the rather complicated verbiage of this clause. I do not join issue with them on that point at all. It is rather a complicated matter to set down in writing, whereas when we go to these traffic islands or intersections we are able to determine the matter on commonsense lines. There have been one or two instances, particularly with regard to the West Terrace-Anzac Highway crossing, in which the court has found on legal grounds against the interpretation of the Act, and it is therefore highly desirable to clear that matter up. In order to do that, following the quite reasonable criticisms of Sir Arthur Rymill and Mr. Shard I conferred with the Parliamentary Draftsman (Sir Edgar Bean) who is also a member of the Road Traffic Committee, and he has reported as follows:—

He (*i.e.*, the driver) shall before turning to the right drive his vehicle parallel with the left boundary of the carriageway on the road which he is leaving until it is as near as practicable to the left boundary of the carriageway of the road which he is entering.

Sir Edgar Bean agrees that the criticism is not unrealistic in the matter, but he points out that although it is not as simple or clear a provision as it could be, if anyone can suggest anything better we should give it the most careful consideration. Mr. Shard has not offered me an alternative which, as I have indicated, we would be perfectly prepared to consider. Sir Edgar Bean goes on:—

This language of the clause has been commonly used in the past to explain the duties of drivers turning right. The basic idea is that the driver is not to make the right hand turn as soon as he enters the intersection but must first proceed through the intersection until he is close to the boundary line of the carriageway of the road into which he is going to turn. Perhaps the idea can be better understood if one imagines that there is a post in the middle of the intersection and the rule which we are trying to lay down is to say that the driver must continue on his course well past the post before he begins to turn. The same language as is used in this Bill was used in the amendment of 1950 and has been in the law ever since. I do not think there have previously been complaints that people do not understand it.

The Hon. Sir Arthur Rymill—What part of the section are you referring to?

The Hon. N. L. JUDE—Section 127A (c1). The Australian Road Traffic Code used exactly the same verbiage as has been used in this Act. Sir Edgar Bean goes on to say:—

Perhaps the real difficulty in understanding the meaning of this clause lies in the fact that references to the left boundaries of carriageways are really references to the prolongation of those boundaries across the roads forming an intersection. An intersection itself has no boundaries except imaginary lines.

It is doubtful if anyone can suggest a better amendment, and therefore I suggest that the clause be accepted.

The Hon. Sir ARTHUR RYMILL—The Minister said that Mr. Shard and I were finding difficulty with this clause. I think Mr. Shard said that he found some difficulty with the language and one can hardly blame him for that, but I can assure the House that I have not found any difficulty in the language, and I said in the second reading speech that it is as clear as mud. I have been somewhat versed in the law at some stage or another, and not only have I had to read this sort of section for many years but I have often drawn them in this sort of language.

The Hon. N. L. JUDE moved—

After paragraph (*b*) of new subsection (1*b*) of section 127a to insert the following paragraph:—

Paragraph (*d*) of subsection (1) is amended by inserting after the word "turn" in the last line the words "and complete the turn through the intersection or junction."

The Hon. Sir ARTHUR RYMILL—I understand the implications of the section and at least lawyers know what this type of language means, and a court of law can construe a section like this. However, that does not get away from the fact that it has been said

many times in the courts that it has been directed to the motorists.

The court has only to interpret it. The section is very complicated, but I do not blame the Parliamentary Draftsman for that, as he is a wonderful draftsman. It has become so complicated and tries to deal with so many ramifications that it has become impossible for any ordinary person to understand, and the sooner the Government realizes that the better for all concerned. The Act is now so complicated that I believe it is impossible for any layman to understand it. It should be simplified and redrawn so that it is understandable to everyone. I support the amendment.

The Hon. A. J. SHARD—I support the amendment. I have discussed this matter with the Draftsman and I should have liked the Minister to read the whole of his statement, in which he admits that the language is not as clear as it should be. It behoves the Government to consult the Draftsman and try to submit a clause in language that everyone can understand.

The Hon. S. C. BEVAN—I also support the amendment. I understand it has been introduced to eliminate any misunderstanding as the result of an accident which occurred at the intersection of West Terrace and Anzac Highway. I asked a question in the House on the position as I believed that the decision of the court was not in accordance with what was intended in the Act. In reply the Chief Secretary said that the Act was plain and surely everyone could understand it, but apparently everyone cannot understand it. I am concerned about what can and undoubtedly will happen under the amendment. In the centre of the intersection of North Terrace, King William Street and King William Road is a standard bearer for overhead wires, and it has been the practice of motorists making a right hand turn to go close to this before turning, but as I understand the amendment they will have to continue until they get as near as possible to an imaginary line of the left-hand kerbing.

The Hon. N. L. Jude—The left-hand side of the carriageway; that is the point.

The Hon. S. C. BEVAN—I know motorists are not expected to hit the kerb. I am concerned because motorists will bank up behind the first vehicle making a turn. If the lights are against the turning vehicle, it will have to stop, as would those behind, and that would interfere with the traffic on its left waiting to proceed across the intersection.

The Hon. N. L. Jude—That is why it is essential that the first vehicle goes up as far as possible.

The Hon. S. C. BEVAN—Would every other vehicle come along to that line? In peak periods the driver of the turning vehicle would not be able to move on until the light on his right turns to green, and by that time the traffic would be banked up. If my assumption is correct, it might pay us to consider adopting the Victorian practice of deviating to the centre of the road, not going right over the intersection, but cutting across as an angle when the traffic will not be interfered with. I realize traffic legislation is a matter of trial and error, but I think both the present provision and the Victorian rule is better than the amendment contained in this Bill.

Amendment carried; clause as amended passed.

Bill reported with amendments and Committee's report adopted. Read a third time and passed.

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 23. Page 1243.)

The Hon. S. C. BEVAN (Central No. 1)—I support this Bill, which at first glance seems to be a simple measure, because the only clause of any consequence is clause 3. This legislation is necessary because interstate road hauliers have objected to contributing a fair and equitable share towards the upkeep of roads that they use extensively. They lodged an appeal to the High Court and subsequently the matter went to the Privy Council. They used section 92 of the Commonwealth Constitution as their ground for having the State law declared invalid. As a result of the court's interpretation of the Constitution it now appears impossible for a State to levy taxation for road maintenance on interstate hauliers using State roads. This state of affairs is highly unjust to hauliers operating within the State, and indeed to the motorists generally who, in accordance with State laws, must contribute towards the upkeep of our roads. We have our registration fees and drivers' licence fees, and all intra-state hauliers have to register their vehicles under State laws. Even the private motorist must register his vehicle and supply himself with a driver's licence, and these levies are wholly and solely for the building, maintenance and upkeep of the roads in this State.

These hauliers have had the privilege of using our highways at the expense of our own motorists and hauliers, but they make no contribution. When legislation was passed in 1956 in an endeavour to impose fees we thought that we had overcome this state of affairs. In supporting the Bill at that time I expressed a doubt about its legality, because of the interpretation being placed on section 92 of the Constitution. We now find that it has been successfully appealed against, and interstate hauliers are claiming the return of any fees paid by them to the State under that legislation.

It is reasonable to assume that when the 1956 legislation became effective interstate hauliers increased their charges for goods carried by them to cover the fees for the use of our roads and thus maintained their profit margin, and it would be an imposition upon the taxpayers and upon the Government of South Australia if they could now claim a return of the fees charged by the State and still retain the increases imposed on the people for whom they were carrying goods. I wonder what they would say if their clients now claimed a return of any increased cost imposed on the carriage of their goods?

The Hon. E. Anthoney—They are the people who have paid it.

The Hon. S. C. BEVAN—Exactly. What would the hauliers say if those industries claimed that that imposition was an illegal one? I think we can get a pretty good idea what the reactions would be. A letter on this question from Oliver E. Young, Director, Antill Ranger (S.A.) Pty. Ltd., appeared in the *Advertiser* of October 25. Mr. Young was commenting upon the Bill which is now before us. He said:—

The Bill provides that a person or company would not be able to recover fees paid to the Transport Control Board (although these fees were collected illegally) if evidence is produced that the charges paid to the board by the carrier were passed on to industry. The question is why should any Government or individual be able to determine how money illegally procured should be spent when refunded to the subscriber.

The whole question is whether or not a claim for refund is justifiable if the haulier has already recovered the fee by an increased charge. It appears to me that these comments by Mr. Young are an admission that increased charges followed the imposition of fees to hauliers, who now desire to retain those increased charges while at the same time demanding a refund of the amount paid by them to the State which they claim was an illegal imposition. They want it both ways. They are telling us that the Government has no right to dictate their charges to them, and that the Government, because of the decision of the High Court, has to refund the moneys which they paid.

It may be all right to say that nobody is forced to send goods by these hauliers, but it may be more convenient for an industry to despatch goods by road. The State Government demands proof that these hauliers have not passed the increased charges on. Where they cannot satisfactorily prove that they have not passed them on they will not be entitled to the refund. I think the provision is fair and equitable, and my only grievance is that some means cannot be found to make a charge on the interstate hauliers who are using our roads practically 24 hours a day at the expense of our own State motorists and hauliers. I cannot see how we can get around that, but they should be making a reasonable contribution to the upkeep of roads they are using. I hope the time is very near when we will find a means of levying taxation on these people for that purpose. I have much pleasure in supporting the Bill.

The Hon. Sir FRANK PERRY (Central No. 2)—This Bill is very similar to one we dealt with a few years ago. Following the attempt by this Government to collect money for the use of roads which was found *ultra vires*, fees were charged until the Act was declared invalid and I presume they were passed on by the haulier to the person for whom he carried goods. In my opinion it goes back past the haulier altogether; it goes back to the manufacturer for whom the goods were carted. A number of users of the highways carry their own goods at their own cost. They may have a claim under this Act, and if they do the Act provides that they can be heard. Some hauliers have run the gauntlet in an attempt to escape the charges. The Government has introduced the Bill to make it possible for claims for refunds of money to be met if a man can prove his case. As a result of this legislation no injustice will be done and I therefore support it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Claims for recovery of money paid."

The Hon. N. L. JUDE (Minister of Roads) I move—

After "Act" in new section 31a to insert "or for any other charges under this Act."

Last year we passed legislation which provided that certain charges were payable direct by interstate hauliers, but this legislation was subsequently disallowed. It is proposed by the amendment to cover any payment for refunds that cannot be reasonably established as having been paid under statute.

The Hon. Sir FRANK PERRY—I agree with the amendment. I understand that last year's Act provided for the registration of vehicles as well as for fees, and that an interstate owner could either register his vehicle in this State, or alternatively pay on a ton-mileage basis. If he paid his registration fee, which is for a period of 12 months, it seems to me that he is entitled to a refund for the balance of the period.

The Hon. N. L. JUDE—I can assure the honourable member that this amendment covers the point he raises.

Amendment carried; clause as amended passed.

Title passed. Bill read a third time and passed.

MINING ACT AMENDMENT BILL.

In Committee.

(Continued from October 30. Page 1413.)

Clause 4 passed.

Clause 5—"Special terms and conditions for mining leases."

The Hon. Sir FRANK PERRY—This is a very ambiguous clause and gives all kinds of authority, for which I see no reason. I should like a further explanation from the Minister.

The Hon. C. D. ROWE (Attorney-General)—I have discussed the clause with officers of the Mines Department, and the position is that it can have no bearing on any company which may have an Act of Parliament governing the terms and conditions of its leases. It provides no right to amend the terms and conditions of an existing lease, but applies only to a new lease granted or to the renewal of an existing lease. Many people hold mineral leases in various parts of the State, but are making no effort to use them. We know there are others who would be interested in working them and that it would be in the interests of the State that they were worked. What we are asking is that when the time comes for the issue of a new lease or the renewal of an existing lease we can include terms and conditions, including the minimum amount of mineral which must be taken from the lease. I do not think the power will be used unreasonably.

