LEGISLATIVE COUNCIL.

Wednesday, August 20, 1958.

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

QUESTIONS.

FLOW OF WATER IN PIKE AND MUNDIC CREEKS.

The Hon. C. R. STORY—Has the Minister representing the Minister of Works a reply to the question I asked with regard to the snagging and dredging of the Pike and Mundic Creeks in order to give a better water supply in the Murtho-Paringa area?

The Hon. N. L. JUDE—I promised the honourable member that I would obtain a reply for him on this more or less technical matter. I have now been advised as follows:—

A preliminary inspection has been made by the Resident Engineer of the proposals put forward by the Mundic and Pike Creeks Improvement Association and reports by this officer and the Engineer for Irrigation and Drainage and the Engineer-in-Chief have received consideration. As the Minister of Lands and Irrigation considers that a complete investigation, including surveys, is warranted, approval has been given by the Minister of Works for this to be done at an estimated cost of £1,000. The cost of the investigation can be met from the line on the Estimates: "Minister of Works—Preliminary surveys and investigations." When the survey has been completed, estimates of cost will be prepared of the work asked for by the association and on receipt of a full report by the Engineer-in-Chief, the matter will receive the further consideration of the Government.

ROAD ALTERATIONS AT RAILWAY CROSSINGS.

The Hon. L. H. DENSLEY—I wish to make a brief statement with a view to asking a question.

Leave granted.

The Hon. L. H. DENSLEY—Over the week-end I made a trip to the South-East and was tremendously impressed with the great improvement of the road through the hills and the widening of the road towards Murray Bridge, and I felt that the work being done was quite a big advantage to motorists generally. No doubt there will be much more speeding and there may not be any reduction in the accident rate, but at least people have their own responsibility in that respect. I was rather concerned with the tremendous expenditure taking place near the Monarto South railway crossing. That crossing has been a very good one; it has flashing lights, and I do not know of any accidents that have occurred there. Another thing that worried me was the condition of the road through Meningie. Both the places to which I have referred are on the Princes Highway. Is the Minister of Roads in favour of the very great expenditure that has taken place and the necessity for it at Monarto South, and can he say if there are any reasons why the road through Meningie should be allowed to deteriorate and is there any policy for correcting it?

The Hon. N. L. JUDE—Another honourable member indicated that he was interested in what was happening at the main road crossing on the Melbourne main line at Monarto South. I have inquired of the Commissioner in regard to this matter and he has confirmed what I believed to be the answer at the time, which is that the Railways Commissioner insists on an approach which complies with the Australian standards of all crossings being at a certain angle wherever possible. Although Monarto South is all right for the present width of road, that width will be nearly double in the near future and would at the old angle have become a very dangerous crossing, considering the tremendous flow of road traffic and the quite considerable amount of rail traffic. The Commissioner has therefore requested that the Highways Department take the road by a circuitous route across the railway crossing in order to have the standard angle set out under the engineering road standards in the whole of Australia. That will be done. My colleague will be aware that between Tailem Bend and Murray Bridge there is a crossing of a similar nature which has occasionally been dangerous. I point out that accidents have occurred at the crossing to which the honourable member referred. When funds are available that crossing between Murray Bridge and Tailem Bend will also be taken by a circuitous route so that it will be approached directly in the same way as the crossing near Tailem Bend was improved two years ago. The main street of Meningie has been surveyed for additional work in conjunction with the local council. As members know, it is a very wide road. The problem it that the main area of the township behind the main road is lower than the existing main road, which makes drainage of the road, which has to contend with high tides on the lake during westerly winds, difficult. Plans are afoot and money is being placed on the Estimates for the necessary work in the Meningie main street.

The Hon. L. H. DENSLEY—What is the position with regard to the Nairne crossing, which is tremendously dangerous? Apparently nothing has been done there.

The Hon. N. L. JUDE—The Highways Department is not working there at the moment, but there is a plan for an entirely alternative route for the Princes Highway to deviate behind Nairne and for that reason no specific plans have been made for widening the crossing at Nairne.

STATE BANK REPORT.

The PRESIDENT laid on the Table the annual report and accounts of the State Bank for the year ended June 30, 1958.

WEST TORRENS CORPORATION BY-LAW: CARTING OF HEAVY MATERIALS.

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

That By-law No. 54 of the Corporation of the City of West Torrens to regulate and control the carting of heavy materials, made on February 25, 1958, and laid on the table of this Council on June 17, 1958, be disallowed.

