

LEGISLATIVE COUNCIL.

Thursday, November 13, 1958.

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 following Acts:—Broken Hill Proprietary Company's Steelworks Indenture, Holidays Act Amendment, Land Settlement Act Amendment, and Prices Act Amendment.

QUESTIONS.**MAGILL REFORMATORY.**

The Hon. Sir FRANK PERRY—In view of certain happenings at the Magill Home for boys can the Chief Secretary say what stage has been reached in the planning of new buildings for this institution?

The Hon. Sir LYELL McEWIN—Considerable planning has taken place, and at present under construction is a security block to deal with the older and more hardened youths who come under the care of the department. Last year whilst abroad I visited other institutions of this nature and what I saw confirmed my opinion that the planning of the department is on sound lines regarding the segregation of youths who are a little more troublesome than those of more tender years who may be said to be going astray mainly through the lack of a sympathetic guiding hand. The security section, which will segregate the worst boys from the others, is in an advanced stage. Construction has been delayed through wet weather in recent months and, unfortunately, the building will not be available for about another five months. Planning for a new home altogether on modern lines has been under consideration for the past year, and we have been fortunate in obtaining an independent opinion because of the recent appointment to the University of Professor Morris who has had some experience in criminology. We solicited his assistance in examining the plans under consideration and he made some very useful suggestions which impressed the board, and these have been embodied in the plans. I think that what has been arrived at will provide us not only with a very good design for a home, but something that will meet the conditions that are peculiar to South Australia because of its small population. Whilst we endeavour to use the greatest amount of segregation possible,

economic limits sometimes come into it; but I think we have met all that and have a good plan that will fit into any future development.

I express publicly the appreciation of not only the Government but also the board, which has been happy to have the assistance of Professor Morris in its designing. A recommendation from the board is almost ready and, as soon as it arrives, it will be referred to the Public Works Committee because it is a substantial undertaking. When that is done, we shall be able to proceed with the second step, having created a security section, of providing a really modern approach to the problem of child delinquency.

MISREPRESENTATION BY SALESMEN.

The Hon. K. E. J. BARDOLPH—Yesterday I asked the Chief Secretary whether he had a reply to a question I had raised the previous day regarding motor car and insurance salesmen who were using the train from Murray Bridge to Adelaide, and drew his attention to a report that appeared in the newspaper. The reply the Chief Secretary gave me yesterday, after reviewing it, was:—

I have no information, and on reflection I am of the opinion that it is more a Federal than a State matter.

I ask him whether the Commonwealth Government is responsible for licensing motor car and insurance salesmen, or is it a matter for the State Government under State laws?

The Hon. Sir LYELL McEWIN—The honourable member's question has now developed—

The Hon. K. E. J. Bardolph—That was the previous question.

The Hon. Sir LYELL McEWIN—Into a complex question. His first question was whether we would deal with people who were able to persuade those who somehow or other could not look after themselves. We cannot cover that field completely in any sphere at all. The honourable member now adds to the question, asking whose job it is to license these people.

The Hon. K. E. J. Bardolph—That is what you said yesterday.

The Hon. Sir LYELL McEWIN—The answer to that, as the honourable member well knows, is that these people are not licensed at all. If he desires to ask whether it is intended to introduce legislation to license particular salesmen, I think he should indicate that in a proper question, because I am now in difficulty in making up my mind

what information he wants. I am trying to find the answer to the original question, but this is the third time that he has amended it, and I should be glad if he would set out clearly what information he requires.

The Hon. K. E. J. BARDOLPH—Following the Hon. the Chief Secretary's reply, may I, with great respect, refer him to my previous question?

The PRESIDENT—The honourable member cannot argue his question.

The Hon. K. E. J. BARDOLPH—With great respect, I do not intend to argue it.

The PRESIDENT—You are not going to!

The Hon. K. E. J. BARDOLPH—The Honourable the Chief Secretary asked me what my question was and, with great respect, I am referring him to my previous question, which contains the kernel of my whole complaint.

The Hon. Sir Lyell McEwin—Which one?

The Hon. K. E. J. BARDOLPH—The first question I asked on this issue. If the Chief Secretary will read that, it will suffice me just to have a reply from him whether he or his Government intends to introduce legislation to register these people. I put that in all humility in spite of the facetiousness with which the Chief Secretary has attempted to evade my question.

The Hon. Sir LYELL McEWIN—I thank the honourable member for framing his question in a proper form, and for reducing facetiousness to the logic of his first question. Now I know what his question was, I promise him I will look into it.

CHELTENHAM—PORT ADELAIDE BUS FARES.

The Hon. F. J. CONDON—I ask the Minister if he has a reply to a question I have asked on previous occasions about the increased fares on the Cheltenham-Port Adelaide bus route. If he has no answer to my question, will he compel me to move the adjournment of the Council in order that I may ventilate this matter?

The Hon. N. L. JUDE—I resent the terms of that questioning. The honourable member asked me yesterday if I would get a specific answer to his charges.

The Hon. F. J. Condon—I asked you on October 30.

The Hon. N. L. JUDE—And yesterday I said I would get a reply by today, which is fairly soon considering the question was asked only yesterday afternoon.

The Hon. F. J. Condon—I asked the question first a fortnight ago.

The Hon. N. L. JUDE—If the honourable member will permit me to answer it, I will do so. The detailed explanation given by the General Manager of the Tramways Trust apparently did not satisfy the honourable member because he wished for the specific increase in charges, as I understand it, that might be incurred by certain passengers making a broken trip. It is desirable to study an actual plan that I have available for the honourable member regarding the proposed changes. The proposed changes on the Port Adelaide route will cut out two transfers when the new bus service is introduced, but it will still mean that people who wish virtually to transfer to a service going in an entirely different direction will have to take fresh tickets on that route.