The Hon. Sir ARTHUR RYMILL—On the face of it this seems a very simple clause, but I am afraid it is too wide for my support to be given to it. I accept everything that the Minister said, and have no doubt that it is aimed at one or two specific cases, but it embraces every type of mining. I do not object to the clause in relation to the granting of a new lease, because the person concerned would know what was involved, but I take serious objection to it in relation to the renewal of leases. A person may have laid out much money to get mining operations going, and then finds when in the normal course of events he expects a renewal of his lease and has planned for such, that some impossible stipulation is included. I know that the Minister's reply will be that his Government does not do that kind of thing, but we have to legislate not only for this Government but in respect of what Governments of other shades may do. Mining companies try to plan ahead as far as they can, and whilst a mine is normally a wasting asset, nevertheless many mining concerns are stable businesses that try to look ahead, not for 10 or 15 years, but for 50 or 100 years. They can work leases better than anyone else because of the plant and machinery they have. It is obvious that we do not want to encourage "fly-by-night" mining companies, but those that will go on for the benefit of the State, and to do that there must be some leases in reserve that can be issued from time to time so that these companies can work under them. The Attorney-General has said this is not any of the sort of things I am talking about, but rather the lesser minerals that might be held to the detriment of the State, but if there are these large tracts of country that should be dealt with, they should be dealt with specifically and not by a general clause that can have a wider application than the Government could realize.

I know it is difficult to deal with specific cases, but if large tracts of country are involved and something is going on that should not be going on, it is for the Government to deal with the matter. I therefore move—

To delete "or renewed" and "or renew."

The effect of my amendment would be to enable the Government when granting a new lease to put in these conditions, which is quite reasonable because the persons using the leases can determine whether their duration is satisfactory for them to carry on. With regard to the renewal of leases that would go on in the ordinary course of events, that power would be available. I do not suggest that the Government would use its power wrongly, but

we are legislating for all time, and if we got a Government of a different colour, or even of the same colour, that wanted to attack this matter, it could do so.

The Hon. C. D. ROWE—I think in my previous explanation I made it clear what the effect of the clause would be. In brief, it does not give any power to interfere with any rights that any lessee may have at present; what it does is to give to the Government, or the Minister, if he is satisfied that it is in the best interests of the State, power in granting a new lease or a renewal of an existing lease to require the lessee to see that he works his lease, and works it successfully.

The Hon. Sir Arthur Rymill—Don't you think many of the existing lessees expect to get a renewal on the same terms?

The Hon. C. D. ROWE—I certainly do, but by the same token I think that any lessee knows the terms of his lease and would not be likely to embark on capital works for which he might not get the full value during the term of the lease. If he is going to spend a great deal of money, obviously he will come to the Government to get an undertaking. This clause has been put in because many people who hold leases, mainly in regard to the less valuable minerals, are not working them to anything like a reasonable capacity, but others are most anxious to do so. The State is in need of the minerals concerned and wants to have power, when a renewal or a new lease is asked for, to take activity with regard to it. I ask the Committee not to accept the amendment.

The Hon. E. ANTHONEY—I support the amendment, which I think is a reasonable compromise. The Minister said that the mining concerns mentioned by Sir Arthur Rymill are covered by Acts of Parliament, but when this Bill is passed it will become an Act of Parliament. I think the clause is dangerous, and I support the amendment.

The Hon. Sir FRANK PERRY—We should be clear on what this clause will ultimately do. There is no doubt that it can be abused. Although the clause does not say so, I think a lease could be refused.

The Hon. C. R. Cudmore—Or such terms could be put in that the renewal would be no good.

The Hon. Sir FRANK PERRY—Exactly, and the matter is left to the judgment of one man. I think these matters should be dealt with in some direct manner, although I think the motive for introducing the clause is all right. The Minister is asking for power for some eventuality we do not know about. Except in two or three cases, mining is not a big business in this State, but it might be in future, and this clause might adversely affect lessees. I think the clause should be confined to new leases.

The Hon. Sir ARTHUR RYMILL.—Members will recall that my amendment is aimed not at granting new leases, which can well be granted on such terms as the Government sees fit to impose, but on the imposition of new conditions in the granting of renewals of leases. I had the idea in the back of my mind that there was some obligation on the Government to grant renewals under the Mining Act, and I now find that that is so. Part IX of the Act deals with the encouragement of mining, and I think that is the whole tenor of the Act. We want to encourage people to mine and thus add to the wealth of the State and the people who compose it. Section 114, after which this clause is to be inserted, should, I think, be well considered by members. That section reads:—

> The holder of any mining lease, other than a special mining lease shall, on due performance and observance of the covenants, conditions and provisos of the lease be entitled to a renewal from time to time of the lease for any period at each renewal not exceeding 21 years from the expiration of the lease or any renewal thereof.

Then it describes the manner in which that shall be done, and it says:—

> Every lease so renewed shall be at the rent for the time being chargeable by law in respect of leases of the same class of the lease so renewed and shall be subject to the covenants, conditions and provisos prescribed by any Act or regulations for the time being in force relating to leases of the same class as the lease so renewed.

I draw members' attention to those words "leases of the same class." In other words, under section 114 not only is a renewal of the lease guaranteed, but also it is guaranteed to one that the generality of conditions relating to every class of lease shall apply to one's particular lease. That is the Act as it exists at the moment, and that is the section on the face of which no doubt many people have undertaken mining operations in South Australia and invested large capital sums in plant and machinery and development of these mines, because they knew that under section 114 they were guaranteed renewals of their leases provided they carried out the terms of them, and they were also guaranteed that those renewed leases should be in the same

form as the generality of all leases of that class.

The Hon. E. H. Edmonds—On the same terms?

The Hon. Sir ARTHUR RYMILL—Yes. It says:—

Every lease so renewed shall be at the rent for the time being chargeable by law in respect of leases of the same class of the lease so renewed and shall be subject to the covenants, conditions and provisos prescribed by any Act or regulations for the time being in force relating to leases of the same class as the lease so renewed.

In other words, to change that we would have to change the regulations relating to all leases of the same class. This amendment which is put forward enables the Government to single out any lessee in the State and say to him, "Yes, you entered into your mining operations under our assurance by Act of Parliament that you would be dealt with in the same manner as everyone else, but now we are going to single you out and say that we are not going to do that at all but we are going to break our contract with you and say that you shall have some particular terms relating to your lease that do not relate to anybody else."

I know that the Government has brought down this amendment for a particular purpose about which we have to an extent been informed, but that is a very good example of hard cases making bad laws. Because of one or two abuses the Government proposes to amend the whole law relating to all mining leases within this State, and is going to say that although people were given mining leases and assured of renewal, that they can no longer be so assured, and that new conditions as to working them will be prescribed. In his second reading speech the Minister said:—

Under the Act, the only terms and conditions which are prescribed by regulations can be included in a mining lease, and the Minister is unable in an unusual case to impose any other conditions although the circumstances demand some alteration.

As I pointed out, Part I was aimed at encouraging people to mine, and the whole tenor of the Act was aimed at that. Indeed, section 114 was inserted to ensure that people should have continuity of mining leases provided that they comply with the conditions of those leases, and many people have entered into leases on the face of that. This amendment strikes out that section, as it provides that any mining lease can be singled out as to its conditions.

This Bill has been given to us at comparatively short notice and it has been almost impossible for me to do any more than make a hasty survey of it. I have not had time to consult the people concerned to see how it will affect them. I think it would be unwise for Parliament to pass this Bill in haste. It does not seem to me to be a matter that is world-rocking, and it could well wait until next session if the Government wishes to pursue it, when members could see how it will affect the rights of individuals by speaking to people who are affected or likely to be affected. I do not think such an extremely wide matter should be passed, so I have moved the amendment to stop the clause from applying to renewals.

The Hon. C. D. ROWE (Attorney-General)—I put the Government's views on this matter when it was last before Committee so I shall not reiterate them. The Government wants this provision because there are certain leases where the Government feels that the persons concerned have not done all they could reasonably be expected to do, whereas on the other hand there are people anxious to work the leases, and the Government is anxious that mining should be developed as rapidly as possible. I feel that the clause as it stands is reasonable and that the Minister concerned will interpret it in a reasonable way. I therefore ask the House to accept it as it stands.

The Committee divided on the amendments—

Ayes (9).—The Hons. E. Anthoney, J. L. S. Bice, L. H. Densley, E. H. Edmonds, A. J. Melrose, Sir Frank Perry, W. W. Robinson, Sir Arthur Rymill (teller), and R. R. Wilson.

Noes (8).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, J. L. Cowan, N. L. Jude, C. D. Rowe (teller), A. J. Shard, and C. R. Story.

Majority of 1 for the Ayes.

Amendments thus carried.

The Hon. Sir FRANK PERRY—I think there is something in what the Attorney-General said about the benefits to the State of these leases. However, this is a blanket coverage of all leases and I think the House is justifiably opposed to it. Taking out the word "renewal" nullifies the clause, and it seems to me that the Attorney-General should bring this matter up next session when, if it is the wish of the House, it will get through.

The Hon. C. D. ROWE—I propose to move that the third reading be made an order of

the day for December 10, which means that we will have the Bill again next session.

Clause as amended negatived.

Title passed.

Bill reported with amendments and Committee's report adopted.

Third reading made an order of the day for December 10.

MARINE ACT AMENDMENT BILL.

In Committee.

(Continued from October 30. Page 1406.)

Clause 3—"Enactment of Divisions XA-XB of Part IV of principal Act."

The Hon. C. R. STORY—Although I have no quarrel with the measure, which I think is a good one, I do not want there to be any doubt about fishing vessels. The Bill defines fishing vessels as:—

Any vessel not propelled solely by oars and used in the taking of fish or oysters for sale and includes trawlers, pearling luggers, and whale chasers.

All those things used on the Murray—call them what you like—are not propelled by oars, but they are used for taking fish that will eventually come to the market. I know there are provisions for exemption by regulation, but I do not want exemption by such means.

The Hon. C. D. ROWE (Attorney-General)—The Government is prepared to accept this amendment.

The Hon. Sir ARTHUR RYMILL—Would the honourable member explain the meaning of "anabranch," also why he has not included "billabong" and what that means.

The Hon. C. R. STORY—"Anabranch" can refer to a rather large expanse of water through which veins of land extend, and can include billabongs, effluents, affluents, backwaters, swamps, creeks, or any of these things which are common to the River Murray. An anabranch is a diverging branch of a river which re-enters the main stream also a branch which loses itself in sandy soil; delta like. During the recent flood the anabranch connecting the Darling and the Murray near Lake Victoria was the cause of most of our troubles because of its great width. A billabong is open one end to receive water and is closed at the other end. It is therefore normally a stagnant stream, except in flood time.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with an amendment and Committee's report adopted. Read a third time and passed.

TOWN PLANNING 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 Bill makes a number of amendments to the Town Planning Act of varying degrees of importance. Clause 2 amounts to a drafting amendment. Subsection (3) of section 3 of the principal Act provides that the Act is not to apply within the City of Adelaide or to any Crown lands. It makes it plain that this restriction does not apply to the development plan which is required to be prepared under sections 26, 27 and 28.

Clause 3 makes a fairly important alteration relating to the administration of the Act as to plans of subdivision. The Act now provides that all plans of subdivision are to be approved by the council and the Town Planning Committee. Until 1955 the approvals necessary were those of the Town Planner and the council but in that year the Town Planning Committee was substituted for the Town Planner.