There is an area in the municipality of West Torrens which contains a number of roads which are mentioned in the schedule to the by-law and over which a good deal of sand carting is at present going on. Many sandhills exist in the area, and sand carting is taking place and that will continue. The council wishes to restrict the carting of this sand on its lightly constructed roads. That was the real purport of this by-law but the committee took exception to it, not so much on the ground of its prohibiting the carting of sand as that it did not specify where a prohibition should apply. The council placed in the by-law, as is common in a great many by-laws these days, a dispensation clause, portion of which states:—

In this by-law "vehicle" means any truck, lorry, car, trailer or semi-trailer or any other vehicle. "Road" means any street, road, terrace, thoroughfare, lane or other place commonly used by the public or to which the public is permitted to have access. No person—

this is the portion to which the committee took exception—

shall except with the previous consent of the council or of the town clerk given in writing drive or conduct or permit to be driven or conducted in or along any of the roads within that portion of the municipality bounded on the north by West Beach Road, Netley; on the east by the Marion Road; on the south by the old North Terrace-Glenelg railway line property and on the west by the Morphett Road, except the roads described in the schedule hereto, any vehicle the weight of which including the weight of any load which may be thereon, exceeds three tons.

The by-law says nothing about sand—and that is another exception to it taken by the committee. Sand was mentioned only in the explanation to the committee, and is not referred to in the by-law.

The committee's objection is that this comprehensive dispensation would prohibit the carting of anything in a vehicle over three tons in weight on any road. We took the view that the dispensation power was too wide. As the council knows perfectly well what it is going to discriminate against, it should mention those things in the by-law, so that everybody will know exactly what the by-law does and does not prohibit. Therefore, we ask that the by-law be disallowed on those grounds.

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

MURRAY BRIDGE CORPORATION BY-LAW: POULTRY KEEPING.

Adjourned debate on the motion of the Hon. E. Anthoney—

That by-law No. 40 of the corporation of the town of Murray Bridge for preventing the keeping of poultry so as to be a nuisance and injurious to health, made on July 22, 1957, and laid on the table of this Council on June 17, 1958, be disallowed.

(Continued from August 13. Page 350).

The Hon. N. L. JUDE (Minister of Local Government)—This by-law has been closely looked into by the Subordinate Legislation Committee. I think members will agree that at all times it is desirable that by-laws should be succinct and should clarify what they set out to do with regard to the ratepayers of that area. It is the general policy in the House for members possibly to glance only casually at the many by-laws and regulations laid on the table, relying on the Joint Subordinate Legislation Committee to look specifically into them as was intended when the committee was formed. The chairman has recommended that this by-law be disallowed, his reason being that there is a general dispensation clause which gives far too much power and is much too elastic to be desirable. I have no doubt that the House will appreciate his explanation. I have no hesitation in saying that the Government supports the committee's recommendation.

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

PROSPECT CORPORATION BY-LAW: STREET ALIGNMENT BUILDING LINE.

Adjourned debate on the motion of the Hon. E. Anthoney—

That By-Law No. 31 of the Corporation of the City of Prospect for fixing the building line with reference to street alignment, made on August 19, 1957, and laid on the table of this Council on June 17, 1958, be disallowed.

(Continued from August 13. Page 351.)

The Hon. N. L. JUDE (Minister of Local Government)—Although this by-law is somewhat different from the previous by-law, the committee has decided on its disallowance on virtually the same grounds, in that it gives a general dispensation—and the committee feels that the council's requirements should be set out in clearer terms. The Government is prepared to support the disallowance.

The Hon. Sir COLLIER CUDMORE (Central No. 2)—This by-law, dealing with the question of alignment, is completely different from the one we have just discussed about poultry. Shortly, it seems to me that in the matter of the keeping of poultry at Murray Bridge it should be possible for the corporation to set out the names of the streets and the places where poultry can be kept, and so on, and not have this general clause leaving it to them to vary the by-law. But this by-law deals with the important question of widening the streets and deciding where they are to go. Surely the council should decide it? As far as I can see, all that the by-law does is to provide that, if new buildings are erected, they are set back a certain distance; and then it provides (which is what I gather the Subordinate Legislation Committee object to):—

In any case in which the council think it expedient, they may dispense with the observance of this by-law on such terms and conditions, if any, as they think proper.