The present scheme has provided for a transfer where a route or two routes in the nature of feeder services have continued, generally speaking, in the same direction as that from which they started. The honourable member is referring—he will correct me if I am wrong—to people who get on the latter end of what might be called the Cheltenham service and proceed to Port Adelaide and then go back, as it were, towards Adelaide along the Port Road.

The Hon. F. J. Condon—Yes; that is what I am asking about.

The Hon. N. L. JUDE—That is the route the honourable member is referring to.

The Hon. K. E. J. Bardolph—Why dodge the issue?

The Hon. N. L. JUDE—I am not attempting to dodge the issue.

The Hon. F. J. Condon—The man you are acting for is.

The Hon. N. L. JUDE—The honourable member will not indicate to me that I am giving him an answer regarding this specific route. The honourable member, I take it, is referring to people travelling back along the Port Road. I will take it for granted that he is. The position now is that a person travelling back on that route will have to take a fresh ticket, whereas previously he was allowed to carry on and travel three sections for 9d. because of the basic fee for three sections, and his transfer was allowed in the basic fee.

When the alteration takes place on November 23, a person travelling the one section to Port Adelaide (to the Black Diamond Corner) from the honourable member's home area will travel one section and pay 6d., then travel back down the Port Road

and pay 9d. for two sections, making a total charge of 1s. 3d., compared with 9d. at present.

It is only fair to add that this would be almost the only remaining transfer arrangement left in the metropolitan area and people using this route have for some time had a considerable concession that has not been granted to other people in the metropolitan area. The Municipal Tramways Trust feels that the time has come when this anomaly should not exist and that the people in this particular area should not have privileges not enjoyed by people in other parts of the metropolitan area.

The Hon. F. J. CONDON—I inform the Minister that I will move for the adjournment of the House on Tuesday next in order to ascertain the Government's intention in this matter.

PERSONAL EXPLANATION: MISREPRESENTATION BY ADVERTISING.

The Hon. A. J. SHARD—I ask leave to make a personal explanation concerning a question I asked the Attorney-General on Tuesday last with reference to misrepresentation by advertising.

Leave granted.

The Hon. A. J. SHARD—I desire to make it quite clear that when I called attention to certain allegations of misrepresentation by advertisement I did not wish to imply that such advertisements were resorted to by all those concerns dealing with furniture, and with your permission and the indulgence of the Council I should like to read a statement by the president of the Retail Furniture Association of South Australia, Mr. J. W. Benson, regarding the attitude of his association in the matter. It is as follows:—

The president of the Retail Furniture Association of South Australia, Mr. J. W. Benson, stated today that his association had a very rigid code of ethics in relation to statements in advertisements. It was doubtful if many business associations in Australia had a better advertising code, one clause of which reads:—

Every member shall at all times so word advertisements that they are in good taste and are not likely to cause any misunderstanding on the part of the public concerning the quality of the goods advertised, the price or the quantity thereof available for sale.

This code of ethics had been drawn up to ensure that the public was fully protected and that the very solid reputation and confidence enjoyed by the whole furniture trade

was not damaged in any way. The association had already given thought to the matter raised in the Legislative Council and has the matter before its executive at the moment. All members of the furniture trade are pledged to their association to carry out this advertising code and the Attorney-General and members of the public are assured that breaches of such code incur severe penalties. Any trader who advertised goods which were not available soon incurs a loss of goodwill, as the public quickly learns that such a firm is noted for its continual advertising of "bargains" which are often non-existent even for the first customers. Mr. Benson stressed that complaints of this nature were fortunately very rare but when they did occur the association acted immediately as it was very proud of its members' trading ethics and intended to see that nothing was done to lower the present high standards of the industry.

STATUTES AMENDMENT (LONG SERVICE LEAVE) BILL.

Read a third time and passed.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL.

Read a third time and passed.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

Returned from the House of Assembly with amendments.

COLLECTIONS FOR CHARITABLE PURPOSES ACT (CHEER UP SOCIETY INC.).

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

WRONGS ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendment without amendment.

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

Adjourned debate on second reading.

(Continued from November 12. Page 1671.)

The Hon. F. J. CONDON (Leader of the Opposition)—Year after year this Act has been whittled down.

The Hon. Sir Frank Perry—And improved.

The Hon. F. J. CONDON—In the course of a very short time we will not be able to recognize it. The Bill extends control for another year after December 31. The housing position is still very bad. Anyone who represents

an industrial area, as I do, or any other part of the State realizes that the position has not improved over the years to any great extent, and it is therefore necessary to continue this legislation. However, some features of the legislation have been taken away during the last two or three years, and greater hardship is caused to some people today than when the Act was first introduced.

It will be seen that the continuance of this legislation is necessary when we realize that the Housing Trust during 1957-58 received 4,828 applications for permanent rental accommodation, 589 less than the previous year. In addition to this, many people have been chasing homes for some years and therefore the total number of applications greatly exceeds the figure I have just mentioned. Applications for emergency homes during the past 12 months totalled 1,938, or 218 more than in the previous year, and 2,750 applications were made to purchase homes, an increase of 203 over the previous year. Today 7,000 active applications for rental accommodation are before the Housing Trust.

The Hon. Sir Arthur Rymill—What does all that prove?

The Hon. F. J. CONDON—It proves that the necessity for control still exists. Figures I will give show that many people are not satisfied with the fixed rent and have an opportunity of appealing to the Housing Trust.

The Hon. Sir Arthur Rymill—Do you think a person should sell his goods at pre-war prices?

The Hon. F. J. CONDON—A man is compelled to sell his labour at a price, and is not given the opportunity to obtain an increased wage.

The Hon. Sir Arthur Rymill—The working man is getting four times the pre-war wage, so why should he have a pre-war rent?