It is proposed by clause 3 to revert to the position prior to 1955 so that the Town Planner will have the duty of considering plans of subdivision but there will be a right of appeal against the decision either of the Town Planner or the council to the Town Planning Committee. The principal work of the committee is to prepare the developmental plan for the metropolitan area. This will take some years and will require considerable application by members of the committee. It is considered that members of the committee should not be burdened with the day by day work of considering the many plans of subdivision submitted for approval and this is best done by the Town Planner assisted by officers of his department.

This is the first amendment of importance and its effect is that instead of having to wait for the whole Town Planning Committee to consider plans of subdivision, which we have found causes delays in administration, the Town Planner can consider the plan, but if the party concerned is dissatisfied with his decision he has the right of appeal to the Committee. That was the position before 1955, and I feel that everybody's rights are

protected and it will result in a quicker and better administration, which is one of the difficulties we have to face in an expanding metropolitan and country area.

Section 12a of the Act, among other things, provides that if subdivided land is situated within a municipality it is the duty of the subdivider to provide roads. It is proposed by clause 4 to extend this obligation to proclaimed district council districts or portions of such districts. A considerable amount of subdivision is taking place in the areas outside municipalities. If the subdivision were within a municipality the subdivider would have to provide roads and it is considered that, in general, there should be the same duty to provide roads in districts as in municipalities. However, it is felt that the provision relating to districts should not necessarily apply through the State but that before it applies to any particular district or portion thereof a proclamation should be made to that effect.

At present, if anybody subdivides land in a municipality he is required to provide for the roads, but there are areas adjacent to the metropolitan area which are district councils and not municipalities; for instance, areas around Tea Tree Gully and particularly in the Salisbury area. I have been waited on by a deputation consisting of the Salisbury and Tea Tree Gully and other councils asking that where some portions of their areas are district councils and some portions are municipalities the same conditions should apply. The Government has decided that it is not desirable to extend the provisions to all district councils, but it does propose to extend them to such areas of district councils as may be asked for by the councils concerned. A council must pass a resolution asking for a proclamation to be issued. At present people are subdividing and selling blocks of land in district council areas, because they know they can escape the liability to provide roads. The councils I mentioned can see themselves faced with insurmountable costs in making roads. They waited on me 10 days ago to ask if I would try to get this Bill passed this session so that they can be protected in this matter.

The existing provision in the Act provides that the subdivider may build the roads himself or he may make arrangements for the council to do it on his behalf. It is proposed by clause 4 that when he does the work himself it should be done with the concurrence of the Town Planner and the council. Instances have occurred where the roads have been built in the wrong place and neither the council nor the Town Planner has desired to approve of the plan with the roads in the position where they have actually been constructed. Therefore it is considered that before the roads are constructed there should be a preliminary approval to their position. The clause also makes what amounts to a drafting amendment to the paragraph in question and provides that where the subdivider makes the roads himself they must be of consolidated metal to a depth of four inches and sealed. At present that is the requirement fixed when the work is done by the council and obviously there should be uniformity in the matter.

Section 14 of the Act provides that when a plan of subdivision is deposited, every street, road and reserve or other open space shown on it, unless it is otherwise specified, is vested in the council in fee simple. It is proposed by clause 5 to extend this to plans of re-subdivision. It sometimes occurs that a plan of re-subdivision will create a reserve or road and obviously the same position should apply in cases of plans of re-subdivision as in plans of subdivision. Clause 6 makes a drafting amendment only to section 26 of the Act.

Section 31, which was first enacted in 1956, provided some measure of control over the subdivision of agricultural land with a view to preventing ribbon development. However, it is now considered that the section as then enacted goes too far as it provides that there must be approval of the Town Planner of every map or plan dividing land into allotments or otherwise or showing any street or road over the land. Clause 7 re-drafts subsection (1) of section 31 to provide that the control given by the section will apply, firstly, where any of the allotments are 20 acres or less in area and, secondly, where new roads are created. Thus it will be quite clear that the division of broad acres such as dividing a farm of 2,000 acres into two farms of 1,000 acres would not be controlled by section 31 unless it is proposed to create a new road, in which event it is obvious that the council and the Town Planner should have some degree of control.

When we had the Bill before us in 1956, owing to a misunderstanding, we inserted a provision that if a farmer wanted to divide his farm between two sons he had to go to the Town Planner for approval. I do not think that it was the intention of Parliament, and the purpose of the clause is to correct that anomaly. It is felt that it would be much better to make the position certain in law. This clause also has a bearing on the work of

the A.M.P. Society where it is getting to the stage of dividing its land into farm areas, and it is not desired that it should be required to comply with the conditions of the Town Planning Act. The clause will tend to a smoother working of the Act and therefore I commend the Bill to the House.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading. As pointed out by the Attorney-General, this Bill makes certain amendments to the 1955 Act. I think it would be appropriate if I prefaced my remarks by giving a brief history of the fundamentals attendant upon town planning. Architects are the printing press of the age in which the various generations live, and they also have an imprint on the culture of that age. It shows the trend of the desire of the people for some contemporary proposals which as time goes on and as generations pass will be the imprint of that generation. I do not subscribe to some of the contemporary structures that are being erected today because they are neither beautiful nor useful. They are sometimes garish; as we find garish music and literature, so we find it in some of the buildings erected today.

I think it is generally agreed throughout the Commonwealth that there should be some uniformity in town and country planning. Whilst town planning and country planning are symbolic in their desires and ideals, the problems confronting town planning and country planning are totally different. The subject has an international character. From the early days of the development of town planning we have heard quite a lot of the laying out of the city of Adelaide, and I pay a tribute to Colonel Light for the way in which he laid out this city, which had its genesis in the fact that the squares of Adelaide were laid out for the purposes of defence. That had its genesis in the early days when the Romans did not build walls for defence but had the squares where they could put their arms in defence of the city.

When I say that town planning has an international character I have in mind the fact that the most modern ideas of town planning originate in America which was the first country to try out the new ideals and desires for the establishment of town planning in accordance with their modern thought, and that is the basis upon which the town planning in Australia and in South Australia particularly must take a lead. There is a common denominator to normal methods of living in civilized countries. Most members might say that town planning is like erecting something like a lattice work in the garden in order to make it look beautiful.

The Hon. Sir Frank Perry—Isn't that landscape planning?

The Hon. K. E. J. BARDOLPH—Town planning embodies all the finer elements of landscapes. It has a common denominator with other countries in the method of living, home equipment, neighbourly subdivision, civic design, motor needs, recreational needs, hospital treatment, school requirements, water supply, drainage disposal and industrial location. These essentials and many more have much in common for our general well being, and in their ill-doing world wide mistakes have been made. I submit that the basis of town planning is the very basis of our economic and material existence, and that is the reason why I approach this Bill and will make some comments on the amendments suggested by the Attorney-General in connection with the proposals for town planning in South Australia. The university in every State can play a most prominent part in the development of town planning.

The Hon. Sir Frank Perry—We have our own architectural professor.

The Hon. K. E. J. BARDOLPH—Yes, and a very capable one. We pass legislation here in connection with town planning but we have to have ancillary aids in order to give full implementation to the desires of Parliament. We should have more research in certain directions of economics, sociology, agriculture, landscape design and geology. I may sum those points up by saying that having established these principles we then have what we might call the cathedral. We have the choir, the transepts, poised, balanced and stable to which chapels, chambers and oratories may be added from time to time. Town planning is totally different from the law because the monument is there to a person's skill and ability. The architect constructs, but unfortunately the legal profession tends to carry out a policy of destruction. I do not say that against Sir Arthur Rymill personally, but that is a general policy with regard to the legal profession.

A town planner must not only be conversant with all those fundamentals, but he must have a devotion to his profession to give full vent to those cardinal principles I have mentioned in connection with town planning. I first of all lay down premises, and it is on those premises that any legislation we may pass here with regard to the appointment of a Town

Planner, should be the beacon lights to guide him in the carrying out of his work. The Attorney-General in his second reading speech said:—

It is proposed by clause 3 to revert to the position prior to 1955 so that the Town Planner will have the duty of considering plans of subdivision but there will be a right of appeal against the decision either of the Town Planner or the council to the Town Planning Committee. Clause 3 makes a very important alteration relating to the administration of the Act as to the plans of subdivision. The Act now provides that all plans of subdivision are to be approved by the council and the Town Planning Committee. Until 1955 the approvals necessary were those of the Town Planner and the council but in that year the Town Planning Committee was substituted for the Town Planner. It is proposed by clause 3 to revert to the position prior to 1955. The point I make is this. We passed the Town Planning measure in 1955 appointing a Town Planning Committee, and we made the Town Planner the chairman of that committee. This amendment proposes that all plans for subdivision shall not go before the Town Planning Committee but shall go directly to the Town Planner. I am not objecting to this, but what I am objecting to is the fact that an appeal from the Town Planner is heard by the Town Planning Committee of which the Town Planner is Chairman. I submit that that is in effect appealing from Caesar to Caesar. I am not attempting to decry the committee but I cannot see any valid reasons for the change since 1955.

The Hon. C. D. Rowe—I think I explained all that in my second reading speech.

The Hon. K. E. J. BARDOLPH—I do not desire to misquote the Attorney-General or put him in a false light in connection with this matter. If he can reply to my objections and observations that will suffice as far as I am concerned. I make these observations because I consider it is the responsibility of members of this House to make those observations. The Attorney-General said:—

It is considered that members of the committee should not be burdened with the day by day work of considering the many plans of subdivision submitted for approval and this is best done by the Town Planner assisted by officers of his department.

Should he reject a subdivision, there should be an independent authority to review his decision without his being present at the appeal. If an appeal is made against a decision of a judge of the Supreme Court or Full Court, the judge that heard the original matter does not sit on the bench of the court of appeal. The Attorney-General should explain why this principle is not adopted in relation to this matter, because it covers everything—our economic policy, our fiscal policy, and it even goes into the realm of finance. It is an all-embracing proposal.

I compliment the Attorney-General in this matter. I am not making any carping criticism of subdivisions where people are compelled to construct roads, because I have had experience of people being mulcted into building roads. If a subdivision is approved by the Town Planning Committee or the Town Planner, it is the responsibility of the sellers to provide roads to give purchasers access to their properties. Subdivisions have been made in which roads have been constructed in the wrong places, the contours of the sites have not been adhered to, where drainage has been a problem, and where councils have been compelled to get surplus water off the roads, which has been an expense to other people in the area. However, this Bill provides that this shall not be done in future. I would like further information from the Attorney-General on the matters I have raised. I support the second reading, and reaffirm the statement I have made about the importance of town planning in South Australia.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—The Bill is well aimed, and I have only one query to make about it, and that is with reference to the first part relating to section 3, which provides that the Act is not to apply within the City of Adelaide or to any Crown lands. The report says that clause 2 makes it plain that this restriction does not apply to the development plan which is required to be prepared under sections 26, 27 and 28. I do not want it to be thought that I have any phobia about the City of Adelaide, but I do know a fair bit about its workings. I cannot see why this Bill should apply to the City of Adelaide, and although I am not foreshadowing an amendment, I would like the Minister in charge of the Bill to explain why it should do so.

The Hon. S. C. Bevan—What about the plans for a Greater Adelaide?