That simply means that there may be cases where somebody wants to put up some sort of building closer in than the new alignment set back, which is provided by the by-law. Surely it is for the local council—it is not a question of the authority of the clerk, as I read that—to say where they will allow a building to be erected. They may not wish to widen that street—I am only assuming that that is what it is all about. They simply want to prevent the erection of big buildings on present alignment in case they may want to widen the street later on, and will not be involved in heavy compensation. This is a kind of general power that is getting into many by-laws and the committee objects to it. A council should be able to say where poultry can be kept in its district and it may not need this general power, but in the matter of building alignments it is desirable perhaps for a council to have it. We should be careful before we disallow all the by-law. This is a difficult matter and the committee has apparently made up its mind that the council should set out all details in the by-law. I agree that where possible that should be done but it is difficult for the House to make up its mind in which instances it is desirable for a council to have the power, and to be able to say, "We make this as a general rule but we think we should have the discretion to dispense with it as we think fit." We should be careful not to take away the right of councils to run their own business in their own way.

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

SALISBURY COUNCIL BY-LAW: POULTRY KEEPING.

Adjourned debate on the motion of the Hon. E. Anthoney—

That By-law No. 42 of the District Council of Salisbury in respect of poultry made on October 28, 1957, and laid on the table of this Council on June 17, 1958, be disallowed.

(Continued from August 13. Page 351.)

The Hon. N. L. JUDE (Minister of Local Government)—The remarks I made in connection with the Murray Bridge poultry by-law apply similarly in this matter and there is no point in repeating them.

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

MARINE STORES AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary), having obtained leave, introduced a Bill for an Act to amend the Marine Stores Act, 1898-1947. Read a first time.

MAINTENANCE ACT AMENDMENT BILL.

Second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time.

The Bill makes a number of amendments to the Act, all of which have been recommended by the Children's Welfare and Public Relief Board. Clause 3 amends section 122a of the Act which empowers the Governor on

the recommendation of the Children's Welfare Board to transfer an unruly child from an institution to the custody of the Comptroller of Prisons. "Child" as defined means any boy or girl under the age of 18 years. The effect of this definition is that the board may recommend the transfer to gaol of an unruly child under the age of 18 but not one over the age of 18 years. The amendment will allow the section to operate in respect of any "State child." The expression "State child" is not limited by definition to those under 18 years of age but includes "any person whether under or over 18 years of age who, pursuant to this Act, is being detained in an institution or is subject to an order for such detention or is under the custody and control of the Board."

Clauses 4 and 5 are brought forward to deal with a problem which has caused some accounting difficulties within the department. Section 132 authorizes the department to receive and deposit in the Treasury any moneys due to a child who has been placed out as an apprentice or in some other suitable employment. From time to time the board is asked to receive and hold other moneys due to State children and the new section 132a will enable the department to deal with such moneys by depositing them in the Treasury in the name of the board and on the child's account. The amendment to section 133 is consequential.

Clause 6 enacts a new section 152a for the purpose of altering the name of the institution formerly known as the "Industrial School, Edwardstown" and more recently as the "Industrial School, Glandore." The department is of the opinion that the use of the word "Industrial" in the name conveys an erroneous impression as to the function of the institution, many persons being under the impression that it is a kind of boys' reformatory, whereas in fact it is a home for boys between the ages of six and 14 who have been classified as "destitute and neglected" through no fault of their own. Usually the boys remain there for a short period during which they receive medical attention and other necessary treatment, preparatory to being "boarded out" by the department. It is proposed that in future the institution will be called the Glandore Children's Home. The amendment will operate to correct the name of the institution whenever it appears in legislation, rules, proclamations or other documents.

Clause 7 enacts a new section 177a to enable the obligations created by sections 24, 43, 44, 46, 47, 62, 64, 66 and 73 to be enforced against defendants residing out of the State. Briefly, the sections deal with the following matters:—Section 24, recovery of the cost of past relief from relatives; section 43, summons by wife to husband who leaves her without adequate means of support; section 43a, summons by husband to wife who leaves him without adequate means of support; section 44, variation or discharge of maintenance orders; section 46, the obligations of near relatives to contribute to the cost of maintenance of a State child; section 47, enforcement of obligations of near relatives of a State child; sections 62 and 64, variation of maintenance order against near relative of State child; section 66, summary relief to married women; section 73, variation or discharge of order for summary protection.

The need for the amendment arises out of a recent decision of the Full Court of the Supreme Court of this State in the case of Hunter *v.* Hunter where it was held that sections 46 and 47 of the Act did not operate to impose an obligation upon persons at all material times resident out of this State. The Government considers the defendants to proceedings under those sections should not be able to avoid their responsibilities merely by residing in another State and that the obligations created by the sections should be enforceable in all cases where the summons can be served under the provisions of section 15 of the Commonwealth Service and Execution of Process Act.

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

KINGSTON AND NARACOORTE RAILWAY ALTERATION BILL.

Adjourned debate on second reading.

(Continued from August 19. Page 398.)