The Hon. F. J. CONDON—If we are going to fix wages we should fix everything else. In 1953 the Act was amended to provide that it would not apply to new houses. I could give instances of how it has applied unfairly to people who have entered into leases. It may to some extent have been their own fault, but it indicates that we have go-getters who are taking down the public. This legislation is administered by the Housing Trust, which in 1957-58 dealt with 2,714 rent fixations. That represents complaints from both sides, in some instances because the rent was not high enough and in other cases because it was too high. That

is a falling off of about 302 compared with the previous year. In addition, 97 rents were provisionally determined compared with 80 in 1956-57. Administrative costs were met from consolidated revenue and in 1956-57 amounted to £18,461, compared with £19,501 in 1957-58, an increase of £1,040. This shows that it is still necessary to continue this legislation for another 12 months to protect certain people.

Some owners have used every opportunity to treat those who rent homes unfairly. I could not understand a Liberal Government continuing this legislation unless there was some justification. Therefore, I think the Chamber will support the Bill. I know of one instance where a person owns four shops, occupying one and letting the other three. One of these competes with the owner in selling certain goods, and the owner demands that this person must not sell those goods except during certain hours.

The Hon. E. Anthoney—He could not stop this person doing that.

The Hon. F. J. CONDON—But he does. I brought the matter under the notice of the Attorney-General and he says that it can be done.

The Hon. C. R. Story—He does not have to rent that shop. He can go elsewhere.

The Hon. F. J. CONDON—That is a very intelligent interjection! Why should this person not be allowed to sell the goods when he wants to?

The Hon. C. R. Story—No-one is compelling him to remain there. He is free to go elsewhere if he likes.

The Hon. F. J. CONDON—If that is my honourable friend's policy it is not mine. If this person rents a property, he should have freedom to sell what he desires.

The Hon. C. R. Story—You believe in private enterprise now?

The Hon. F. J. CONDON—I believe in most things that give a fair deal and if private enterprise gives a fair deal I support it. I do not object to others getting fair treatment, but that would be foreign to my honourable friend. I have much pleasure in supporting the Bill.

The Hon. Sir FRANK PERRY (Central No. 2)—Instances of hardship and inconvenience were mentioned by my honourable friend, Mr. Condon, but they were not very convincing. In discussing this matter we must realize that 19 years have elapsed since the need for this legislation became apparent. I do not hesitate to say that it was apparent then, and

no responsible Government could have done anything else, but I cannot see why one section of the community should still be embarrassed by this legislation. We need only remember the freedom that is available to all other types of investment; probably the only one controlled and hampered is investment in rented properties. This was at one time a recognized method for a person to provide himself with an income during retirement.

I hope that this is the last time we shall have this legislation before us. Gradually restrictions under it have been whittled away and the Act improved. I know that if this legislation came to an end its repeal would inconvenience some people. Those who have rented properties over the intervening years should now realize their responsibility of providing their own home. Those who invested in the original home have the right to expect an increment of return from this type of investment, and freedom should apply to it as in other types of investment. The Housing Trust first built four-roomed homes in 1938-39 for about £700 to £750, whereas the same type of house today costs between £2,000 and £3,000. I have always opposed this legislation, and although when it is discharged from our Statute Book there will be some complaints and some disabilities, the sooner that position arrives the better. Some people are enjoying certain conditions in rental homes to which they have no right, and this is at the expense of the landlord.

Although there have been rises in the cost of living and increases in returns from all other forms of investment, the return from this particular type of investment is held almost static. I could not quite follow the amendment proposed by the Chief Secretary and it seemed to me that it was not following the spirit of the original legislation. I am certainly not in favour of applying further restrictions and adding to the complacency that seems to exist among certain types of tenants. Before another amending Bill is introduced there should be a close examination of the effects of the legislation. I was interested in the figures quoted by Mr. Condon, who said that during last year 2,714 applications were dealt with for alterations in rent, but he did not say how many were for increases or how many for reductions. That is not very many considering that the Housing Trust is building 3,000 homes a year in addition to those being built privately.

We do not know the full ramifications of this legislation, and it is time that something

definite was produced by the Government in this direction if it expects honourable members to continue to support it. It is apparent to me that the scope of the legislation is growing less and less every year and it has reached such proportions that it does not warrant hardship being forced on certain property owners, many of whom suffer because of the low rents now applying, but who, because of sentiment, do not take advantage of every point under this legislation. Whereas all types of revenue, including interest, have increased we still adhere to the small increase in rents from homes, with the consequence that no-one is building homes for renting. There is only one avenue through which one can obtain a rental home and that is through the Government. That is not a good thing. I hope that this will be the last occasion that it will be necessary for me to say anything on this type of legislation. I propose to support it now, but I will want some further explanation of the amending clause before being prepared to support it.

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

FIREARMS BILL.

Returned from the House of Assembly with an amendment.

BENEFIT ASSOCIATIONS BILL.

Consideration in Committee of the House of Assembly's amendments:—

No. 1. Page 2, line 4 (clause 3)—Add the following paragraph:—

(d¹) any approved insurer under Part IIA of the Road Traffic Act, 1934-1957.

No. 2. Page 2—After clause 4, insert the following new clause:—

4a. *Restriction on certain business.*—(1) An association shall not carry on medical benefit business or hospital benefit business unless—

(a) it is carrying on that business at the time of the passing of this Act; or

(b) it is registered as a medical benefits organization or a hospital benefits organization under the Commonwealth Act entitled the National Health Act, 1953-1957, or the regulations thereunder.

(2) In this section—

“hospital benefit business” means the business of making and carrying out contracts under which an association in consideration of the payment of contributions undertakes to make payments to contributors or others in respect of any hospital treatment in relation to which benefit is payable under the laws of the Commonwealth:

“medical benefit business” means the business of making and carrying out contracts under which an association in consideration of the payment of contributions undertakes to make payments to contributors or others in respect of any medical services in relation to which benefit is payable under the laws of the Commonwealth.

(3) The Minister may at his discretion grant an exemption from this section to any association which has made a deposit with the Treasurer of the Commonwealth under the Insurance Act, 1932-1937, of the Commonwealth.