The Hon. Sir ARTHUR RYMILL—That, of course, has nothing to do with it. I can see why the matter should apply to Crown lands, because there are plenty of Crown lands in the metropolitan area outside the centre, which is the city, and I understand that the town planning report is to refer to the development of the metropolitan area. This particular

clause is aimed at sections 26, 27 and 28. The latter two sections are machinery sections, but section 26 is the one that prescribes the ambit and functions of the committee. It contains five paragraphs saying what the committee shall do, and I shall give the effect of these. Paragraph (*a*) provides that it shall consider whether, after taking into consideration the probable development of the metropolitan area and the provision made or likely to be made for public transport in the metropolitan area, the existing principal highways are adequate to provide for its needs; (*b*) provides that it shall consider whether the open spaces, such as parks, etc., are adequate; (*c*) deals with the classification and zoning of districts; (*d*) relates to the interests of the community relating to sewerage, water supplies, gas, public transport and so on; and (*e*) refers to general matters. If I could break these paragraphs down so that members will be quite clear as to what the section provides, (*a*) relates to public transport (*b*) to parks (*c*) to zoning, noxious trades and that sort of thing; (*d*) to public services, such as water supplies and sewers and (*e*) to general matters, which is quite a wide provision, and is no doubt intended to include anything the Parliamentary Draftsman might not be able to think of.

What I want to know is how any of these things apply to the City of Adelaide, and whether this Act is to be superimposed on the autonomy of the City of Adelaide. The present Act does not apply, as the section specifically provides that it shall not apply. Other Acts, such as the Highways Act, do not apply to the City of Adelaide. The Highways Act provides for the upkeep of main roads within the State, but not in the City of Adelaide, which is autonomous and has undertaken the upkeep of its own roads, which it accepts for the sake of being autonomous and managing its affairs as a major capital city. The City of Adelaide looks after its traffic matters. Tomorrow a second census will be taken to see if the highways cater for the public, and thus there is no need for a survey of its highways. The only way to develop highways is through parklands, which is very easy, or to acquire expensive land within the city, which is very difficult.

The Hon. S. C. Bevan—Isn't the census to see what cars are parked in the city in the day-time?

The Hon. Sir ARTHUR RYMILL—My friend is not very well informed if that is what he thinks. That is a minor aspect. He is not a member of the city council, but he happens to be one of the members of this Chamber that represents the City of Adelaide, and I suggest that he take an even greater interest in its affairs. The city is considering widening Kintore Avenue to give a better outlet, and it has plans in hand that suggest that there is no need for this plan to apply to the hub, as it were, which is being very well looked after and will still be well looked after. It is interesting to note that the City of Adelaide and its self-government is older than the responsible government of this Parliament, and I think it has done a very good job in over a century of existence. I query whether it is necessary to apply this Act to it. As I see it, the Act is really a plan for the orderly development of the metropolitan area, but the City of Adelaide is pretty fully developed.

The Hon. Sir Frank Perry—It has to go a long way yet.

The Hon. Sir ARTHUR RYMILL—I agree, but it is developed in the sense that it is almost completely built up, and thus any further development is a matter of altering something already established. I would like the Minister to explain why the Act should apply to it. I am not averse to its applying to the city if it should, but it seems that it is not applicable to the city, which should be autonomous.

The Hon. Sir FRANK PERRY (Central No. 2)—As the outside areas grow the City of Adelaide area will become purely a business centre and should be under the Town Planning Act. This is a machinery Bill, which gives the Town Planner a little more authority for the purpose of convenience in his office procedure, and I do not think there can be any objection. He should not be debarred from giving his best advice. A chairman must take his committee with him, otherwise he fails in his position. Such an officer is usually wise enough to see that his committee is sufficiently well informed and goes with it rather than try to impose his personal ideas unnecessarily. I have no objection to the inclusion of district councils abutting the metropolitan area. Adelaide is spreading perhaps too much, and I think that the Town Planner and all those interested in town planning will be concerned with this development, which entails much expense in providing amenities. As these areas are cut up they should come under the purview of the Town Planner and his committee. That is a wise precaution, which must be taken immediately. This should result

in an improvement of the legislation. The promised plan for a Greater Adelaide will be definitely on the way in the next few years and we will see something which we all anticipated when we passed the original legislation. I support the Bill.

The Hon. C. D. ROWE (Attorney-General)—As to the point raised by Mr. Bardolph regarding any subdivision being disallowed by the Town Planner and his being a member of the committee on an appeal, I can see no objection to that. It is a committee of experts who can be relied upon to form their own judgment without prejudice. If the Town Planner were not a member of the committee, at least he would have to appear as a witness before it to give evidence of his reasons for disallowing the plan before it. Under all the circumstances I feel the position is satisfactorily provided for.

The purpose of the amendment is to expedite the machinery and procedure in the Town Planner's Office itself, and I am most anxious to have it passed. In the introduction of a new town planning scheme inevitably there must be delays in securing consents, and there must be inconvenience. That has been a great source of anxiety to me, and is one reason why I want the Bill passed this session, because it will clear up many of those difficulties and result in the public's being less inconvenienced.

Sir Arthur Rymill referred to the new amendment to clause 2. In my second reading speech I said that clause 2 amounts to a drafting amendment. Subsection (3) of section 3 of the principal Act provides that the Act is not to apply within the City of Adelaide or to any Crown lands. The new clause makes it plain that this restriction does not apply to the development plan which is required to be prepared under sections 26, 27 and 28. These sections simply provide for the preparation of a development plan, which in due course must be submitted to the Minister and by him to Parliament. In preparing a plan the committee must consider the area including the city area itself. It is reasonably felt that these sections should apply to Adelaide.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Approval to plan."

The Hon. C. D. ROWE (Attorney-General)—I move to insert the following paragraph:—

(*c*) By adding at the end thereof the following subsection:—

(3) Where, after the passing of the Town Planning Act Amendment Act, 1955, and before the passing of the Town Planning Act Amendment Act, 1957, a plan of subdivision of any land has been approved by the council of the area in which the land is situated, and also by the committee either by letter in the form known as letter form "A" or otherwise, that plan may be deposited in the Land Titles Office or the General Registry Office without approval by the Town Planner. This subsection shall have effect notwithstanding subsections 1 and 2 of this section.

This amendment is self-explanatory and is simply a procedural matter to get over the alteration of the law.

Amendment carried; clause as amended passed.

Remaining clauses (4 to 7) and title passed. Bill reported with an amendment; Committee's report adopted. Read a third time and passed.

BUSH FIRES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1408.)

The Hon. W. W. ROBINSON (Northern)—After many decades of work fire fighting associations have done much work to bring the Act to perfection, and great importance is attached to the provisions relating to fire hazards. It seemed to me that by amending the Act to provide for a variation of that practice we were taking a step in the wrong direction, but after a careful perusal of the Bill I have come to the conclusion that sound safeguards are being provided. Under various provisions councils are given power to issue permits to burn scrub or newly cleared land. Section 38 of the Act provides that the Minister may declare a total prohibition on a day he considers to be one of extreme fire hazard. This prohibition may apply to the whole State or to any specified part. I remember that on March 1, 1955, the blanket provision was applied. It was a particularly bad day in most of the State, but on Eyre Peninsula it was a reasonable day for burning and was about the one day of the year when it would be reasonable to allow people to burn the scrub they had rolled. However, owing to the prohibition, they were unable to do it. It was not essential on that occasion that prohibition should have been applied to this area.

Clause 3 provides that a man may light a fire on a prohibited day under certain conditions. Great care has been taken in framing the clause to see that a permit will be issued only by qualified people, and the circumstances will be subject to a thorough examination. A council may, with the approval in writing

of the Minister, appoint authorized persons to supervise the granting of permits. The Minister will not give his approval unless he is satisfied that it is in the public interests so to do. The councils of all the adjoining areas must agree to the appointment of these authorized persons. The Minister will have to consider their qualifications and the adjoining councils will have the right to say whether they agree. If they have any doubt, such persons cannot be appointed.

A permit may be issued jointly by two authorized persons, and it has to be in writing in the form prescribed and be subject to both the conditions set out in that form and to such other conditions as the authorized persons deem necessary in addition to those set out in the Act. That will mean that if they think special conditions are necessary they will lay it down that they must be adopted. This would apply to the equipment and number of men engaged. If the person appointed considers that the day is dangerous, a permit will not be granted, and a permit is not to be issued during the prohibited period from October 15 to February 1.

The Bill also provides additional safeguards for the owners of sawmills. They must not only have fire fighting facilities, but these facilities must be efficiently maintained. They must also provide a supply of water. The Bill imposes on councils the duty of insuring fire control officers injured in the course of their duty, and raises the amount for death or total incapacity from £500 to £1,000, for partial incapacity from £2 to £10 a week, and for specific injuries as set out in table 26 of the Workmen's Compensation Act. The Bill has been submitted to the Bush Fires Advisory Committee, which recommends it. I believe it is a very satisfactory measure, and I therefore support it.

The Hon. A. J. MELROSE (Midland)—Until I came to examine the Bill I thought that the bush fires legislation was something I knew something about, but apparently I do not. I cannot make head nor tail of the Bill. I have spent much time in studying it and the Act and I listened to the Minister's speech, but got more befogged as I went along. We have all this rigmarole about the appointing of specialists to grant permits and do something which is prohibited, and then this is nullified by subsection (4) of section 3 which emphatically provides that no permit shall be issued in respect of any day within any period during which, pursuant to section 4 or section 7 of the principal Act, the lighting of fires is prohibited. One does not have to seek anyone's permission to light a fire except in the specified prohibited period. It is an open go. They can issue permits for burning, but as they can only issue them for limited times, I cannot see any sense in this.

On days of extreme fire hazard, advantage is taken of wireless communication and it is announced through the official quarters that certain days are days upon which the lighting of any fire in the open is prohibited. I would not have anything to do with relaxing those conditions. On days of extreme fire risk I do not think the risk is confined to the small area where the fire is lit. The big fires in this State in 1939 and those in Victoria occurred at times when there were high fire risk days that continued for a long time, and when we had a big fire between Burra and Cockburn some years ago, the high fire risk was on for days. A powerful north wind was blowing for a week. It would be futile to say we are only considering meteorological conditions on one day because those conditions may go on for a long time. If people in certain parts of the State—maybe in the South-East or West Coast or Snake Gully—want to take special risks, we should have an amendment to say so. This is a general relaxation of the prohibition of days of control.

The Hon. N. L. Jude—It is not a general relaxation; it is a very specific one.

The Hon. A. J. MELROSE—It does not say anything about the South-East, so apparently I cannot read as well as I thought I could. I think that is the thing to do. If people do not agree with me that it is best left as it is, I point out that individual hard cases certainly make bad laws, and we should amend the Act. It seems incredible to me that scrub that has been rolled and should be burnt, or is intended to be burnt, cannot be burnt except on days of high fire risk. In different parts of the State conditions vary a great deal, but whenever I have seen scrub rolled it could be burnt on even wet days. In burning stuff like this, it does not flare up in the morning and go out in a few hours, but sometimes the stumps and solid parts burn for days. I have seen stumps burning after the safe period when the fire was lit into a period of high fire risk. I cannot see anything wrong with tightening up fire protection around sawmills, but I do not see why voluntary fire fighting organizations should be registered. We register everything in sight, and I suppose this is the last thing we have not registered. We have registration of dogs,

dentists, firearms and that sort of thing, but what purpose is to be served by registering voluntary fire fighting organizations? What is a voluntary fire fighting organization? Is it one of voluntary workers?

On a pastoral property with a number of mobile fire fighting units equipped with tanks, quite a number of crews turn out. Would they have to be registered as voluntary fire fighting organizations? We are going too far with this sort of registration. Someone will find a pencil and a packing case and we will have another Government department. I see no purpose in this clause. Except for the short title and clause 4, I have expressed my views on every aspect of the matter, and they are not founded upon inexperience. I shall certainly vote against the part of the Bill that provides that machinery will be set up to enable the lighting of fires on prohibited days, although it is specifically set out in the Act that that shall not be.