The Hon. F. J. CONDON (Leader of the Opposition)—The broadening of the line from Naracoorte to Kingston was authorized only seven years ago. The line and the station are adjacent to the jetty. For a number of years it was considered a reasonable shipping port, large amounts of cargo, both inward and outward, being handled, and even coal was discharged from Newcastle to feed the railways and industrial establishments. Merchandise was handled in fairly large quantities both from Melbourne and Port Adelaide, and vessels of a reasonable size called at Kingston almost weekly, particularly to pick up wool

for Adelaide and Melbourne. However, owing to the enormous growth of road transport and for other reasons Kingston has become a dead letter as a port. In 1935 the population was 700 and despite certain circumstances it had doubled by 1950. Complaints were made by various business men, farmers and others in the district that it took three weeks after goods were ordered before they were delivered to Kingston.

At the moment the line is being broadened between Naracoorte and Kingston, a distance of 57 miles. In 1956 the inward freight to Kingston amounted to 8,259 tons, half of which was in the form of artificial manures, and earnings amounted to slightly more than £25,000. The outward traffic totalled only 1,645 tons and the earnings £6,875. When the question of a deep sea port for the South-East, either at Beachport, Robe or Kingston, was being considered evidence was tendered by representatives of the local council, business men and farmers emphasizing the importance of Kingston. Later the question of the port being located at Cape Jaffa was referred to the Public Works Committee. Considerable evidence was tendered on both occasions when the committee visited Kingston relative to the importance of that district.

All that remains of the harbour facilities are a few buildings. The proposal is to shorten the line when it is broadened and to bring it a half a mile nearer the town. Those who are aware of the position recognize that although the present line serves the northern part of Kingston, shortening it will not greatly inconvenience the people living there. This will eliminate the crossing of the line at three places as that section is to be removed. The Bill authorizes the Railways Commissioner to alter the location of the railway station and this has the blessing of the local council. The Commissioner is given the right to dispose of the material made available on account of the shortened route as he thinks fit. A considerable saving will result because it will not be necessary to broaden half a mile of the present line. The only inconvenience that the alteration may cause is that the new station will not be as close for those people near the jetty, but I doubt whether many people travel on the railway from Kingston to Naracoorte. Taking all the circumstances into consideration and in view of the wishes of the district council and the Railways Commissioner, I have no hesitation in supporting the second reading.

The Hon. L. H. DENSLEY (Southern)—This Bill seems to have put the seal of lost hope on the ambition of the people of that area that they would some day again have a shipping port. It was not very many years ago when people were carting their wool 50 or 60 miles by bullock waggon, delivering it to Kingston and having it shipped overseas. It is only natural that they hoped that Kingston would become a big seaport, but this Bill providing for the shortening of the railway by a half a mile away from the foreshore at least lets them know that the possibility of a shipping port has gone by the board for all time.

I discussed this matter with people in the district and I think they have accepted the position. They feel that the expansion of the town over the area through which the railway ran was desirable, and in view of the fact that there were three crossings of the railway over the road in that short distance and that there have been several accidents besides innumerable hold-ups to traffic when the train was shunting, they consider it desirable to have the railway station at the other end of the town. A quantity of fish and crayfish is still caught at Kingston, and I would have thought that some people would have been concerned at the proposed shortening of the line. However, most of the fish is caught at Cape Jaffa and those, together with the fish caught at Kingston, are conveyed to town by the excellent road that has been provided, and therefore the people are not very concerned with that aspect. If later an alteration is desired, it should not be difficult to reinstate that short section, but I think that the present position justifies shortening the line, therefore I have much pleasure in supporting the Bill.

Bill read a second time and taken through Committee.

Committee's report adopted.

SHEARERS ACCOMMODATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 19. Page 400.)

The Hon. L. H. DENSLEY (Southern)—It was 1947 when this legislation was last before Parliament, and it had not previously been before us since 1941. It will therefore be seen that it has not been reviewed very frequently. I think it will be generally agreed that the wool industry has passed through a very prosperous time. Discussions have taken

place for quite a long time between the Australian Workers' Union and the Stockowners' Association with regard to the betterment of accommodation for shearers. In about the middle of 1955 an agreement was reached between the Stockowners' Association and the A.W.U. to request the Government to provide better conditions under this legislation. I believe that the request from those two organizations came before the Minister of Industry in November, 1955, so it will be seen that it has been on the way quite a long time.