No. 3. Page 6—After clause 12, insert the following new clause:—

12a. *Restriction on method of soliciting contributions.*—(1) A benefit association or a director or employee of a benefit association shall not deliver to any person or publish in any way any written matter soliciting contributions to such association or advertising the benefits to be obtained from the association except in a form approved by the Public Actuary.

(2) Before approving the form of such matter the Public Actuary shall be satisfied that it accurately and clearly sets forth the benefits to be obtained by such contributions, and that the matter contains no words which could be calculated to mislead the public as to the benefits to be obtained.

Amendment No. 1.

The Hon. C. D. ROWE (Attorney-General)—Clause 3 provides that the Act shall not apply to certain organizations, such as any friendly society registered under the Friendly Societies Act, any organization registered as a medical benefits organization or hospital benefits organization under the National Health Act, any person or body corporate which is registered under the Commonwealth Life Insurance Act, any association of employees registered as an organization under the Commonwealth Conciliation and Arbitration Act or any association declared by proclamation to be exempt from this Act. It has been necessary to insert “any approved insurer under Part IIA of the Road Traffic Act” in order to clarify the position, and I think the Committee can quite well accept this amendment.

Amendment No. 1 agreed to.

Amendment No. 2.

The Hon. C. D. ROWE—Since this Bill was before us there have been further developments with regard to some organizations offering hospital and medical benefits that have rather led to the belief that we can afford to tighten up a little in regard to what associations we allow to carry on business. The purpose of this amendment is

to ensure that every association will be financially strong enough to meet its commitments.

Amendment agreed to.

Amendment No. 3.

The Hon. C. D. ROWE—This is a further protection to the public and I ask the Committee to accept it.

Amendment No. 3 agreed to.

PULP AND PAPER MILLS AGREEMENT BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1673.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—In supporting this measure I wish to offer a brief survey of some early history of the Cellulose Company. In the early days of the Second World War the company found itself in considerable difficulty, from which it was extricated by the far-sightedness of the Industries Development Committee. The company had a large overdraft with the Bank of New South Wales, as well as other sundry creditors. Australian Paper Manufacturers at that time was acting as adviser to the Government in respect of the manufacture of manilla board and chip board required for munition purposes, and the price was fixed on its advice. However, it was at a figure that made it difficult for the Cellulose Company to compete and it was forced to apply to the Industries Development Committee for assistance. The committee, of which Mr. (now Judge) Abbott was chairman, and the Hon. J. L. S. Bice and myself of this Council were members, after an exhaustive examination recommended that the Government should guarantee a loan to the company to enable it to continue operations and provide the chip and manilla board required for war purposes.

The company has been through many vicissitudes. The late Mr. Chapman, then Railways Commissioner, was seconded to the board to assist on the engineering side, and the company's present efficient grinding mill was the outcome of that gentleman's engineering skill and ability. Also, I pay a tribute to the Barr-Smith family. On the lamented death of Mr. Barr-Smith, Senior, the beneficiaries waived their rights to the assets in the company and allowed the Government to take a first lien over them. That was a notable and commendable act in keeping with the spirit so characteristic of this family in the development of South Australia. My main

purpose in mentioning these facts is to indicate that this company has not always been on a very even keel and that it has suffered a good many teething troubles.

The Hon. E. H. Edmonds—It is not alone in that respect.

The Hon. K. E. J. BARDOLPH—No, but we must commend the board for getting over its troubles. It has repaid to the State Bank, I think, the whole of the first loan granted to it, and has also paid dividends to the shareholders from time to time.

The Hon. E. Anthoney—The war saved it.

The Hon. K. E. J. BARDOLPH—That is so with regard to chip board. The company was up against keen competition from A.P.M. which fixed the price for chip and manilla board. I suppose it is an old business axiom that if you have a competitor you do not let him get in on the same footing as yourself if you can prevent it. The progress and development of this company since 1941 prove implicitly that the guarantee given by the Government placed it on a good economic footing. So much for the past history of the company.

This measure ratifies an agreement and, as the Chief Secretary has said—

Some question has been raised about the wisdom of legislating in this way but the ratification of an agreement is probably the best way in which Parliament can authorize the grant of rights to industries established under arrangements made with the Government.

The Chief Secretary goes further and says that this, in effect, is on all fours with the agreement made with the B.H.P. Company and ratified by Parliament. I shall not oppose the provisions of this agreement because, in effect, all it does is to grant this company rights regarding the discharge into the sea of the effluent that will be caused by the establishment of this paper mill and by Cellulose, and the construction of channels. In return, the company undertakes certain obligations to keep it in proper repair, and also undertakes to pay £1,200 a year.

My point is that there is no mention in this agreement or by the Government of the actual cost of the construction of the drain to take the effluent from Lake Bonney and discharge it into the sea. Nor is there provision in the agreement as to who shall be responsible for estimating the job. As it did in the case of the Broken Hill Proprietary

Company, the Government should refer the matter to a Select Committee for inquiry, because, in effect, we are signing a blank cheque. I do not imply anything sinister or suggest any chicanery in connection with this agreement but we should investigate whether legislating by ratification of an agreement is the best way in which Parliament can authorize this expenditure or whether we should allow the executive Government to enter into an agreement not endorsed by Parliament. The cost of the construction of this drain should have been stated to Parliament either by the department concerned or by the company. I submit that, if all these agreements are to be ratified by Parliament, the correct procedure to be adopted should be that appertaining to the Broken Hill Proprietary Company's leases at Whyalla. I have nothing further to say. I merely mention those things and compliment Cellulose upon the progress it has made.

The Hon. Sir Lyell McEwin—You would not oppose decentralization of industry?

The Hon. K. E. J. BARDOLPH—No.

The Hon. Sir Lyell McEwin—Even if it involved some consideration of those things?