The Hon. E. H. EDMONDS (Northern)—It frequently happens that when we establish what can be called blanket legislation we do not go very far before we find it necessary to make some amendments because of experience in administration. This legislation comes within the category I have mentioned. To be quite frank, I was one of those who supported very drastic proposals when the last amending Bill was before us, but I have seen where amendments are desirable, and it has been amply demonstrated that it is desirable to amend the provision relating to days of extreme fire risk.

I do not want to reiterate points made by Mr. Robinson, who covered the ground adequately, but in my opinion the whole object of this amendment is to give some control to local people who are conversant with local conditions and who I think it could be claimed are of sufficient intelligence to exercise any authority that might be vested in them in a reasonable and practical way. They are people who have experience and are fully aware of the dangers that might arise, and some of them have had unfortunate experiences that have shown them that anything done to weaken any precautions against bush fires will have disastrous effects.

The Hon. R. R. Wilson—It can endanger their own property.

The Hon. E. H. EDMONDS—Exactly, and that is the whole object of this clause. Firstly, the Minister will give authority to district councils, which will appoint fire control officers who will of necessity be scattered about throughout the district and know local conditions. Who better could we have to assess the position than those who are on the spot? In the summers that have passed—and I have listened to the radio as early as 6.15 a.m. and have heard announcements that the day will be declared to be one of extreme fire hazard, declared by the Minister in the city—it has often occurred to me that climatic conditions may be entirely different in other parts of the State during the day from those in the city. I realize, too, that the Minister would take his cue from the Meteorological Department, which of course receives reports from all over the State, but as we all know those reports are sometimes haywire. I have known occasions when the morning promises a day of extreme fire hazard, with a high temperature and perhaps strong north winds, but by noon conditions may be completely changed. That is where the local people would come in.

During this debate the necessity of having to contact the Minister and the council on the day concerned to get permission was mentioned, but that is ridiculous. If these amendments are carried, at the beginning of the summer the district councils will take the initiative and do what they are empowered to do under the Bill. They will set up their organizations at the beginning of the season and will have it so that it will be able to come into action immediately it is wanted. These officers will be instructed on their responsibility and will be schooled on what they have to do under certain conditions. How can we have anything better than that—local control by the people on the spot and who know local conditions—and that is about all this Bill provides for. I cannot see any objection to it because I cannot see how there will be as much risk in this new method as in trying to control and administer the whole thing from the city. I say this with all due respect to the Minister and the officers of the department. Some people anticipate danger, but I feel there is not the slighest possibility of any danger. We will not be giving power to a lot of irresponsible people to light fires, and every possible precaution will be taken for the protection of property. I hope the House will approve the clause.

The Hon. N. L. JUDE (Minister of Local Government)—I rise in an endeavour to clarify the position. I appreciate the objections which have been raised by certain members with considerable knowledge of fire problems. For

many years certain members of this House spent a great deal of time and thought endeavouring to build up fire fighting services in a voluntary direction as opposed to governmental control, and that has been done. We are proud of the fact that a large area of the State today is covered by fire control facilities, and I feel that the service is functioning better than it would under bureaucratic control. What this clause seeks to do is something of quite a parochial nature. It is something that in many other Bills might be deemed better to be done by regulation, but this Act is of such importance that it is better for it to be done by Parliament.

Last year I visited the district which is basically concerned in this matter and assured myself of the position. I conferred with the people and explained to them that as far as the rest of the State was concerned the people would not have a bar of their suggestion but that I realized that they had a very considerable argument in support of their problem. Their problem basically is that the majority of our change of weather comes in from the West, and as Mr. Edmonds pointed out it sometimes arrives there before the Weather Bureau in Adelaide is aware of it. The matter was brought forcibly to the attention of the local residents by the fact that on one occasion when we had proclaimed a day of high fire hazard and total prohibition the Minnipa area was covered with a very fine drizzle for nearly 24 hours on end.

I reassured myself that the amendment in this Act is designed to meet that problem. Nobody else need adopt it and no council need even appoint these people. Incidentally, I would be very interested to see who was prepared to accept this authority to give permits to burn on days of high fire hazard, because it is one not to be undertaken lightly. We need not have the slightest fear that other parts of the State are going to give this power to everybody and obtain the approval of adjacent councils to it. If I had the slightest fear of that I would have resisted the attempt to bring in this Bill.

The Hon. C. R. Cudmore—Adjacent councils are only consulted as to the personnel.

The Hon. N. L. JUDE—No, they are consulted as to whether the appointments should be made and whether they approve of such appointments. It is a very fine point. I am quite satisfied that there is no danger in this amendment. If any danger shows up I will be the first to attack it, because I am very conscious of the necessity to arm the local people with reasonable powers to deal with this ever increasing problem in our rural and very hot State. I commend the clause as it is because I feel that it was put in to assist a certain section of our community.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Exemption from provisions of section 13a."

The Hon. C. R. CUDMORE—In my second reading speech I pointed out what I thought were certain defects and possible defects, and I am still of that opinion. Although the Minister is very happy about new section 13b (2), I point out that the Minister and the adjoining district councils are only concerned in the appointment of suitable people. I quite agree with Mr. Edmonds and Mr. Robinson that those in responsible positions in district councils are in the main very level headed and to be trusted, but although this provision is wanted and demanded by the people on the West Coast I doubt if it is wanted anywhere else. I feel inclined to vote against the clause unless the Minister can give some reason why it is not specifically stated to be for certain areas and not for the whole State.

The Hon. A. J. MELROSE—This is undoubtedly the vital clause in the Bill, and however forcibly an argument is advanced in support of the clause it seems to me to be asking too much that we should believe that this rolled scrub can only be burned on days when there is such a high fire hazard that they have been declared prohibited days throughout the State. The Minister referred to an instance where on a declared day of high fire hazard the area interested in this matter had already been blessed with a cool change and it was raining. However, I am not convinced that these powers are required, and I still feel inclined to vote against the clause.

The Hon. Sir ARTHUR RYMILL—I find it difficult to believe that there are not suitable days when this sort of country could be burned, and I am wondering whether the abnormal weather of last year has not to some extent dictated the inclusion of the clause. Fire is a very dangerous thing, and having prohibited the lighting of fires at certain times of the year we should not lightly authorize the lighting of fires which could be very dangerous to many people and cause tens of thousands of pounds of damage.

The Hon. R. R. WILSON—This matter concerns scrub and the clearing of new land, and therefore the season does not come into it. Virgin scrub is virgin scrub and that cannot

be altered. Some scrub is dense and some is not so dense, and it is difficult to burn except on a reasonable day.

The Hon. Sir Arthur Rymill—You are talking about scrub that has been logged.

The Hon. R. R. WILSON—Yes, or rolled, or newly cleared land. The Minister was in the district last year and heard the point of view of those concerned, and I think he was impressed with the facts that they presented to him. I hope the Council will accept this clause because it means so much to those who are asking for this relief.

The Hon. L. H. DENSLEY—I have attended quite a number of district council conferences in the South-East, and I do not think I ever attended one where this particular request did not come up. The Minister has stated that he would not have a bar of it, and I think that is the answer to the point.

Clause passed.

Remaining clauses (4 to 6) and title passed.

Bill reported without amendment and Committee's report adopted.

Read a third time and passed.

[*Sitting suspended from* 4.45 *to* 7.45 *p.m.*]

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Returned from the House of Assembly with the following amendments:—

No. 1. Page 2, line 21 (clause 5)—Number the existing clause as subclause (2) of clause 5 and add the following subclause (1)—

(1) Subsection (1) of section 155 is amended by adding the following words at the end thereof—

"and where such minutes refer to or adopt the recommendations of any committee of the councils, to copies of such recommendation."

No. 2. Page 3—Leave out clause 10.

No. 3. Page 4—After clause 13 insert new clause 13a as follows:—

13a. Amendment of principal Act, section 319—Section 319 of the principal Act is amended by striking out subsection (9) thereof.

No. 4. Page 5 (clause 17)—Add the following subclause—

(*e*) by adding the following subsection (4) after subsection (3):—

(4) Where a council under this section obtains the consent of ratepayers to a proposed loan the amount borrowed may exceed the amount of the proposed loan by any amount not exceeding ten per centum of such proposed loan.

No. 5. Page 6, line 39 (clause 22)—Strike out the words "chemical action dissolvenator of a kind approved by the council" and insert in lieu thereof the words "method of treatment approved by the Central Board of Health."

No. 6. Page 7, line 6 (clause 23)—Strike out the words "chemical action dissolvenator" and insert in lieu thereof the words "method of treatment approved by the Central Board of Health."

No. 7. Page 8, line 7 (clause 25)—After the word "chattel" insert the words "or structure."

No. 8. Page 8, line 13 (clause 25)—After the word "chattel" insert the words "or structure."

No. 9. Page 8, line 21 (clause 25)—After the word "chattel" insert the words "or structure."

No. 10. Page 8, line 35 (clause 25)—After the word "chattel" insert the words "or structure."

No. 11. Page 8, line 40 (clause 25)—Leave out the word "disused" twice occurring and insert after the word "machinery" the words "which is unfit for use;".

No. 12. Page 8, line 41 (clause 25)—Leave out the word "disused" and insert after the word "furniture" the words "which is unfit for use;".

No. 13. Page 9, line 1 (clause 25)—After the word "drum" insert the words ", carton, box."

No. 14. Page 9 (clause 25)—Add a new subclause (9) after subclause (8) as follows:—

"(9) In this section 'structure' includes a fence, wall, erection, building, or other structure, which is unfit for use, but does not include any building of historical significance which is kept in a reasonable state of repair."

No. 15. Page 10—After clause 28 insert new clause 28a as follows:—

28a. Repeal of s. 676 of principal Act—Validity of certain by-laws—Section 676 of the principal Act is repealed.

No. 16. Page 11—After clause 32 insert new clause 32a as follows:—

32a. Amendment of principal Act, s. 833—Application for postal vote—Section 833 of the principal Act is amended by striking out the words "an authorized witness" in the second line of paragraph (*c*) of subsection (2) and inserting in lieu thereof the words "a ratepayer within the area."

No. 17. Page 11—After new clause 32a insert new clause 32b as follows:—

32b. Amendment of principal Act, s. 834—Duty of witnesses—Section 834 of the principal Act is amended by striking out paragraph (*aa*) of subsection (1) and inserting in lieu thereof the following paragraph:—

(*aa*) he is a ratepayer within the area, or in the case of an application by a person who is outside the State, by an authorized witness as provided by section 840.

No. 18. Page 12, line 3 (clause 33)—After the word "State" at the end of subclause (1) add the words ", and by inserting after 'VII. Any town clerk or district clerk' at the end of the subsection the words and figures 'VIII. Ministers of Religion of any State'."

No. 19. Page 12, line 8 (clause 33)—After the word "State" at the end of subclause (2) add the words "and by inserting after '(*g*) Any town clerk or district clerk' the words '(*h*) Ministers of Religion of any State'."

No. 20. Page 12—After clause 35 insert new clause 35a as follows:—

35a. Enactment of s. 889 of principal Act—Drive-in theatres—The principal Act is amended by the addition of the following words after section 888:—

889. (1) No drive-in picture theatre shall be erected within any area unless permission for such erection shall have been granted by the council pursuant to this section.

(2) On receipt of an application for permission to erect a drive-in picture theatre, the council shall not grant the said application unless it is satisfied that the erection and management of the proposed theatre will not be an inconvenience to ratepayers within the said local government area.