The Minister took the position very seriously, but realized that there were many who were not big woolgrowers and to whom the Bill would perhaps cause some hardship. To fortify the position in his own mind he wrote to those small woolgrowers who were members of either the Wheat and Woolgrowers' Association or the Australian Primary Producers' Union. The Wheat and Woolgrowers' Association confirmed the agreement that had been reached by the Stockowners' Association and the A.W.U. but the Australian Primary Producers' Wool committee looked a little askance at portions of it. With your permission, Mr. President, I will read a letter dated December 9, 1955, from the Australian Primary Producers' Union that commented very well on the position that the Minister of Industry at that time thought might be the case. The letter is as follows:—

Your letter of above number and date in reference to amendments to the Shearing Act has been considered by the Wool Committee, and I have been instructed to reply as follows.

The committee is opposed to any suggestion that the owners of small flocks should be included in an agreement covering conditions which are not common to the industry as a whole. It is appreciated that in the majority of cases small flock owners do accommodate their shearers in the homestead and in such circumstances would therefore be unaffected. Considerable discussion amongst members brought forth an estimate of the position on the following lines: 20 per cent of sheds require more than six shearers (5 per cent are probably operated as depot sheds), 55 per cent are sheds which require less than six shearers who are accommodated at the homestead whilst the balance of 25 per cent have shearers who have their food at the homestead but return to their own homes at night.

This estimate is purely a rough estimate of each district known to the individual members of the committee. The committee is unanimous in its opinion that no good purpose can be served by the application of these suggested conditions to small sheds. In particular the members express their concern as to the effect upon soldier settlers and other young men commencing on their own properties. The regulations and conditions covering financial assistance in regard to homestead buildings and development on soldier settlers property require no elaboration as they are undoubtedly well known to the Minister.

The difficulties which would arise and the extra hardship inflicted are obvious. In regard to the general negotiations carried out by the Stockowners' Association of South Australia in regard to pastoral conditions, and sheds where more than six shearers are employed my committee has every confidence in the judgment and capacity of the association to arrive at a reasonable and fair decision. At the same time members of the committee have pointed out that although all shearers have been given a very generous share of the prosperity accruing from high wool prices in the past, and this conditional on a reduced price being offset by a falling rate, there is evidence that some members of the A.W.U. in other States are not prepared to be equally fair and reasonable.

In these circumstances the committee feels that although the A.W.U. has been very fairly and liberally treated by the Stockowners' Association in this agreement it cannot agree with the amendments being applied to small sheds.

That was a reply that might have been expected by the Minister when sending out these letters to the A.W.U. and the Stockowners' Association. I am only surprised that both organizations did not write along the same lines.

The Hon. Sir Collier Cudmore—Can you tell the House what is meant by "six shearers?"

The Hon. L. H. DENSLEY—According to the definition in the Act, a "shearer" is a person working in or about a shearing shed.

The Hon. Sir Collier Cudmore—There may be only two actual shearers?

The Hon. L. H. DENSLEY—There may be three shearers and three shed hands. The boss would not be included in those figures. As a result of that letter, which was supplied to me by Mr. Retalic, the Minister took the matter up with the Stockowners' Association and the A.W.U., pointing out the position of the smaller grower, and on further consideration they agreed that the new agreement would not cover sheds that employed fewer than six shearers. We were left then on the same basis as in the previous agreement about the number of shearers in a shed. So it will be appreciated that the position has been thoroughly aired over those three or four years and every opportunity has been given to shearers to study the position. I do not think that anybody is in doubt about the working conditions of the shearers. Everybody associated with the industry recognizes that shearing is arduous and dirty. I can safely say

that the main consideration of pastoralists and woolgrowers has been rather the expeditious and good shearing of the sheep than the actual price paid or the actual conditions provided, within reasonable limits. I do not mean by that that woolgrowers could afford to pay any rate. The present cost of shearing and running sheep is fast catching up with the returns for wool; consequently, it is necessary to keep one eye on that side of the position.

The Leader of the Opposition said that we had had relatively little industrial trouble within the shearing industry in recent years. In 1956 an attempt was made by a court award to reduce the price from (I think it was) £7 13s. 3d. to £6 18s. 6d., and the shearers declined to work. Honourable members will remember that voluntary shearers were organized after the loss of many thousands of sheep through inability to have them shorn. The A.W.U. or the shearers' organizations were organized even to beat up the voluntary shearers in various parts of Australia. It would be hard to find anything worse than that. However, the sooner we forget that and settle down to amicable and good conditions of working, the better it will be all round.

