# LEGISLATIVE COUNCIL.

Tuesday, August 19, 1958.

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

## QUESTIONS.

### CLOSING OF RAILWAY LINES.

The Hon. F. J. CONDON—Has the Minister of Railways a reply to my recent question regarding the closing of certain railway lines?

The Hon. N. L. JUDE—The Monarto South to Sedan railway line is the only line at present being investigated by the Transport Control Board.

### MOUNT GAMBIER SEWERAGE.

The Hon. L. H. DENSLEY—Has the Attorney-General any information regarding sewerage for Mount Gambier?

The Hon. C. D. ROWE—This is the subject of consideration in connection with the Loan Estimates, which I understand will be presented in the House of Assembly tomorrow evening, when full details of the project will be included in the submission.

### FLOOD BANKS AT GURRA GURRA.

The Hon. C. R. STORY—Can the Attorney-General, representing the Minister of Works, give any information regarding the erection of flood banks at Gurra Gurra?

The Hon. C. D. ROWE—The honourable member had already indicated that he proposed to ask the question. The Gurra Embankment Sub-Committee has applied for a grant to cover the cost of building a road with an all-weather surface through the Gurra area up to the 1931 flood level at an estimated cost of £6,500. The Murray Flood Embankment Committee considered the matter and replied that the application was in effect a proposal to construct a road and therefore was beyond the scope of its reference. The sub-committee was advised that consideration would be given for assistance to restore the existing flood banks in the area. At that stage the matter was again re-submitted and representations were made by Mr. Story. The sub-committee subsequently inspected the site with Mr. Story and as a result an estimate was made of the cost of constructing a bank along the inland side of the road to give the same protection as that applied for, namely, up to 18in. above flood level, the cost of building that bank being approximately £3,000. Although it is not considered the function of the committee to recommend grants for road construction, it is prepared to recommend that a grant of £3,000 be made available for the building of the bank to the height mentioned, and a recommendation has been made accordingly.

### HILTON BRIDGE.

The Hon. K. E. J. BARDOLPH—Now that repairs to the Hilton Bridge have been completed, is it the intention of the Railways Department to erect guard rails at each side to replace the existing very fragile structures?

The Hon. N. L. JUDE—I am not aware of the specific plan, but I have no doubt that reasonable guard rails will be erected.

### WHEAT PRICES.

The Hon. F. J. CONDON—Is the Chief Secretary in a position to give the House any information concerning the recent meeting of the Agricultural Council in respect of the price of wheat and the milling industry, and if not, will he obtain a report from the Minister of Agriculture?

The Hon. Sir LYELL McEWIN—The Minister of Agriculture attended the conference, the result of which has been published and which confirmed the decision of the previous conference. If there is anything further to communicate, I will ascertain the position from the Minister of Agriculture and let the honourable member know. However, I do not expect any further announcement, as I understand that decisions reached are on a unanimous basis and when an announcement is made it is by the Federal Minister, who is chairman of the conference.

### MOUNT GAMBIER EAST SCHOOL.

The Hon. L. H. DENSLEY—Can the Attorney-General say whether the Government has any proposals to deal with the very wet conditions existing in the yard of the Mount Gambier East school?

The Hon. C. D. ROWE—I understand that owing to the very heavy rain in the Mount Gambier area the conditions in the Mount Gambier East schoolyard are not all that could be desired. The department has advised that it will see what can be done in the very near future to remedy the position. It points out that construction of a quadruple wooden unit incorporating an infant administrative section has recently been completed and as a result of that work some damage may have been caused to the immediate grounds surrounding the school. That may account in some respects for the need for gravel or paving, and this will be attended to.

## COOLTONG IRRIGATION AREA.

The PRESIDENT laid on the Table the interim report of the Public Works Standing Committee on the drainage of the Cooltong division of the Chaffey irrigation area.

## MAINTENANCE ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary), having obtained leave, introduced a Bill for an Act to amend the Maintenance Act, 1936-1957. Read a first time.

## KINGSTON AND NARACOORTE RAILWAY ALTERATION BILL.

Second reading.