(3) The council shall, if it proposes to grant the application, give public notice that it so proposes.

(4) The said notice shall be published in the *Gazette,* and twice in some newspaper circulating in the neighbourhood, not less than one month nor more than three months before the adoption of the motion for granting the said permission and shall state:—

(*a*) The name of the applicant.

(*b*) The site of the proposed drive-in theatre.

(5) (*a*) Within one month after the last publication of the notice under this section, the requisite number of ratepayers may, by writing under their hands delivered to its mayor or chairman or clerk, demand that the question whether or not the said permission shall be granted be submitted to poll of ratepayers in accordance with this section.

(*b*) If no such demand is made the consent of ratepayers shall be deemed to be obtained, and the council may grant the application.

(*c*) If any such demand is made the question shall be submitted to poll of ratepayers in respect of property situated within a radius of one quarter of a mile from the site of the proposed theatre, to be held as provided by Part XLIII.

(*d*) The requisite number of ratepayers for the purposes of subsection (5) (a) shall be twenty-one ratepayers who are ratepayers in respect of property situated within a radius of one quarter of a mile from the site of the proposed theatre.

(6) Where the consent of the ratepayers has been obtained at a poll, the council may grant permission, and where consent of the ratepayers has been refused, the council shall not grant permission.

No. 21. Page 13, The Schedule—Leave out the paragraph commencing with the words "The signature of" and ending with the words "any district clerk" and insert in lieu thereof:—

The signature of a ratepayer to an application must be witnessed by a ratepayer within the area, unless the person making the application is outside the State when his signature may be witnessed by a justice of the peace of any State, a legally qualified medical practitioner of any State, a postmaster of any State, a member of the police force of any State, a bank manager of any State, the returning officer for the election or poll, any town clerk or any district clerk, or any Minister of Religion of any State.

The PRESIDENT (Hon. Sir Walter Duncan)—Before dealing with the actual schedule I think it is my duty to point out to the Committee that one of these amendments in particular is identical with one for which Sir Arthur Rymill gave Contingent Notice of Motion for an instruction to empower the Committee of the Whole House to consider. After considering the Contingent Notice of Motion I ruled it out of order on the grounds that the proposed amendment was irrelevant. The inclusion of this amendment in the schedule of the amendments made by the House of Assembly is in accordance with the Standing Orders of that House, and it emphasizes the need mentioned by the Attorney-General recently for amending the Standing Orders of the Council dealing with instructions. By a glance at the amendments inserted in the House of Assembly I feel confident that quite a number of them would come under the same heading as the one I have mentioned, but never having seen them till the present moment it was impossible for me to rule them out of order because I did not know what was in them. Last time this question was discussed I took the matter up with the authorities in England and they told me I should draw the attention of the Committee to the matter and leave it to the Committee to decide whether it would go on with the amendments or not.

Consideration in Committee.

Amendment No. 1.

The Hon. N. L. JUDE (Minister of Local Government)—This amendment relates to clause 5. The clause as originally introduced repealed subsection (1) of section 155 of the principal Act which provided that an inspection of the minutes of a council should be limited to 30 minutes. The Assembly has added a further amendment which reads "and where such minutes refer to or adopt a recommendation of any committee of the council to copies of such recommendation." The amendment is acceptable to the Government.

The Hon. Sir ARTHUR RYMILL—As I understand it, some councils keep only rough minutes of proceedings, and these are always confidential documents because committee meetings are held in camera. I should like the Minister to explain whether this refers purely to official minutes or whether the rough

minutes will be available for public inspection. I could not agree to that.

The Hon. C. D. ROWE—It refers only to the whole of the minutes, but not recommendations made by a committee. All that a searcher could see would be a copy of a recommendation.

Amendment agreed to.

Amendment No. 2.

The Hon. N. L. JUDE—Clause 10 was inserted to permit appeals against assessments where people had purchased a property recently at what might be considered above the average value of surrounding properties. The House of Assembly struck out the whole clause. The Government is prepared to accept the amendment.

The Hon. Sir ARTHUR RYMILL—It is a pity that this clause is to be struck out. I should like it to be clearly understood that it might well be revived. I do not accept it as being struck out for good. It could well be considered when another amending Bill is introduced.

The Hon. N. L. JUDE—The clause dealt with the powers of the assessment revision committee or the local court when hearing appeals against assessments to decrease the assessed value of the property to which the appeal relates so that its assessed value conforms to the assessed value of other properties. The clause did not meet with the approval of many members of the House of Assembly for the reasons that it could have the effect of bringing the property which is correctly assessed down to the level of the incorrectly assessed property. It was felt that this would be wrong in principle and that councils would have to face unreasonable difficulties, particularly in country areas. Furthermore no good reason had been advanced for changing the law, particularly in view of the fact that no council had requested the amendment.

Amendment agreed to.

Amendment No. 3.

The Hon. N. L. JUDE—The effect of this amendment is that a council can no longer make a charge for widening a road which has been previously constructed. The Government is prepared to accept this amendment because it feels that when a road is widened, generally it is widened not for the benefit of the immediate inhabitants but for the purpose of better traffic.

Amendment agreed to.

Amendment No. 4.

The Hon. N. L. JUDE—This clause deals with the borrowing powers of councils. In some cases a council obtains the consent of ratepayers to a loan for a proposed amount, but owing to delays the cost of the work increases between the date of the ratepayers consent and the date of the loan. It is considered reasonable to allow a 10 per cent margin to cover these cases.

Amendment agreed to.

Amendments Nos. 5 and 6.

The Hon. N. L. JUDE—These amendments refer to the installation of chemical action dissolvenators. It has been ascertained that "dissolvenators" is a trade name and therefore should not be used in the Act. The amendment suggests that in lieu of this phrase the words "a method of treatment approved by the Central Board of Health" should be inserted. The Government is not opposed to this amendment.

Amendments agreed to.

Amendments Nos. 7 to 13.

The Hon. N. L. JUDE—These relate to clause 25 which deals with unsightly chattels.

Amendments agreed to.

Amendment No. 14.

The Hon. Sir ARTHUR RYMILL—I have the honour of being the president of the comparatively newly-formed National Trust of South Australia which as members know was formed by Act of Parliament a couple of years ago. We hope to get under our aegis a number of buildings of historical significance. Some of these buildings would come to us in a reasonable state of repair, some in a good state of repair and some in a bad state of repair. Some will be capable of reinstatement, and no doubt that will be done. Some will be incapable of reinstatement, and indeed with some it would be a pity to reinstate them because we would spoil the historical significance of them if we did so. What I am suggesting is that the National Trust should not be overridden by the local council. I would like your guidance, Mr. Chairman, as to what I should do, but I move that the Council agree to all except the last qualifying words.

The Hon. N. L. JUDE—I think Sir Arthur Rymill is quite right in the claim he makes with regard to the trusteeship of old buildings. We should see that these old buildings are put in a reasonable state of repair. We are all familiar with old ruins, and there is no attempt to put them in a reasonable state of repair. I am quite happy to accept the amendment.

The ACTING CHAIRMAN—The amendment from the House of Assembly is that a new subclause 9 be added. The subclause is:—

In this section structure includes a fence, wall, erection, building or other structure which

is unfit for use but does not include any building of historical significance.

It goes on to say:—

which is kept in a reasonable state of repair.

Sir Arthur Rymill desires to strike out the words "which is kept in a reasonable state of repair."

The Hon. Sir FRANK PERRY—I appreciate what Sir Arthur Rymill intends to do, especially as we know the interest he takes in the National Trust. It seems to me that we are spoiling this clause if we do not allow ruins to remain as they are. It seems to me that any structure, even if it is of historical significance, should be kept in repair. I have seen the rebuilding and the reconditioning of many places in England, and they are all kept in a decent state of repair except their ruins. In many of those cases the ruins date back for hundreds of years. It seems to me that we are spoiling the clause by removing that qualification with regard to repairs. I support the clause as amended.

The Hon. Sir ARTHUR RYMILL—I can perfectly understand Sir Frank Perry's viewpoint but I do not think he quite grasps the significance of what I say. It was the Minister who used the word "ruins," and I did not refer to that word. I happen to be a collector of antique furniture, and I know that once we restore a piece of antique furniture we completely lose its value. I am not so familiar with the upkeep of buildings but I believe the same thing happens, and as soon as we significantly restore a historical building we can well lose its value. I, too, have seen buildings in England and I agree with Sir Frank Perry that many of them have been restored and many of them have been added to over the years. Some buildings of the ninth, tenth and eleventh centuries have been added to, and with some of those the most beautiful parts are the additions. If we start tampering with these things we destroy their historical significance and their value, and that is what I want to guard against. I only instanced the National Trust, but this provision applies to buildings of historical significance and it means what it says. I happen to be the proud possessor of a building which is almost a ruin. I have put it in repair, but unfortunately I put in in repair only a few months ago and already it is in a state of disrepair. That building is not a building of historical significance, in my opinion, within the meaning of this Act, but it is a building of some significance to me and thus I feel that the definition means "buildings of historical significance."

I could instance the old police barracks behind the circulating library which is in a very bad state of disrepair. That building would no doubt come within this clause at present, and the Adelaide City Council, under whose realm it comes under this clause, could ask that that building be repaired or demolished. I do not think that is the wish of any honourable member. Even in its state of disrepair it is still a beautiful building of great historical significance. It is a practical example of the state of affairs I want to remedy.

The Committee divided on Sir Arthur Rymill's amendment to amendment No. 14—

Ayes (9).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, L. H. Densley, N. L. Jude, A. J. Melrose, C. D. Rowe, Sir Arthur Rymill (teller) and A. J. Shard.

Noes (8).—The Hons. E. Anthoney, J. L. S. Bice, J. L. Cowan, E. H. Edmonds, Sir Frank Perry (teller), W. W. Robinson, C. R. Story and R. R. Wilson.

Majority of 1 for the Ayes.

Amendment thus carried; amendment No. 14 as amended agreed to.

The ACTING CHAIRMAN (Hon. C. R. Cudmore)—In respect of Amendment No. 15 from the House of Assembly I have to draw the attention of the Committee to the fact that this amendment has the same effect as an amendment which was submitted to this Chamber and ruled out of order by the President as not being within our Standing Orders. Standing Orders are different in another place. The Hon. Sir Arthur Rymill gave Contingent Notice of Motion for an instruction to empower the Committee of the whole Council to consider a similar provision, but after considering the Contingent Notice of Motion the President ruled it out of order on the grounds that the proposed amendment was irrelevant. The inclusion of this amendment in the schedule of amendments made by the House of Assembly is in accordance with its Standing Orders and it does emphasize the need stressed by the Attorney-General recently for reviewing the Standing Orders of the Council dealing with instructions. Meanwhile, acting on advice from the authorities in the British Parliament, following a similar type of difficulty in 1949, I will content myself with drawing the Committee's attention to this matter. The opinion from the House of Commons was that the President did the right thing in the wrong way. The authority suggests that the President should have submitted it to the Whole House for it to decide whether or not they would

consider it. I think we must now determine whether the Council wishes to consider it.

The Hon. F. J. CONDON—In 1949 when I raised this question over three hours were spent in disagreement with the Chairman's ruling. The matter referred to an amendment inserted in a Bill in another place under instruction. I thought this Council should accept the amendment. We have no right to dictate to the House of Assembly what it should insert in a Bill. I think the Council will agree with what you propose, Mr. Acting Chairman.