It will be appreciated that, if there are any hold-ups in shearing, it is the sheep that suffer first and the owner second. Many sheep cannot be confined in a small area in a shed in wet weather with no resultant loss. Graziers are anxious to get their sheep shorn and their wool away as early as possible. All the amendments to the Act have been as a result of agreements between the A.W.U. or the shearers' organizations and the Stockowners' Association and similar organizations. The Minister of Industry has canvassed that position very well. We highly commend him for the work that he has done on this Bill. He has looked after the interests of not only the woolgrowers but the Government and the employees generally.

The position it that, after they both agreed that sheds employing less than six shearers would not be included in the new agreement, the agreement did delay the Bill a long time. In view of the better conditions enjoyed over the last few years, it does not seem that there is very much wrong with the agreement. In the first place, it is provided that it shall come into operation within six months of the proclamation of the Act. Without wishing to take anything away from the shearers, I desire that it be made 12 months, because many people who will have a harvest to take off in the next few months may find it difficult to do the great amount of improvement necessary for their places to comply with the new provisions. If necessary I will move in Committee that the period be 12 months. An important amendment is that increasing the amount of air space for each shearer in his sleeping compartment from 300 to 480 square feet. This matter was brought up by the A.W.U. for discussion in 1941 but was not agreed to by the stockowners and consequently was not proceeded with. At present everyone is more or less agreed on the position, despite the fact that the Highways and Local Government Department and Radium Hill authorities put before the A.W.U. the cubicles they were erecting for their workmen, which provided for 350 cubic feet. This was later agreed to by the A.W.U. and now it is standard for these organizations. The agreement to increase the area to 480 cubic feet must give ample space and I support the proposal. The suggestion about lining quarters is reasonable. It is desirable to have separate sleeping accommodation for cooks for they have to rise a little earlier in the morning than the shearers.

Another paragraph refers to the size of the bed and no-one will object to a bed measuring 6ft. 6in. by 2ft. 6in. Then there is the matter of provision of furniture. Shearers are accustomed to comfort in their homes, and obviously it is desirable for them to have a wardrobe where they can hang their clothes. It is undesirable to use sleeping quarters for meal preparation purposes. There is also a provision for the supply of hot water in bathrooms, but this is not so easy to abide by. Many woolgrowers on a smaller scale have no hot water service for themselves. It is provided in section 6, subsection IIIA, that if there is sufficient water on the property hot water should be made available. This is reasonable for the shearer does get very dirty in carrying out his work. If there is an inadequate water supply there is protection under the Act.

The clause also says that where no electric light is available power lights shall be provided for the kitchen and dining room. The days have gone when people were satisfied with candles and I think there is justification for asking for petrol or Aladdin lamps. This is a provision we can support. It is also provided that there must be a fireplace or heater in the dining room, which is reasonable,

but the provision of a refrigerator is more difficult. Today a refrigerator is not very dear and if an employer has a shed large enough to require more than six shearers he should be able to afford a refrigerator. The Act provides that any water supply for a kitchen or bathroom shall be so placed that it will not be necessary to carry the water for more than 20 yards. The Bill says that water must not be carried and must be available inside, which is a good provision. Most parts of the Bill are acceptable. The provision dealing with clothes lines and props is reasonable. We do not want new buildings erected close to a pig sty or scouring shed and it is reasonable to make it compulsory to have them at least 50 yards away.

Clause 5 deals with the war-time exemption clause in connection with the provision of improvements. The time has come to repeal the exemption. Members of the police force are automatically created inspectors under the Act and clause 6 provides that they shall make an inspection of premises at least once in every 12 months.

The Attorney-General said that we should be able to rely on shearers' organizations to keep an eye on the matter to make sure that the accommodation is up to standard. I query whether that is desirable. If we appoint inspectors and give them authority they should carry out the work and not leave it to other people over whom there is no control. I hope the police will not have taken from them the power to make inspections, not necessarily once a year but periodically. It would be an advantage to the industry generally if this were the position. I support the Bill.

The Hon. R. R. WILSON secured the adjournment of the debate.

LAW OF PROPERTY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 19. Page 403.)

The Hon. Sir COLLIER CUDMORE (Central No. 2)—There is very little I can add to this debate. The Attorney-General explained that only a technical matter is concerned and Sir Arthur Rymill dealt with it carefully and gave us the legal position. I want to stress the need for the amendment. Sir Arthur rightly said that we must carefully scrutinize any amendment of the law which has been in force for so long in British communities and which we inherited from the Old Country. The amendment is necessary because of the provision of long service leave. The Companies Act covers most companies but those registered outside the State, and partnerships and independent employers are not covered. During the past few years they have to a large extent established funds for the benefit of employees and this has been greatly governed by income tax requirements.