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

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

In submitting this Bill to members I would advise them that section 60 of the South Australian Railways Commissioner's Act, 1936-1957, prohibits the Commissioner from altering the terminus of any line of railway authorized to be constructed. The railway between Kingston and Naracoorte was authorized by the South-Eastern Railway Act, 1871, and the main purpose of this Bill is to authorize the re-location of the passenger station and goods yards at Kingston from the present site to a new site east of East Terrace, Kingston. The proposed alteration has been recommended by the District Council of Lacepede and agreed to by the Commissioner of Railways. The portion of the old route to be discontinued and the proposed new terminus is shown in detail on the plan which has been deposited with the Surveyor-General, copies of which are available for inspection by honourable members. One is on the board in this Chamber.

The explanations of the various clauses of the Bill are as follows:—Clause 3 contains some definitions which are of a drafting nature only. Clause 4 authorizes the Commissioner to alter the terminus at the same time as the gauge of the railway is being widened, which work is in progress at present. Clause 5 is a drafting amendment. Clause 6 authorizes the Commissioner to discontinue the use of the portion of the line no longer required, to take up and remove the old tracks, etc., and to dispose of any surplus materials.

Clause 7 will allow the Commissioner to use the general powers contained in Part IV of the South Australian Railways Commissioner's Act for the purpose of making the alteration, as if such alteration were the construction of a new railway. The reference to section 55 of the principal Act is necessary to answer any argument that that section applies to the introduction of this Bill. Section 55, which deals with the introduction of any Bill authorizing the construction of a new railway, requires the Minister to lay upon the table of the House of Assembly a statement under the seal of the Commissioner of Railways showing his estimate of the cost of constructing the railway and of the traffic and other returns likely to be received from it.

Clause 8 provides that the money required by the Commissioner to alter the terminus shall be paid out of money provided by Parliament for the purpose. I think, Mr. President, that the purport of the Bill is fairly obvious to honourable members. In layman's terms, it means that the actual terminus of the Kingston railway is being moved back about half a mile east. It is the general desire of the town, and the Commissioner has been satisfied with the request that it be there rather than down at the jetty end where it causes no fewer than three railway crossings in the centre of the town. These crossings will now be avoided. I therefore commend the Bill to honourable members.

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

## SHEARERS ACCOMMODATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 13. Page 354).

The Hon. F. J. CONDON—(Leader of the Opposition)—This Bill is the result of an agreement between representatives of the Stockowners Association and the Australian Workers Union. As a believer in round-table conferences, it is the intention of the Opposition to support the amendments. I have examined a number of speeches, some made as far back as 1905, with regard to amendments to this legislation, and I note that as far back as that year amendments were carried but they provided that the Bill would not apply to any person who engaged less than six members of this industry.

The Hon. Sir Frank Perry—Shearers only?

The Hon. F. J. CONDON—Yes. We find today that there has been no alteration in that provision. I can understand that in the old days particularly, where there were only a few shearers on a property, they were regarded in many instances as members of the family, and

were treated accordingly. If some of the honourable gentlemen who opposed the legislation years ago were alive today I do not know what they would think of the proposed amendments, but they are in accordance with the times and some of them are long overdue. In October of last year I asked the Minister of Industry:—

Will the Minister of Industry inform me whether it is the intention of the Government to introduce a Bill to amend the Shearers Accommodation Act in accordance with an agreement between the A.W.U. and the Stockowners Association?

The agreement was arrived at between representatives of the Stockowners' Association and representatives of the A.W.U., and it has the support of other kindred organizations as mentioned by the Minister when he explained the Bill. When I asked that question the Minister replied that representations were made to him by the Stockowners' Association and the A.W.U. for certain amendments to be made. He then raised the question of sheds engaging less than six men, which probably included rouseabouts; he was not satisfied with that proposed amendment and it was referred back. Both parties had asked for deletion of that provision. The Minister went on to say that the Bill could be brought down next session. However, he pointed out that any person providing new accommodation should have in mind the proposed agreement. The Minister has now carried out the promises he made last year.

I note that in the press the comment was made about the high wages paid to shearers. Some people try to mislead the public on the true position in that regard. The shearer is engaged on contract rates arrived at by constitutional means, whether by a court or by agreement. He loses a certain amount of time on account of his occupation being a seasonal one, through sickness and time taken in travelling from place to place at his own expense; he has to make provision for transport. He also has to maintain his home and he has no annual leave. He has to travel long distances sometimes outside South Australia, and naturally he cannot take his family with him. He has to pay his expenses to and from those places and for board and lodging. In some cases it takes weeks to get to the place where he is to be engaged. Therefore, he has not the conditions of the ordinary workman. However, for how much time during the year is he engaged in shearing? It may be only six to eight months, but he is paid for what he earns by contract. If he works quickly that is to his advantage and that of the employer. I understand the position of the worker.