The Hon. Sir ARTHUR RYMILL—I agree with Mr. Condon and I draw members' attention to the fact that this self-same principle would apply to new clause 13a which we have already agreed to and would also apply to new clause 35a relating to drive-in picture theatres which we will later consider. I would be upset to think that, because I tried to move the same amendment now under consideration, it should be dealt with in any different way from the other amendments from the House of Assembly. We must be consistent in our attitude and I think we should consider this amendment.

The Hon. N. L. JUDE—I draw your attention, Mr. Acting Chairman, to the fact that before he left the President put the motion to the House that the amendments of the House of Assembly be discussed. I think that should refer to all amendments.

The ACTING CHAIRMAN—That does not cover these amendments. The President left with me a memorandum relating to the amendments which would not have been allowed under our Standing Orders but which are allowed under the Standing Orders of the House of Assembly. I think this is a matter which should be referred to the House and not to the Committee.

Progress reported; Committee to sit again.

The ACTING PRESIDENT—I have to report that the House has considered the amendments of the House of Assembly and the question has arisen as to whether amendments which had been disallowed in this House due to Standing Orders, but brought in in the House of Assembly under its Standing Orders, should be considered and, if necessary, adopted by the Committee in this House.

The Hon. N. L. JUDE—I move that they be so considered.

Motion carried.

In Committee.

The Hon. N. L. JUDE—Amendment No. 15 inserts a new clause 28a which repeals section 676 of the principal Act dealing with the validity of certain by-laws. It has the effect of allowing the validity of by-laws to be challenged in the courts. Previously, the Crown Solicitor's certificate of validity prevented such a challenge. Many members believe it would be better to permit the ordinary rule of law to apply. Under the clause the Crown Solicitor will still have the duty of giving certificates of validity and the by-laws will still be subject to the disallowance of Parliament. In view of the opinion that has been expressed, the Government is prepared to give this proposal a trial for the time being.

Amendment agreed to.

Amendment No. 16.

The Hon. N. L. JUDE—Members will recall that during the second reading it was suggested that it should not be necessary for highly qualified people or the special people mentioned in other parts of the Act to witness application forms for postal voting. This amendment provides that the words "authorized witness" shall be struck out from section 833 and the words "a ratepayer of the area" shall be inserted in lieu thereof; it means that an application for a postal vote may be witnessed by a ratepayer in the area instead of the various specified persons.

Amendment agreed to.

Amendment No. 17.

The Hon. N. L. JUDE—This is a somewhat similar amendment, and provides that if the applicant is outside the State his signature may be witnessed by an authorized witness as described in section 840. Previously, it did not apply to justices, members of the police force and so on, but now it will be so, and will mean more facility in obtaining a witness in another State.

Amendment agreed to.

Amendment No. 18.

The Hon. N. L. JUDE—This is another very simple amendment which merely adds to the list of specified people who may witness, and includes ministers of religion of any State.

Amendment agreed to.

Amendment No. 19.

The Hon. N. L. JUDE—This is a consequential amendment.

Amendment agreed to.

Amendment No. 20.

The Hon. N. L. JUDE—New clause 35a which enacts new section 889, refers to drive-in theatres. Members will recall that this was a very contentious matter during last session, and the Government promised that it would give the matter full consideration and see that it was ventilated on the next occasion the Act

was amended. This new clause provides that the principal Act is amended by the addition of the following section after section 888:—

889. (1) No drive-in picture theatre shall be erected within any area unless permission for such erection shall have been granted by the council pursuant to this section.

(2) On receipt of an application for permission to erect a drive-in picture theatre, the council shall not grant the said application unless it is satisfied that the erection and management of the proposed theatre will not be an inconvenience to ratepayers within the said local government area.

(3) The council shall, if it proposes to grant the application give public notice that it so proposes.

(4) The said notice shall be published in the *Gazette*, and twice in some newspaper circulating in the neighbourhood, not less than one month nor more than three months before the adoption of the motion for granting the said permission, and shall state:—

(*a*) The name of the applicant.

(*b*) The site of the proposed drive-in theatre.

(5) (*a*) Within one month after the last publication of the notice under this section, the requisite number of ratepayers may, by writing under their hands delivered to its mayor or chairman or clerk, demand that the question whether or not the said permission shall be granted be submitted to poll of ratepayers in accordance with this section.

(*b*) If no such demand is made the consent of ratepayers shall be deemed to be obtained, and the council may grant the application.

(*c*) If any such demand is made the question shall be submitted to poll of ratepayers in respect of property situated within a radius of one quarter of a mile from the site of the proposed theatre, to be held as provided by Part XLIII.

(*d*) The requisite number of ratepayers for the purposes of subsection (5) (*a*) shall be twenty-one ratepayers who are ratepayers in respect of property situated within a radius of one quarter of a mile from the site of the proposed theatre.

(6) Where the consent of the ratepayers has been obtained at a poll, the council may grant permission and where consent of the ratepayers has been refused, the council shall not grant permission.

The Government has no objection to the insertion of this new section, which it thinks is reasonable and just, and I ask the Committee to agree to it.

Amendment agreed to.

Amendment No. 21 agreed to.

PARLIAMENTARY SUPERANNUATION 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 Government recently asked the Public Actuary to investigate the question whether the pensions payable from the Parliamentary Superannuation Fund were adequate, having regard to present day conditions. The history of these pensions is that the original Act of 1948 provided a maximum pension of £370 for 18 years' service. In 1953 this maximum was increased to £420, and there have been no increases since. When the Act was passed in 1948, the C Series All Items (Retail Prices) Index was 1,293. In the second quarter of this year the index was 2,470—an increase of 91 per cent. During this period, however, the Parliamentary pension has increased by only 20 per cent.

During the same period of four years the value of the unit of pension payable from the South Australian Superannuation Fund to public servants has been increased from the original £26 per unit by successive stages to the present amount of £45 10s., and the maximum pension of public sevants has been substantially increased. It is also relevant to note that in all the other States, except Queensland, Parliamentary pensions are substantially higher than in this State. In New South Wales the maximum is £624, Victoria £653, Tasmania £673, and Western Australia £572.

Upon a consideration of these facts, the Public Actuary recommended that there should be an increase of 50 per cent in the rates of Parliamentary pensions payable in this State, with a corresponding increase in the rate of contribution. The Government considers that the arguments in favour of an increase are convincing and has therefore introduced this Bill. Its effect is that members who are now contributing for the maximum pension of £420 a year may, if they so desire, elect to contribute for a maximum pension of £630. This £630 will comprise £450 for the first 12 years' service and £30 a year for each year of service above 12, the maximum pension being earned by 18 years' service.

It is not compulsory for members to contribute for the increased rate of pension. Those who are now contributing for pensions at either of the existing rates, that is to say, £370 or £420, may elect not to take the increase. Alternatively, a member who is now contributing for a maximum pension of £370 under the original Act may, if he so desires, elect to contribute for pension of either £420 or £630 a year. A member who is now contributing for £420 must, of course, either continue to contribute for his present rate of pension, or elect to contribute for £630.

Elections by present members must be made within two months after December 1. A new member must make his election within two months after he is elected to Parliament. If an existing member does not elect within the time fixed, or any extension granted by the trustees, he will continue to contribute at his present rate. If a new member makes no election he will contribute at the higher rate open to him. In conformity with the increase in pension now offered to present members, it is proposed that the pensions of existing pensioners under the Parliamentary pension scheme will be increased by 50 per cent.

One other amendment is made by the Bill not dealing specifically with the rates of pension. At present if a member dies before he becomes entitled to pension, and leaves a widow, a refund of his contributions is made to the widow. If, however, there is no widow, the estate of the member does not get a refund. It is proposed in this Bill to provide for refunds of contributions (without interest) where a member dies before becoming entitled to pension, irrespective of whether he leaves a widow or not. Such refunds are commonly provided for in pension systems and add very little to the liabilities of the fund. They will not affect the rate of contribution. It is proposed that the provisions of the Bill will come into operation on December 1 next. This is in accordance with the principle previously followed that increases will take effect on the first day of the month after assent is given to the Bill providing for them.

The Hon. F. J. CONDON (Leader of the Opposition)—I support the Bill. During the last two sessions we have increased the pensions of public servants and members of the police force and now it is proposed to provide an increased pension for members of Parliament if they elect to pay an additional contribution. At present the fund has a balance of £82,000, which should be capable of meeting any payments provided for under the Bill. By contributing £100 a year compared with £72 previously, members will be entitled to a pension of £630 instead of £420. Members would be well advised to pass this legislation.

The Hon. Sir FRANK PERRY (Central No. 2)—I support the Bill. Superannuation schemes apply to many people whose position is more stable than that of a member of Parliament, who is subject to much criticism and opposition. Most of them must seek re-election every three years if a member of the House of Assembly or six years if a member of the Legislative Council. To some, being a member of Parliament is a full-time job, although that may not apply to others. It is not only the time a member gives to his duties, but also his knowledge and judgment. I consider that the pension suggested is in no way excessive, and there is no reason why the old rate should not be increased. Only justice is being done, especially as members' subscriptions are fairly high.

Because of the varying ages of those who enter Parliament, the fund must be considered on an actuarial basis. Some members enjoy a little more private income than others; therefore, the superannuation scheme should be fairly elastic. At present the pension is £420 a year, and if a member is prepared to pay the increased contribution proposed he will be entitled to £630. Such a superannuation scheme can be effective only if further consideration is given to it from time to time. If a member should happen to be defeated at an election he could be placed in an unsatisfactory financial position if there were no such scheme. Members are entitled to superannuation because of the subscriptions they pay and because of their service to the community. I have much pleasure in supporting the second reading and congratulate the Government on bringing the Bill forward.

Bill read a second time and passed.

PAYMENT OF MEMBERS OF PARLIAMENT 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 Bill provides for the payment of an additional £250 a year to the Deputy Leader of the Opposition in the House of Assembly. The Government feels that in view of the extra duties imposed on this member the additional salary is justified.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill and endorse the Minister's remarks. It is quite true that the extra work devolving on the Deputy Leader of the Opposition in the House of Assembly warrants the payment of the amount stated. We are most fortunate in our system of Government, and the Opposition under the British Parliamentary system is always referred to as "Her Majesty's Opposition." No Government can operate effectively unless there is an active and virile Opposition. It is not necessary for me to mention the work that must be undertaken by members of the

Opposition in analysing the various measures introduced by the Government. In our system the greatest numerical strength elected to Parliament elects from its numbers an executive Government. The other Party is referred to as the Opposition. This had its genesis in the days of William Pitt the Younger in the House of Commons. I compliment the Government for introducing this Bill but regret that, while it recognizes the worth of a Deputy Leader of the Opposition, the amount provided is not larger.

I have been in this Chamber for many years and in company with other members appreciate the worth of the Leader of the Opposition, Mr. Condon. He does not receive any emolument for the work he undertakes in facilitating the business of this Chamber. The time has arrived when we should consider recognizing his work by some monetary payment.

The Hon. A. J. MELROSE (Midland)—It appears that we have reached an age where nobody does anything without expecting payment.

The Hon. A. J. Shard—What is wrong with that?

The Hon. A. J. MELROSE—I think it can be carried too far. I do not oppose the Bill, but it is quite on the cards that we will ultimately pay salaries to the Deputy Assistant Leader of some Party. I endorse Mr. Bardolph's remarks concerning Mr. Condon. We who have worked with him know full well the tremendous amount of work he does here as Leader of his Party. I have never recognized the term "Leader of the Opposition" in the Council, because in my view the whole Council is in Opposition to the Government's legislation. That legislation is definitely brought here for criticism. I regret that there is no apparent way whereby the heavy work of the Leader of the Labor Party in this Chamber can be recompensed. It must fall heavily on his own pocket and we know it falls heavily upon his own health. Before our eyes he wears himself to a standstill and it goes against my grain to pay the Deputy Leader of the Opposition in the House of Assembly while no such remuneration is paid to the man who does such monumental work here. I appreciate the value of an Opposition. I have been in a Parliament where there has been a weak Opposition because of the strength of the Government Party. I agree with the recognized belief that good Government results from a strong Government and a strong Opposition.