The long service legislation provided that people with their own schemes, which were equally as good as the one provided by the Act, were exempted from it, and this has brought about the establishment of the funds. It has been pointed out that many of them may be void under present conditions, and that the people for whom they were established might not have any legal rights. This has necessitated an amendment of the law. It does not affect the ordinary law as to perpetuities but only the funds I have mentioned. I spport the Bill, which I think is necessary.

Bill read a second time and taken through Committee. Committee's report adopted.

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 Distict 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 19. Page 404.)

The Hon. F. J. CONDON (Leader of the Opposition)—Sir Collier Cudmore expressed the hope that someone would move for the adjournment of the debate so that members could look into certain matters. I have done this, and intend to place the facts on record because already this session four motions have been submitted for the disallowance of regulations. Sir Collier Cudmore said:—

I understand that the whole trouble has arisen because a district council started to act before something was law; it started last summer to act on this by-law which it carried in August, 1957.

If that is correct, it is rather serious.

For the information of members I submit a copy of the proposed by-law and the Crown Solicitor's certificate thereon:—

The District Council of Kingscote.

Pursuant to the powers conferred upon it by Part XXXIX of the Local Government Act, 1934-1957, the Bush Fires Act, 1933-1956, and all other powers it thereunto enabling the

district council of Kingscote by a majority at a meeting of the council held on the 12th day of August, 1957, at which all of the five members constituting the council are present hereby makes the following by-law:—

By-law No. XXI for Regulating the Lighting of Fires.

1. In this by-law unless a contrary intention appears the words "scrub" and "stubble" shall have the respective meanings assigned to them by the definition of such words in the Bush Fires Act, 1933-1956.

2. No person shall on a Saturday or public holiday during the period between the 30th day of November and the 15th day of the following May light any fire for the purpose of burning any stubble standing on any land.

3. No person shall on a Saturday or public holiday during the period between the 30th day of November and the 1st day of the following May light any fire for the purpose of burning any scrub on any land.

4. Wherever in this by-law there is a prohibition of the doing of any thing such prohibition shall be read as including a prohibition of the assisting in or in any way aiding or suffering of the doing thereof, and of any attempt to do such thing, or cause it to be done, or to assist in or aid or abet the doing thereof.

5. Any person who commits a breach of any of the provisions of this by-law shall be liable upon conviction to a penalty not exceeding ten pounds.

A. S. G. BARRETT, Chairman.
STEWART MCDONALD, District Clerk.

Local Government Act, 1934-1957.—*Crown Solicitor's Certificate.*—I hereby certify that in my opinion by-law No. XXI of the district council of Kingscote, which by-law was made by the said district council, on the 12th day of August, 1957, and is set out in the document herewith initialled by me, is within the competence of the said council to make and is not contrary to or inconsistent with the Local Government Act, 1934-1957, or the general law of South Australia. Dated the 18th day of October, 1957.

(Signed)
R. R. ST.C. CHAMBERLAIN, Crown Solicitor.

Actually last summer the council began to make use of a by-law which had been carried in August, 1957. It is just as well that we have the Legislative Council to look into these things. Some honourable members say that we should not interfere with council regulations. If the position is as Sir Collier has said, the council has been acting contrary to the law, and it has now approached Parliament to have the position remedied. Is not that backing and filling?

The Hon. N. L. Jude—I thought you said a few moments ago that these people should be able to decide what they want to do?

The Hon. F. J. CONDON—Some honourable members object to these things coming before Parliament, but I do not. Parliament should be supreme, and no council should over-ride it. That is the stand I have always taken. I have faith in Parliament and shall not agree to giving full powers to a council unless Parliament has first been consulted. That is our right and I hope we shall never lose it. Any honourable member should have the right to move for the disallowance of a regulation, even a Minister. I do not know whether some honourable members are getting afraid because of the suggestion that Kangaroo Island should have its own representative in Parliament. Members have done their best for Kangaroo Island and it has progressed during the last few years because of the consideration it has received from Parliament.

To indicate to members the position regarding the making of by-laws by councils I quote the following from the Local Government Act, 1934-1957:—

Section 670 (5) empowers any district council to make by-laws "for the prevention, suppression and speedy extinguishment of fires."

Section 673 requires by-laws to be—

(*a*) made "at a meeting of the council at which at least two thirds of the members then in office are present";

(*b*) and requires them to be signed by the mayor or chairman and clerk.

Submissions to Crown Solicitor.—Section 674 requires every by-law to be submitted to the Crown Solicitor for his opinion and subsection (2) reads—

> "(2) If the Crown Solicitor is of opinion that the by-law is within the competence of the council to make and that the by-law is not contrary to or inconsistent with this Act or the general law of South Australia, he shall give a certificate accordingly, and unless a certificate is given as aforesaid, the by-law shall not be laid before Parliament as provided by section 675."