The best judges of shearers accommodation and amenities are those who made the agreement resulting in this Bill. We should congratulate the parties concerned and lose no time in passing the Bill. I pay tribute to the officers of the A.W.U. My memory goes back many years to when Frank Lundie was secretary of the A.W.U. I have heard you, Sir, and many others, not only in South Australia but in Australia as a whole, speak in the highest terms of the man who conducted the affairs of the A.W.U. on that occasion. His word was his bond. If he made a promise, he carried it out.

The Hon. N. L. Jude—It is not quite the same today.

The Hon. F. J. CONDON—I say it is. I go further than that and refer to the late Senator Barnes, who was president of the A.W.U. and a Federal Minister, and to the late Hon. E. W. Grandlier, M.L.C., who was the general secretary. There are many others I could mention. I speak particularly of South Australia because I am more familiar with conditions here. The men who are conducting the affairs of the A.W.U. in South Australia are competent and have given wonderful service to the Commonwealth and the State. The fact that industrial peace has prevailed is due to both sides getting round the table—it is a pity that there is not a little more of that today—discussing their problems and arriving at a settlement, as has been done in this case.

The Hon. L. H. Densley—There is not as much industrial peace as we would like.

The Hon. F. J. CONDON—If the policy advocated by myself and my Party were carried out, there would be more. Nobody can complain about the industrial unrest in South Australia. Let my honourable friend compare what has happened in South Australia with what has happened in other places in the world.

The Hon. N. L. Jude—I can remember when wool was declared black.

The Hon. F. J. CONDON—I can remember when wheat was not only declared black but was dumped in the sea so that those handling it could get a better price. It is no use my honourable friend pointing out to me these things because I can point to as much on the other side. As far as declaring wool black is concerned, two wrongs do not make a right.

My honourable friend has no reason to complain of the treatment he has received from the A.W.U.

The Hon. N. L. Jude—I never have.

The Hon. F. J. CONDON—You are implying it. I hope that the people represented by the Minister can show just as good a record as can members of the A.W.U. in South Australia.

This Bill deals with many clauses passed in 1947. The other day I noticed some members smile when the Bill was being introduced by the Attorney-General. There is not very much difference between this Bill and the one passed in 1947. In view of the times and the conditions given to other people through the courts and elsewhere, shearers are asking only for similar treatment. Anyhow, who are we to criticize without some justifiable reason an agreement that has been drafted, drawn up and signed by both parties concerned? It is all very well to criticize this, that and the other but included in the Bill are amenities enjoyed by other people. Why should not shearers receive similar treatment?

The last clause of the 1947 Bill stated that the Bill should not come into operation until six months after the war, which continued for some considerable time. In this Bill it is proposed that the amendments will operate on a day to be proclaimed at least six months after the passing of the Bill in order to give employers the opportunity to provide the amenities set out. The Minister of Industry last year advised owners that, if they were considering any alterations or additions, they should take into consideration that both parties had practically reached an agreement, but it could not be discussed until the 1958 session of Parliament. Without enumerating the various clauses, I content myself with supporting the second reading and hope that the Bill will be passed as speedily as possible.

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

## MINING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 13. Page 355.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—This Bill deals with three aspects of the Mining Act. Two of them I feel quite satisfied are proper to receive the support of honourable members and I will deal with those first. The other is causing me a little more concern; I will dilate upon that in a moment. The first operative clause of the Bill is clause 3, which is apparently put in to repair a defect or omission in the principal Act. The Minister has explained the reasons for it and they need no further comment from me.

The second aspect is contained in clauses 4 and 6. It is really a tightening up of the law relating to registration of mining leases, and so on. It is a very good amendment which will have my support. The clause that has been giving me more concern is clause 5, which proposes the inclusion in the principal Act of new section 39a. I have to refer to the Minister's second reading speech to put my remarks in their proper perspective. He said:—

In the early days of the State it was the practice when granting land to reserve minerals to the Crown, and as a result, a certain amount of privately owned land is liable to be mined under the ordinary provisions of the Mining Act without reliance on the special provisions dealing with mining on private property.