The Hon. K. E. J. BARDOLPH—The Chief Secretary must realize and admit that every proposal submitted by his Government for the decentralization of industry has always had the whole-hearted support of the Australian Labor Party on this side of the House. It is true that the Government attempts to bask in the reflected glory of the progressive policy of our Party, because the Government adopts many of its planks. I do not deny the Government the right to do that, because it is the Executive Government, chosen by the people. Nevertheless, it is gratifying to us, as members of the A.L.P., to observe a Liberal Government accepting our policy. Then the Chief Secretary has the temerity to ask me whether I oppose decentralization.

The Hon. Sir Lyell McEwin—Do I understand that the honourable member is withdrawing the inference that perhaps we have been a little over-generous?

The Hon. K. E. J. BARDOLPH—No; I am not suggesting that. My votes and those of my Party and our expressions of opinion have always been for the development and decentralization of industry. I say these things merely from a debating point of view in search of information which at times it is difficult to glean from the Minister's second reading explanation.

The Hon. Sir Lyell McEwin—The amounts were probably not checked.

The Hon. K. E. J. BARDOLPH—It is our prerogative to ask the questions that come actively to our minds so that we may be convinced that the Government is implementing our policy correctly, since we do not desire to see any hotch-potch application of that policy. I raise these points merely to ascertain whether the Government understands what it is doing.

The Hon. Sir Lyell McEwin—Would you accept the recommendation of a Select Committee?

The Hon. K. E. J. BARDOLPH—Of course I would.

The Hon. Sir Lyell McEwin—This has been to a Select Committee.

The Hon. K. E. J. BARDOLPH—I am talking about the cost.

The Hon. Sir Lyell McEwin—You said just now that it had not been to a Select Committee, but it has.

The Hon. K. E. J. BARDOLPH—The cost to the taxpayer has not been mentioned. It is useless for the Chief Secretary to attempt to say otherwise. It is left to the department to expend this money.

The Hon. Sir Lyell McEwin—You said it should have gone to a Select Committee. It has.

The Hon. K. E. J. BARDOLPH—I am not going to be side-tracked. I tell the Chief Secretary without rancour or heat that, if it is going to be left to a department to carry out this work, he can look at the long trail of wreckage that departmental estimates made from time to time where the completed work has in many cases exceeded twice the amount of the estimate. That is on record. It is our job here to be watch-dogs of public expenditure. I want to know the expenditure involved. If it is £500,000, we are prepared to support it; if it is £750,000 we are prepared to support it; but we cannot simply be blinded by a speech about what is to happen. Labor members support wholeheartedly the development and decentralization of industry in this State. Our votes and voices have indicated where we stand on these main issues. It is useless for the Chief Secretary to deny that. I know he does not really mean it. I support the second reading.

The Hon. J. L. S. BICE (Southern)—Briefly, I support this measure. My active association

with Millicent, Snuggery and Tantanoola dates back to about 1919 when I was closely connected with land settlement. It is a pleasure to me that areas like Tantanoola are becoming populated, for they have had little encouragement in regard to secondary industries. I am glad that Mr. Bardolph gave so much publicity to the activities of the Playford Government in decentralization and the establishment of a really worthwhile industry. In the early 1940's, the honourable member and I were associated with the Secondary Industries Committee, and we were privileged to see Cellulose established on a sound basis. I think we can pat ourselves on the back because the company then was in a difficult position and we were able to help it.

I am interested in this matter because our forests have reaped much benefit from the establishment of the Cellulose company in that district. Evidently the Chief Secretary wonders why I am so interested but, if he had the privilege of receiving letters as I have during the past six to eight months thanking me for the active part I have taken in the development of the Millicent and Tantanoola area, I am sure that he, too, would say how pleased he was. The Select Committee that considered the whole aspect of this project could not do otherwise than say, "We are right behind the establishment of this paper mill that is to work in conjunction with the cellulose industry." I remember when the Cellulose Company was importing the chemical pulp it needed. Today, it is utilizing the waste material from our pine forests and making all the chemical pulp required for our industry.

I have been approached about the effluent and trade waste from this undertaking, but it would appear from information available from the Engineer-in-Chief, the Manager (Mr. Smyth) and the Chairman of Directors that that difficulty will be overcome. The water supply is ample for all the requirements of this undertaking. Various people associated with the District Council of Tantanoola raised the point with me. I referred it to the Chairman of the Select Committee, which carefully investigated it and was satisfied about it. The Millicent District Council has signed a report furnished to the House and says that it is happy to be associated with the undertaking.

The Public Works Standing Committee for a long time has had under consideration the question of a water supply for Millicent. Certain people in the Millicent area do not require a reticulated water system as they have bores, windmills, tanks and so on, but

many houses have been erected because of the influx of population into that area and the people in those houses have to rely for their water on rainwater tanks. Added to that, the difficulty of sewerage is causing much concern. The *Millicent Times* and *The South-Eastern Times* have repeatedly brought before the notice of the people that unless they get an effective water supply in the Millicent and Tantanoola areas the sewerage of those areas will be very difficult. I am sure Mr. Condon will realize how enthusiastic one becomes when one sees the activity being displayed by the local people in their efforts to obtain a reasonably good water supply.

The Hon. F. J. Condon—They could have had it long ago if they had wanted it.

The Hon. J. L. S. BICE—Other opinions are held about that. I am glad these problems are being raised now, because increased accommodation has been provided in this area for the influx of population that has taken place. It is going to call for a very effective water supply for the area, as well as for the sewerage of that district. After reading the report of the Select Committee I have every confidence that these two huge undertakings in that area will be of tremendous value to our forests. I support the measure.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I support the Bill. I think the agreement is a good one, and that it will contribute to the development of this part of the State and thus of the State in general. I shall comment on one matter because I think it has a definite bearing on whether or not support should be given to this Bill. The agreement we are asked to ratify obliges the Government to spend further moneys in respect of this industry. In considering whether or not the Bill should be supported I refer to the moneys the Government has already invested in this industry. In the supplementary session last year a rushed Bill was introduced; we were asked to agree to the Government's taking up further shares in Cellulose (Australia) Limited pursuant to the rights it had under the articles of association of the company, and the matter was fully debated. At that time Sir Collier Cudmore expressed the view that the Government should not hold shares or continue to hold shares in an industry such as this. He agreed they should be taken up because they had a value above their par value, but he moved an amendment that the shares be sold at once. I refer honourable members to what

I said on that occasion because it is relevant. In speaking on the second reading I said:—

As a matter of principle the shares should be sold in due course, but it might be bad business to sell them all at once because that would result in a depreciation of their value. I should like to see an amendment that has an effect about midway between that of the Bill and that of the proposed amendment, that is, that the shares be sold but that it be discretionary so that they may be sold at a time or times to obtain their fullest value.