The first thing one learns when entering Parliament is that every word he utters is recorded and can be used in evidence against him. Therefore, the stronger the forces in Opposition and the criticism that one is subjected to, the more careful one will be of one's statements and as a result sounder work is performed. I do not oppose the Bill but rose to have recorded views that I think will have the endorsement of all members of the Council.

The Hon. C. D. ROWE (Attorney-General)—Reference has been made to the very large amount of work performed so efficiently and effectively and in such a co-operative manner by the Leader of the Opposition in this Chamber. I noted the approval that greeted the remark that possibly some emolument should be made to him for the extra work he does. I cannot make any further comment on that at present except to say that I agree with what has been said by other members concerning the work of Mr. Condon as Leader of the Opposition in this Council in the interests of good Government.

Bill read a second time and passed.

POLICE PENSIONS ACT AMENDMENT BILL.

The House of Assembly intimated that it agreed to the Legislative Council's amendment.

VERMIN ACT AMENDMENT BILL.

The House of Assembly intimated that it disagreed to the Legislative Council's amendment.

Consideration in Committee.

The Hon. C. D. ROWE—The amendment to which the House of Assembly has disagreed deleted the proviso to subparagraph (1b) of clause 3. This clause amended section 23 of the principal Act and when carried by the House of Assembly was as follows:—

Section 23 of the principal Act is amended—

(*a*) by inserting after subsection (1a) thereof the following subsection:—

(1b) The owner or occupier of any land who does not during the simultaneous vermin destruction months in any year fill in or destroy by any other means all rabbit burrows upon the said land and upon the half-width of all roads adjoining the same shall be liable to a penalty for a first offence of not less than five pounds nor more than ten pounds, and for a second offence of not less than fifteen pounds nor more than thirty pounds, and for any subsequent offence of not less than twenty-five pounds nor more than fifty pounds: Provided that in any proceedings under this section it shall be a defence for the defendant

to show that owing to the physical features of the land or road, as the case may be, it is not practicable to comply with the requirements of this subsection.

Apparently the position was that a defence against a prosecution for failure to destroy burrows where the physical features of the land make it impracticable to do so has been in the Act since the destruction of burrows was made compulsory in 1945. This proviso was not a new provision. It is being administered satisfactorily by councils and in the absence of any evidence to the contrary I ask the Council not to insist on its amendment.

The Hon. A. J. MELROSE—I have already indicated to the Minister that I will not ask the Council to persist in the amendment. When speaking on the Bill I said that I didn't think it was worth the paper it was written on. The destruction of vermin is honoured almost entirely in the breach and I think it would be impossible to get any council to institute proceedings against a landholder for failing to destroy his rabbits. At the same time, I am sure that if an action were taken, and the landowner were able to produce a reasonable excuse, he would get the benefit of the doubt.

Amendment not insisted upon.

LONG SERVICE LEAVE BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

TOWN PLANNING ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

POLICE OFFENCES ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

EVIDENCE ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

JUSTICES ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

ROAD TRAFFIC ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

MARINE ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendment to amendment No. 14 of the House of Assembly.

PROROGATION SPEECHES.

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

That the Council at its rising do adjourn until Tuesday, December 10, at 2.15 p.m.

We have now come to the end of the session. First, may I express our appreciation to the President for the efficient manner in which he has managed the proceedings of the House during the session. I sometimes think that if we could refer to this House as an orchestra he would be the conductor, and indeed a very efficient conductor. On most occasions I should think he was about one and a half or two beats in front of the rest of the orchestra, but nevertheless always looking after us with very commendable accuracy and with our wholehearted support. We have previously expressed our appreciation of his work and the affection we have for him, and on this occasion I can only add to those expressions.

Then, we come to yourself, Mr. Acting President, whom, if I may, I could properly describe as the leader of the orchestra—the No. 1 man. As leader you always play a very consistent tune and get right on the note, and can always be relied upon to be in on the beat on which you should commence. We all appreciate your interest in the proceedings of the House and the very efficient way you do all the work that falls to your lot as Leader of the House. In the last two days

when we have been called upon to do a little more work than sometimes falls to our lot, you have stood up to your part and been just as keen and fresh on the work as any other member in the Council. We wish you well and thank you for the lead you have given us and hope you will be here long to continue in that lead.

May I now refer to another section of the orchestra which, although small in numbers, is nevertheless a very important section—a section we would not like to be without. I refer to what I might perhaps call the percussion section of the orchestra led by Mr. Condon. By that I do not mean the sounding brass and tinkling cymbal section, because they play a very important part. At one stage during the session when we were dealing with what I might describe as the long service leave performance I had fears that they were leaving this orchestra and practising with an orchestra which had rather rock and roll tendencies. Indeed, I thought they had been practising with an orchestra which has not the accomplished conductor we have here, one with a very inexperienced baton—one might say a banister broom. Although I thought that they strayed a little there, when we reached the landlord and tenant performance and the prices performance they were right back with us and supporting us to the hilt. I express appreciation of the support and help which Mr. Condon has given me during the session, and also the support and help the House has received from his colleagues.

We also appreciate the services rendered by the Clerk and the Black Rod. As has been said before, their work is very efficient and I think that all I can add is, as far as I have been able to judge during the session, it has been even more efficient and if possible more spontaneous and helpful. We are very much indebted to them for their services. I wish to refer also to the *Hansard* staff for the work they have done and the assistance they have given us. As the official recording unit they remove the static and other noises which sometimes get into our speeches, and they make a very satisfactory job of it. The press men do a good job too. On occasions, although the work they do at this end is done well, there seems to be a defect in the landline between here and the publishing house, and I think Mr. Condon will agree with me that on one occasion this session there was a complete blackout on that line, and I hope it will be repaired during the recess.

The Parliamentary Draftsman (Sir Edgar Bean) and his assistant (Mr. J. P. Cartledge) render yeoman service at all times. We have not seen so much of Mr. Cartledge because he has been in ill health and we all wish him a speedy recovery. Sir Edgar Bean's recently appointed assistant, Mr. Marshall, has made a very favourable impression, and I hope he will be with us for many years. The work of the other staff of this Chamber has been outstanding, and we appreciate their efforts. If I have omitted to mention other officers I hope I will be excused. I express my sincere appreciation for all the help and assistance we have had from the President and from Mr. Cudmore, and to all members for their help and co-operation, which has not passed unnoticed by me.

One bright note is that in one week from today we shall be welcoming the Chief Secretary, Sir Lyell McEwin, on his return from abroad. We shall all be pleased to have him with us again next session for we have missed his leadership and cheery countenance. I express to all members my best wishes for the Christmas season and the New Year.

The Hon. F. J. CONDON (Leader of the Opposition)—I hope I shall be excused if I omit to mention anyone associated with this Chamber, but I extend by best wishes and thanks to them for their assistance during this session. The orchestra of 20 plays a good tune, and everyone plays his part. I am pleased that we have lost no-one from the orchestra, and by that I mean that we have not suffered the loss of any member through death this session. I express my thanks to the President for the consideration he has shown me, and I think I can say that we all show him the respect to which he is entitled. It is good to see Mr. Cudmore back and taking a prominent part in the proceedings. I think if he were riding in the Melbourne Cup he would win without using the whip. I express my best thanks to my colleagues for their loyalty and assistance.

I extend my thanks to all members for the courtesy they have extended to me. Some say that one is likely to get overheated at times during debates, but there is no room here for any member who does not make a mistake at some time. All members desire to do the best in the interests of the community. Good fellowship exists between all members, and that is much appreciated. Although I and my colleagues do not have many wins, we consider that we are playing an important part in the proceedings of Parliament. I hope that all members will have a happy time

between now and Christmas and be blessed with good health during 1958.

The Hon. Sir FRANK PERRY (Central No. 2)—I join with the Attorney-General and Mr. Condon in expressing thanks and appreciation for the services of all those who have made this session a successful one. It has not been a very difficult session, and that is largely due to the efforts of those who have helped us in our work. I appreciate the way that officers and others associated with the work of Parliament have assisted members during the session.

The President has received so many eulogies over the years that one finds it difficult to add anything to what has already been said. He has kept up his reputation this year, and that is saying a lot. I am glad to see Mr. Cudmore back in the Chamber. We have been pleased with the way he has carried out his work in the last few weeks. I hope he will be with us to continue his good work for many years. All members have played their part in the orchestra mentioned by the Attorney-General and, although we may have got out of tune once or twice, there has been no great discord. Indeed, harmony has been the feature of the production.

I am pleased the Chief Secretary will return within a few days. We have all missed him and I know that on his return he will be well informed to tackle the problems awaiting him. A most pleasing feature of the proceedings in this Chamber has been the way the Attorney-General has conducted the business of the Government. Every member has been satisfied with the explanations and answers given and the courtesy extended by the Attorney-General, and on behalf of all members I congratulate him. I trust all members will have a Merry Christmas and a Happy New Year and that next year we will all be here again to carry out the business of the Chamber in the spirit of harmony that has prevailed this session.

The ACTING PRESIDENT (The Hon. C. R. Cudmore)—Mr. Minister and gentlemen, I apologize for the absence of the President, who would have liked to be here. On his behalf, I thank the Attorney-General, the Hon. F. J. Condon, and the Hon. Sir Frank Perry for their kindly remarks, which I will convey to the President. He wished me to thank the Clerks, who have supported him so well. We are proud of the Clerks in our House. In my humble way I have tried to do something to raise their status and prestige and I hope those efforts will be successful. The President also asked me to congratulate the Attorney-General on his conduct of Government business this session and to thank all members for their support and consideration. He wishes them all the best in the future and hopes to see all here in good health again next year.

Speaking personally, I have been astounded at the work done by the Attorney-General this session. It has been said in certain places that we do not do much here, but we have dealt with 52 Bills as well as business introduced by private members, so somebody has done much work. I apologize for being away some of the time, but since I have been back I have tried to make a nuisance of myself because I think that is what we are here for. I hope that as a House of review the Council will always scrutinize legislation and throw it out if members do not like it. Indeed, I think it would be better if we threw out a little more.

I wish particularly to refer to the work done to help me in my absence by Sir Frank Perry and Sir Arthur Rymill. First and foremost, I thank Mr. Densley who is the backbone and the hard worker of the whole show. At this time last year we were saying "Goodbye" to Sir Lyell McEwin, but this time we are saying, "We'll see you next Thursday." It is just as well he was not back this Thursday or we would have been in more trouble than we have been in. Sir Lyell has always been a delightful person and a straightforward leader of this House. We will welcome him and hope he has many good things to put before the Government.

On behalf of the President may I say that the work of the staff is appreciated. I refer, of course, to the messengers, the telephonists, and the *Hansard* reporters, who give members good reports. I thank previous speakers for their kindly references to the President and myself. The first person to welcome me to the Legislative Council was Mr. Condon and I hope our relationships will always be on that basis. We may fight here but still remain good friends. I wish members and the staff a happy new year.

Motion carried.

ADJOURNMENT.

At 12.55 a.m. on Friday, November 1, the Council adjourned until Tuesday, December 10, at 2.15 p.m.

Honourable members rose in their places and sang the first verse of "God Save the Queen."