Provision is also made for cases where the Crown Solicitor refuses to give a certificate.

Submission to Joint Committee on Subordinate Legislation.—Joint Standing Order No. 29 requires the Under Secretary to "forthwith upon any regulations being made, or in the case of by-laws made by a municipal council or district council, forthwith upon their being certified by the Crown Solicitor or a judge, forward sufficient copies thereof to the Clerk of the Parliaments for the use of the members of the committee."

Joint Standing Order No. 27 authorizes the committee to report its opinions to Parliament or the authority making the by-law, etc.

Local Government Act, section 675, requires every by-law to be laid before Parliament and provides that either House may pass a resolution disallowing any such by-law. If such a resolution is passed, then the Governor "*shall not*" confirm the by-law. The resolution of disallowance is required to be published in the *Gazette* forthwith.

If not disallowed by resolution passed (on notice given within the 14 sitting days prescribed) and when it is clear that any such proposal to disallow has been disposed of, subsection (4) of section 675 of the Local Government Act requires the by-law to be submitted to the Governor for confirmation within 21 days and within a further 14 days to be published in the *Gazette* together with the Crown Solicitor's or judge's certificate. Subsection (5) provides for the by-law to have the force of law after the lapse of one week from the gazettal and not before.

I want to know whether it is correct that this council has been making use of this by-law without authority. It is our duty to ascertain the true position. I understand that the council now admits that it has made a mistake and wants the by-law disallowed. I congratulate members of the Joint Committee on Subordinate legislation for the interest they take in these matters. Theirs is not a very easy task, particularly when many of the subjects placed before them are controversial.

The Hon. Sir Collier Cudmore—They approved this by-law.

The Hon. F. J. CONDON—They may have, but that does not prevent any honourable member from moving for its disallowance. This has been done on other occasions. I support the motion.

The Hon. W. W. ROBINSON (Northern)—I think we are making a great deal out of this question. The by-law came before the Subordinate Legislation Committee which gave it careful consideration. It is in conformity with similar by-laws that have been adopted by many councils in other parts of the State, and there is nothing unreasonable in it. Quite a number of councils on Yorke Peninsula have adopted the by-law, the idea behind it being to prohibit the lighting of fires on Saturdays and holidays when the emergency fire service crews are away on holidays or otherwise not in a position to combat fires if they should arise. The Subordinate Legislation Committee can see nothing objectionable in the by-law. The district council of Kingscote asked for the by-law but afterwards found that it was restricting its activities and it now asks for it to be withdrawn. If the Minister in his reply does not assure us that that is the wish of the council—and up to date we have had no assurance of that fact—I will not vote for the disallowance of the by-law, because as far as I know we have had nothing officially to say that the council is not desirous of having it. However, I feel sure that the Minister has some information to give the House, and if we have that assurance that the district council desires to have the by-law disallowed I will support the motion.

The Hon. N. L. JUDE (Minister of Local Government)—I have been asked to give a more detailed explanation why I moved for the disallowance of this by-law. In technical terms the motion is for the disallowance of the by-law, but in practical terms it is for a withdrawal of it. It is quite reasonable that I should apologize for not making the specific information available originally. I had thought that it was generally known, and I had not realized at that time that the Subordinate Legislation Committee was unaware that the district council had requested its withdrawal. The committee had looked at it and because of the fact that Sir Collier Cudmore had quoted from an unrevised *Hansard* pull which was later altered, my remarks with regard to the committee were misinterpreted and the honourable member got the wrong impression. I assure the House that the position is as stated by Mr. Robinson. The council has tried this by-law and found that it is unsatisfactory.

Mr. Condon quite rightly said that the council has been using this by-law, but I point out that in this case it has been a limitation of its own powers by agreement. It asked for a limiting by-law not to burn on Sundays, and it now finds that with Saturdays, Sundays and public holidays prohibited and the total days of fire banning imposed by the Minister under the new clause in the Act, the odd chance of getting a decent burn is very often entirely nullified in this area where such rapid development is taking place. The fire control officers, having found that their own self-imposed restriction was not working very well, immediately asked the council, who are not necessarily all fire control officers, to have the by-law withdrawn. The authority for that is contained in the letter from the council which I have here. In those circumstances I have no hesitation in defending my motion and asking honourable members to support the withdrawal or disallowance of the by-law.

Motion carried.

ADJOURNMENT.

At 3.51 p.m. the Council adjourned until Tuesday, August 26, at 2.15 p.m.