The portion of the Mining Act that relates to mining on private property is Part IIIa. I think it was part of the old Mining on Private Property Act. Section 69aa of the Mining Act reads:—

Nothing in this Act shall apply to any sand, gravel, stone or shell in or upon any private lands in any case where the sand, gravel, stone or shell has been alienated from the Crown, and no right of mining over any such sand, gravel, stone or shell shall be conferred pursuant to this Act.

I think it is that at which the amendment is aimed. At present we cannot mine sand, gravel, shell or stone on private land where the owner has the mineral rights but we can mine them on private land where rights to those commodities have been reserved to the Crown. The example quoted by the Minister as to why the section should be passed related to building sand from land close to Adelaide, which has been subdivided, provided with roads and is in the process of being sold. The Minister said the Government formed the opinion that it was necessary to have the power to refuse to register a claim in cases like the building sand one he quoted. I agree that that is so because it seems that the Act is defective. It has been previously stated by the Act that we should not have the right to mine sand, etc., on private land where the mineral belongs to the owner but there seems to be the difficulty that we can do it on private land where the mineral rights have been reserved to the Crown. The two things are inconsistent. That is the matter I query and I hope the Minister will deal with it when he

replies. Should the protective provisions to cover up the loophole go any further than the part relating to private property goes at the moment? The proposed provision covers not only sand, gravel and so on but any other minerals. It says:—

If a mining registrar is satisfied, after due inquiry, that the registration of a claim or a title derived from the owner of a claim would cause severe and unjustified hardship to the owner or occupier of any land included in the claim he may, with the approval of the Minister, refuse to register such claim or title.

Then it sets out the matters to which the Minister and the mining registrar shall have regard and they are the value of the substance, its importance to the State, the availability of alternative supplies, and hardship and inconvenience caused or likely to be caused to the owner or occupier by prospecting or mining. Then there is a proviso affecting certain rights. That is a restriction on mining generally. The provision does not relate just to base materials such as gravel, sand and other things but to anything that is mined. The question is whether the amendment should not be restricted to the base materials I have mentioned. It puts a tremendous responsibility on the Minister for decision and, of course, we are here not only to deal with the present Administration but any future Administration, whatever it might be.

The Hon. Sir Frank Perry—We must think of the owner.

The Hon. Sir ARTHUR RYMILL—There could be hardship to the owner in certain circumstances. I am thinking of the owner because I would support the clause to the extent of protecting him from mining for sand, gravel and stone in the same way as he is protected under the section where rights to the materials have been alienated to him. My question is whether this clause should relate to mining generally. I wonder whether the section should not be limited in exactly the same way as section 69aa. I think I am justified in raising the point because the Minister in giving an example of why the Government felt it should have the power to refuse to register certain claims only gave the example of building sand, which is one of the materials I mentioned. I do not propose to take any immediate action in the matter but I would like to hear the Minister, when the time arrives, deal with the matters that have given me this concern.

The Hon. E. H. EDMONDS secured the adjournment of the debate.

## SECOND-HAND DEALERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 13. Page 354.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading. As the Minister says, this is really a machinery amendment. Under the Act, before a person can secure a licence he has to obtain character references from people residing in the district in which he proposes to operate. The Minister said that that was most difficult at times because the person desiring to set up in an area where he was not known would find it impossible to secure the necessary references. Clause 3 provides that the certificate may be furnished by any reputable person living in the applicant's district. Clause 4 provides that a secondhand dealer must place on the goods he purchases a number corresponding with the number shown in his book against the purchase. It is interesting to note the number of people operating under secondhand dealers' licences. I have made some research and have found that 1,800 licences have been issued. The total revenue from them is £3,780. Secondhand dealers represent a small section of the community but some of them have become very rich in dealing with secondhand goods, and some are still becoming rich. The report of the Commissioner of Police indicates that secondhand dealers have been very "clean" as regards the receipt of stolen property, and prosecutions have been very few. Last year there were only eight instances of secondhand dealers not having registered purchases properly in their books, indicating that generally they keep within the law. I support the second reading.