I think at this stage, when we are considering the outlay of further money in respect of this industry, that it is time that matter came into purview again. As I understand the situation, the shares in Cellulose are today somewhere about double their par value. The Government invested in Cellulose (Australia) Ltd., as I understand it, to assist or even possibly to save the industry, and that, of course, is the role of the Government. In due course there will no doubt be other industries in the same position and the Government will need money to that end. At this stage it has not only achieved its purpose in this industry, but it has also had the side effect—not that it was looking for it—of doubling its money if it sells at today's market price.

I strongly say to the Government that it should ease out these shares now in parcels as the opportunity arises for the purpose of getting in the money from an industry that no longer needs it, so that the Government will have that money available to help other industries for the sake of the State. That is what I said before; it is what Sir Collier Cudmore had in mind, and I believe it is an important and true principle that that should be done. I see no reason whatever why the Government should continue to support an industry whose shares on the open market are worth double their par value.

I think those comments are extremely relevant to this Bill, because we are asked to ratify the Government's spending more money on an industry in which it has already much money invested that it does not need invested. That does not mean that I am in any way challenging this particular agreement. I believe that the Government should spend the money provided for in the agreement, but I believe at the same time that it should recall what it has already invested; it will do no harm to anyone, and it will see that a fund is created whereby other useful works can be assisted for the benefit of the State, rather than allow this money, in effect, to lie idle in a place where it

is not needed for the public welfare. I support the Bill.

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

FOOT AND MOUTH DISEASE ERADICATION FUND BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1663.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill is far reaching and deals with some restrictions on all cloven hoofed animals. It is a Bill of anticipation, and I hope that it will not be necessary to implement further legislation in Australia. A committee recommended in 1956 that a draft Bill be approved and introduced in the various Parliaments of the Commonwealth. This Bill proposes that should there be an outbreak of the disease anywhere in Australia the Commonwealth Government should contribute 50 per cent of the cost of eradication and the balance should be contributed by the other States. South Australia's contribution would be 10 per cent.

In South Australia the power to control the disease is contained in the Stock Diseases Act, 1934-1956. That Act was amended two years ago, and dealt with the introduction of affected stock into South Australia. Foot and mouth disease is probably the most highly infectious disease amongst animals that is known, and in every country in which the disease has appeared there has been temporary chaos. If the disease became established in this country the results would be calamitous. In addition to the loss of production and the enormous expense of prolonged control, import embargoes would probably be imposed by other countries against our animal products such as wool, meat and dairy produce, and this would be economically disastrous.

The purpose of the Bill is to provide machinery for the payment of compensation in respect of any outbreak of foot and mouth disease which might occur. Provision is also made for the valuation, by agreement, of animals and property destroyed, and for reference to an arbitrator if no agreement can be reached. In its full implication it is emergency legislation to cope with a disastrous situation which, we hope, will never occur. Australia, New Zealand, Canada and the United States of America are the only countries in which the disease does not exist, and we in Australia can consider ourselves very fortunate in that respect.

Clause 4 enables the Government by proclamation to extend the definition of "animals." I think that is a very necessary precaution, for one never knows just what would happen in the future if this disease became established here. Clause 5 provides that the eradication fund shall be kept at the Treasury, so we can be assured that it will be in safe hands. Clause 6 refers to the appointment of inspectors. When the fruit fly attacked South Australia it was never thought that the infestation would grow to the proportions it has today. It has become very expensive, and I hate to think what the eradication of foot and mouth disease would cost this country. It is therefore necessary that some provision be made to deal with the possible spread of the disease.

Other clauses deal with the payment of compensation. I think that the 10 per cent that South Australia will be called upon to contribute, if necessary, is a reasonable amount. The highest contributor amongst the States would be New South Wales with 49 per cent. Eradication measures could cost millions of pounds. The idea behind this legislation is prevention, therefore any money spent to prevent the introduction of foot and mouth disease into Australia will be well spent. This is very important legislation and I understand that up to the present Victoria is the only State that has passed such a Bill. In conformity with the agreement arrived at by the Agricultural Council it will be necessary for every State to implement this legislation, which will be of importance to the whole of Australia.

The Hon. A. J. MELROSE (Midland)—Mr. Condon hit the nail on the head when he said that this is largely anticipatory legislation. Often when I have been speaking on Bills dealing with animal diseases I have advocated a more embracing type of legislation so that the Department of Agriculture could be ready to deal with outbreaks without having to wait for Parliament to sanction its action. The course proposed is the obvious one and it is a pity that it was not taken many years ago. The Bill deals with the payment of compensation should there be an outbreak of foot and mouth disease. It will enable the Department of Agriculture to act with the greatest promptness if this disease should break out.