The Hon. Sir FRANK PERRY (Central No. 2)—The original Act related to certain classes of secondhand goods, and after these are referred to in the definition, the measure then provides for the exclusion of certain goods and eliminates pawn brokers, auctioneers, and I understand, marine store dealers and those who sell secondhand cars. Then by regulation there is a further reduction in the classes of goods subject to control under the original Act. The primary object of the Bill is to enable the police to control the sale of secondhand goods that may have been stolen. The Act provides that the secondhand dealer must keep a book record, showing the price paid, date of purchase, etc., which is open to inspection by the police. He must also satisfy the

police that he is a fit and proper person to hold a licence.

The amendments proposed are very minor. The first enlarges the area in which a certificate of character can be obtained by the licensee. However, he must still get two reputable persons to vouch for him. I do not think that the Bill suffers in any way by the inclusion of this clause. Clause 4 tightens the existing provisions as it compels the dealer to place a serial number on goods corresponding with the entries in his book. At present he must go to much trouble and expense and is considerably harassed by the regulations in this regard. I was rather interested to hear Mr. Bardolph say that there were only eight complaints last year by the police against dealers. I see no reason to oppose the amendments and therefore support the Bill.

The Hon. J. L. S. BICE secured the adjournment of the debate.

## LAW OF PROPERTY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 13. Page 352.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—Sir Collier Cudmore has mentioned several times since I have been a member of this House that if an honourable member has specialized knowledge of any Bill, then it is his duty to take part in the debate and give other honourable members the benefit of that knowledge. I think I can claim to have specialized knowledge of the events leading up to the Bill, because it deals with the technical legal rules of law affecting perpetuities. I can remember that I had difficulty at the University in understanding these rules, to the extent that I had to scrutinize them much more carefully than one would normally do, and thus they have remained imprinted on my memory. It is curious that you become the most conversant with those things that give you the most difficulty.

These rules of English Law are of great antiquity, and I always feel that if we are to alter a rule of English Law we should carefully scrutinize it, because there was always a good reason for its introduction, considering that subsequently it has stood the test of time. I thought that honourable members may be interested in the origin and reason for the rule, and I will deal with it briefly. *Halsbury's Laws of England,* volume 25, at page 78, contains the following:—

The rules of law affecting perpetuities are based upon consideration of public policy. Such policy requires that, although private ownership of property involves a power of disposition of the whole interest of the owner, whether *inter vivos* or on death, such power should not be abused. Accordingly, the law has from early times discouraged dispositions of property which either (1) impose restrictions on future alienations of that property, or (2) fetter the future devolution or enjoyment of that property to an unreasonable extent.

Honourable members will see that these rules were made for the purpose of public policy to stop a person, to use a colloquialism, from tying up property for too long. The Attorney-General has also referred to the Thelusson Acts, which again prevent a person from accumulating the income from property for an inordinate period. The new section that seeks to amend these rules is directed in a very specific way and does not affect the generality of the rules at all; it is merely for one express objective that the amendment is placed before us, and I do not think honourable members need scrutinize any other sections of the Act because this section is complete in itself and, as far as I can see, has no particular bearing on any other section.

The amendment is retrospective in its operation under subclause (2). In common with other members I have always thought that retrospective provisions must be carefully scrutinized. The Attorney-General in explaining the Bill referred us very helpfully to the fact that a similar Act was passed in England. The provisions of that Act require registration of schemes but the Attorney-General does not think that is necessary in South Australia and I also feel that such a provision is not necessary. Of course, the fact that England has found it fit to alter her own laws is always persuasive that one should favourably scrutinize an alteration. The English Act was introduced—as is the reason given by Halsbury—for reasons of public policy, which curiously enough was the reason that I have read out as that given for the original expounding of the rules. They were based on public policy, and apparently with the developments of time public policy demands a certain amendment.

That amendment is placed before us today, and the express objective of this amending Bill is to exempt from the operation of both these sets of rules—that is, the rules against perpetuities and the rules enacted by the Thelusson Acts—such things as superannuation

funds, provident funds and the like, the nature of all of which is set out in the Bill. The fact that the Bill is widely drafted in this regard does not disturb me because I feel that where these funds are established for the benefit of a very wide-spread body or bodies of people they should be as unlimited as the circumstances demand.

The Hon. Sir Frank Perry—Will they go on in perpetuity?