We are a lucky country. Australia is largely a pastoral country and is free from most of the animal diseases that in other parts of the world are an absolute scourge. Foot and mouth disease is not the least of them. The original

Stock and Poultry Diseases Act includes a list of diseases at present existing in Australia and another list of those not found here. Among the terrible diseases not existing here are foot and mouth disease, fowl cholera, fowl plague, glanders, rabies, swine erysipelas, swine fever and trichinosis. All these diseases could play havoc with our primary industries, but we are free from them and I hope that with the ever-increasing diligence of the Customs Department we shall remain free from them. Because of the ever-increasing number and speed of aeroplanes travelling to and from all parts of the world, one cannot help thinking of the danger of the outbreak of some of these diseases, as could happen with noxious weeds. I have seen the wheels of an aeroplane coated with the seeds of noxious plants that were prickly enough to stick into the rubber. An aeroplane could pick up weed seeds in any part of Australia and distribute them rapidly to other parts of the Commonwealth; and so noxious weeds could also be introduced into Australia by this means from other countries.

We should anticipate the introduction of a disease like foot and mouth disease, because I understand it is spread from infected pastures. It would not need a great stretch of the imagination to think that a human being, by walking on infected pastures, could carry infection and spread the disease as he walked about. It is a pity that when the Stock and Poultry Diseases Act was introduced in 1934 and amended in 1946 the disease was not referred to other than as foot and mouth disease, and not described somewhere by its proper name—*eczema epizootica*. The word "*eczema*" describes the disease well enough because it takes the form of an outbreak of pustules on the lips and around the hoofs of an animal and "*epizootica*" means that it is an epidemic disease of animals.

Steps that must be taken to deal with the outbreak of such a disease are really heroic. All animals on an infected property must be slaughtered and if there is any suspicion of there being contact with a neighbouring property the animals there must also be slaughtered. If there were an outbreak in a valuable herd of cattle or flock of sheep the cost of eradication could be colossal. That is why it is necessary to establish a fund, as is proposed by the Bill. I do not know where the money will come from nor whether a line has been placed on the Estimates. The Bill provides that the Commonwealth will provide half the money required

and the States the other half between them. The proportions have been agreed upon. I did not see in the Minister's explanation on the second reading or in the Bill any reference to the amount that will be placed in a fund immediately as a nucleus. If there were an outbreak, possibly the money could be raised before the compensation had to be paid. It would be impossible to forecast how much would be needed to meet an emergency.

The Hon. Sir Lyell McEwin—The Bill authorizes payment should there be an outbreak, which principle applies with certain other legislation.

The Hon. A. J. MELROSE—That would be all right. The main thing is that there should be power to destroy infected animals and thus control the disease. It would not be necessary to pay the compensation forthwith, so long as payment was guaranteed to those who suffered loss. I know one dairyman near Adelaide whose stock were discovered to be suffering from tuberculosis, and quite properly they were slaughtered. However, it ruined him. Apparently, there was no way to compensate him. That is the kind of thing an owner of livestock should insure himself against by taking steps to wipe out such a disease before it affects his whole herd. The provisions of the Bill are a step in the right direction to prevent the establishment of such a disease. I support the measure wholeheartedly and feel sure that other honourable members will do the same. Of the diseases that I referred to earlier, such as rabies (usually known as the "mad dog" disease), serious as they may be, they are not as serious as foot and mouth disease and could possibly be more easily stamped out. I support the Bill.

The Hon. W. W. ROBINSON secured the adjournment of the debate.

HOUSING IMPROVEMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1674.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the Bill, which gives the Housing Trust, which already has authority to build houses, authority to construct other buildings incidental thereto, such as shops. The original Act has been amended from time to time extending the powers of the trust. I am not criticizing its activities, because I have the greatest admiration for the efficiency of its officers and its policy in attempting to catch up with the shortage of

homes, but I contend that there is a danger of Parliament's giving a complete building power to it, as indicated by the projects covered by this legislation. The policy of my Party for many years has been that a Minister of Housing should be appointed. The trust from a small beginning has grown to a colossal authority, and the rents from its properties amount to millions of pounds a year. So much so that this project, despite the admirable efficiency of Mr. Ramsay and his officers, could become unwieldy, yet it is proposed to delegate further powers to this authority without its being governed by a Minister. I may be told by the Minister in charge of the Bill that we virtually have a Housing Minister in the person of the Premier. I am not decrying the Premier's activities either, but after all he is the Treasurer of this State and the housing problem has reached such colossal proportions that it requires the attention of a full-time Minister.

I said earlier on other measures that housing is becoming not only a State, but a national problem, and we should give early consideration, not to restricting the powers of the Trust but to bringing the whole question of housing more closely under the control of Parliament. Recently we passed amending legislation to the Industries Development Act which was correlated to the activities of the Trust.

The Hon. Sir Frank Perry—This is very similar.

The Hon. K. E. J. BARDOLPH—I was coming to that point. This Bill runs parallel with it and we ought to be careful not to create, whether in the professional, building or merchandising sphere, a State-owned and controlled monopoly, for any monopoly can become very burdensome upon the people whoever controls it unless it is under a Minister responsible to Parliament; anything State-owned and controlled should be used in the interests of the people. It has been said that the Trust is also embarking upon the architectural field, so it will be seen that if we allow its ramifications to extend uncontrolled it could easily become a big monopoly and irksome to the community. I am not opposing the measure, although the wording of clause 2 throws it wide open. If it stopped at houses and shops needed for the new urban areas being developed by the Trust, that should be as far as we should go, but it says, "similar buildings," and that is open to varying interpretations.

The Hon. Sir Arthur Rymill—I should like to hear an architect on this.

The Hon. K. E. J. BARDOLPH—I am very humble this afternoon and I did not want to be too aggressive, or to set myself up as an oracle on the profession, but the Labor Party always looks after the interests of everybody. I support the second reading, but I think the time has arrived when the Premier should not be the *ex-officio* Minister of all departments, and I say that with very great respect, because I appreciate his ability and adroitness.

The Hon. Sir Lyell McEwin—What do you mean by "all departments"?

The Hon. K. E. J. BARDOLPH—Exactly what I said. If he has a team of Ministers prepared to be guided by him, well and good; but I think the time has arrived when we should have a Minister to deal with this important problem.

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

SUPREME COURT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1671.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I think every member without equivocation or qualification will agree with the proposed increases in salary for the members of our Judiciary. I think they will agree, too, that the increase is not sufficient. I believe that there should be some automatic method whereby the salaries of judges are reviewed from time to time.

There are two laws governing our existence—the Divine law and the rule of law. The rule of law is that promulgated by Parliaments for the protection of the citizens of any community and the code governing our economic existence. That is exemplified by the fact that we have first our citizens from whom our Parliaments are elected, and under the Parliamentary system of government whoever has the largest majority forms the Executive Government. Laws are promulgated in Parliament, but we then look to the Judiciary to interpret them. The judges in turn are appointed by the Executive Government, so on a close analysis we see that it comes right back to the citizens who elect the Government through their Parliament, which then elects the judges.

We may be proud of the fact that British justice is renowned and honoured everywhere

in the civilized world for its impartiality and incorruptibility. Its foundations have stood firm for the greater part of a thousand years, despite vast changes in political and social life and every attempt to weaken them. On these foundations has been built up slowly, carefully and wisely the only judicial system comparable in excellence with that devised by the inspired legislators of ancient Rome. Regarded by the clear eyes, and weighed in the level scales of British justice, all men are equal. The poorest and lowliest may confidently entrust his interests and his wellbeing to its protection; the richest and the most highly born cannot hope to bribe or force it from its traditional functions and obligation. Before the Bar of British justice every man accused of an offence is deemed to be innocent until his guilt is clearly established—and that, in all important cases, by the verdict of an independent jury to whom all the known facts have been presented. When that verdict has been given and the judicial decision based upon it formally announced he can never be tried again for the same offence, no matter what new facts time may reveal. That is the foundation of our British system of government, and these gentlemen, who were leading members of the Bar and who gave up lucrative practices to take on a job in the interests of the community, should enjoy an emolument commensurate with the duties they are called upon to perform.

In New South Wales the salary of the Chief Justice is £5,575 plus an allowance of £350, and the puisne judges each receive £4,725 plus an expense allowance of £250. In Victoria the emolument of the Chief Justice is £6,050 plus an allowance of £500, and that of the puisne judges £5,450 plus an allowance of £350. Under this Bill the Chief Justice of South Australia is to receive £5,750, and the puisne judges £5,000 with no allowances. I think every member will agree that in holding their very dignified and illustrious positions they, too, have expenses, and that if they were practising at the Bar these gentlemen, at any rate in the last 20 years or so, would have earned much more than they do by serving the community in their exalted positions. They have taken on the responsibility and accepted those positions, and they know that, with their trained knowledge and their desire to give service to their fellow men, they have abandoned the opportunity of a lucrative practice in accepting positions on the bench.

It is, of course, a delicate subject to discuss. These increases should be fixed automatically to obviate discussion on them, because this is an institution that we are proud to have established in our midst as a member of the British Commonwealth of Nations. If one of the institutions I have mentioned—Parliament, the Judiciary or religious institutions—is not protected, then democracy fails; so it is up to us and the community, irrespective of our faith, to ensure that this institution established for the benefit of the community is maintained in an atmosphere free from carping criticism so that it can carry out the functions for which it was originally, and is now, intended.

I compliment the judges on the many occasions on which their services have been requested for various bodies of inquiry. For example, the Chief Justice (Sir Mellis Napier), Mr. Justice Reed and Mr. Justice Ligertwood were called upon to act on Commonwealth Royal Commissions. We have always had compliments paid to our judges in the Supreme Court for the important work they have done for either the State or the Commonwealth when acting in their judicial capacity. My Party and I have much pleasure in supporting the increases. In the future, some method should be devised whereby these salaries can automatically be adjusted.

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

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

Its purpose is to give to the Renmark Irrigation Trust power to erect embankments to protect the district of the trust from inundation by floods. Whilst the trust has certain powers in this regard under section 65 of the Renmark Irrigation Trust Act, the Act does not give the trust power to erect embankments on land not owned by the trust or in which it does not possess the necessary legal interest. It is obvious that, as was the case on the occasion of the last flooding of the River Murray, banks must be constructed with speed and without the delays consequent upon

the acquisition of title to the land upon which the banks must be constructed.

The principle of giving the trust power to enter land and to construct works is already established in the Act, and section 115 empowers the trust to enter any land within the district and to construct drains on the land. The section gives to the owners of land affected a right to compensation for any resultant damage.

Clause 2 of the Bill proposes to give to the trust similar power as regards flood embankments. The clause provides that the trust may construct these embankments on any land within the district and gives the trust the necessary power of entry. It is provided that the owner of any land affected is to be entitled to compensation for any damage suffered. It is provided that for the purpose of the clause the trust may declare a special rate. Section 94 provides that such a rate may be declared for various purposes, whilst section 92 provides that the special rate so declared is not to exceed 5s. per acre per half year.

During the recent floods, the trust went ahead and constructed necessary banks without statutory authority to enter the land in question, and it can be said that the emergency at the time justified the action taken by the trust. In order to meet this position, clause 3 provides that the amendments made by clause 2 are to be retrospective as from July 1, 1956. Accordingly, the legal position of the trust as regards the con-

struction of these flood banks, will be established as will the rights to compensation of the owners of the land affected. Section 164 and following sections of the Act deal with the procedure to be followed as to claims for compensation. Section 164 provides that any such claim is to be made within one year after the right to compensation arose. Obviously, this provision is not applicable to rights which arose before the passing of the Bill, and clause 3 provides that, for the purpose of such rights to compensation, the claim for compensation is to be made within six months after the passing of the Bill.

It is a hybrid Bill and, in accordance with the Joint Standing Orders, it was referred to a Select Committee of another place which, after taking evidence, recommended the passing of the Bill.

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

PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT BILL.

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

MAINTENANCE ACT AMENDMENT BILL.

Returned from the House of Assembly with an amendment.

ADJOURNMENT.

At 4.25 p.m. the Council adjourned until Tuesday, November 18, at 2.15 p.m.