The Hon. Sir ARTHUR RYMILL—Yes, if we pass this amendment. At the moment they are subject to the rules and Act as they stand; that is why legal doubts have been cast as to whether they are efficacious without this amendment, and I think there is probably very good substance for those legal doubts. Dealing with the retrospectivity clause, the object is not to interfere with existing rights, and that is the place where one has to be very careful. It is more to preserve the integrity of existing rights or to see that the rights which it has been attempted to establish shall actually be founded in law instead of in doubt. All these questions, in my opinion, are totally satisfied by this Bill, and I have very much pleasure in supporting it.

The Hon. Sir COLLIER CUDMORE secured the adjournment of the debate.

## KINGSCOTE COUNCIL BY-LAW: LIGHTING OF FIRES.

Adjourned debate on the motion of the Hon. N. L. Jude (Minister of Local Government)—

That By-law No. XXI of the District Council of Kingscote for regulating the lighting of fires, made on August 12, 1957, and laid on the table of this Council on June 17, 1958, be disallowed.

(Continued from August 13. Page 352.)

The Hon. Sir COLLIER CUDMORE (Central No. 2)—This is a rather unusual motion. In fact, I do not remember any such procedure as this having taken place in Parliament in my time, and I have therefore tried to get some information about it. I think the Minister was a little unfortunate in having to move the motion, as he said, as a member for the district when he himself is the Minister of Local Government. He should have made up his mind which part he was going to play, because as the Minister of Local Government he is responsible for these matters relating to district councils. In moving the motion he said:—

As a member for the district I am prepared to move for its disallowance.

That is my first comment. I think the Minister would have been better advised to get another member for the district to move it, and then he could have come in in the top capacity as the Minister administering the Local Government Act. He gave us no information at all and merely said that it was unusual. He went on:—

The district council of Kingscote, having promulgated this by-law, has now found that it is not only unworkable but unsatisfactory to ratepayers. The Parliamentary Draftsman has advised that the best procedure to adopt to have this by-law altered is for a motion of disallowance to be moved.

What is it all about? I have here the regulation which was carried by the district council in August, 1957; it has had to come through all the procedure of getting here, and it was only laid on the table of this Chamber on June 17 this year. I stand to be corrected on this, but I understand that the whole trouble has arisen because a district council, acting like the Hon. William Morris Hughes on conscription, started to act before something was law; it started last summer to act on this by-law which it carried in August. That is what caused all the difficulty in the area. If we are asked to come into this as a Parliament we should be told what it is all about. All that is involved is whether they should be allowed, during the months that are permitted generally, to burn scrub or stubble and crop on Saturdays and public holidays. These are the by-laws on which Parliament is asked to decide.

I feel that Parliament should not be asked to interfere in local government unless there is no other way of dealing with it. Obviously, there is the ordinary way of dealing with this. If the district council, having passed and submitted this by-law, and tried to put it into operation before it became law, as I understand the position to be, then found that it was so unpopular that they could not enforce it or that it was not sensible anyway, they have the right to submit another by-law repealing this one and putting in what they want. It is their duty and right to do that and not, as I see it, to have it brought before Parliament in this most unusual and, I think, unnecessary way.

I have always been jealous of the rights and privileges of Parliament but I do not want Parliament brought into a small matter of this sort. It is rather like taking a very big hammer to kill a very small mouse. I hope that somebody will secure the adjournment of this debate so that we can have a look at this point. I am not opposed to this difficulty being cleaned up; we all want it cleaned up

but these things should be done properly. The Minister did not quote us any letter or suggest that he had any definite authority from the Kingscote council. He may have a letter in his docket—I do not know but so far if he has one he has kept it to himself—that the Kingscote council are agreed. I visualize possibly some councillor at a later stage saying, "We were all for this and wanted to do it but Parliament disallowed it." I do not want that to happen. I want the council to work it out for itself. It is not a matter requiring the use of the big hammer. That is the position as I see it. It is a simple, small matter on which the district council should be able to agree amongst themselves. It is not our job to deal with it. The right course is for the council, if they change their minds as apparently they have, to make a new by-law repealing the other one, and put it through in the ordinary way. I am not prepared to ask the Chamber to vote against the motion at present but we should adjourn consideration of it to see whether we as a Legislative Council are doing the right thing in coming in to settle this small matter. I do not think we are.

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

## ADJOURNMENT.

At 3.20 p.m. the Council adjourned until Wednesday, August 20, at 2.15 p.m.