LEGISLATIVE COUNCIL.

Thursday, November 5, 1959.

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

ASSENT TO ACTS.

His Excellency the Governor's Deputy, by message, intimated his assent to the following Acts:

Statutes Amendment (Public Salaries)

Exchange of Land (Hundred of Noarlunga).

KINGSCOTE HARBOUR ACCOMMODATION.

The PRESIDENT laid on the table the final report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Kingscote harbour accommodation.

WRONGS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Representations have been made both by the Law Society of South Australia Incorporated and by the Municipal Tramways Trust drawing attention to certain anomalies in the Wrongs Act, 1936-1958, which have given rise to difficulties in the enforcement and recovery of contribution between tort-feasors for damage arising from torts committed by them. These representations have been examined by the Parliamentary Draftsman who is of the opinion that the anomalies arise from ambiguity in the wording of sections 25 and 26a of the principal Act and from situations which were apparently not envisaged at the time those sections were enacted. The object of this Bill is to remove those anomalies and difficulties. Section 25 of the principal Act deals generally with the rights of one tort-feasor liable in respect of any damage arising from a tort committed by him to recover contribution from a co-tort-feasor liable in respect of the same damage. So far as material the section (the wording of which follows the language of section 6 (1) of the corresponding English Act—the Law Reform (Married Women and Tortfeasors) Act, 1935) provides as follows:—

"25. Where damage is suffered by any person as a result of a tort . . .

(*a*) . . .

(*b*) . . .

(*c*) any tort-feasor liable in respect of that damage may recover contribution from any other tort-feasor who, is, or would if sued have been, liable in respect of the same damage, whether as a joint tort-feasor or otherwise . . . ."

The passage "any other tort-feasor who is, or would if sued have been, liable" in the passage just quoted has been the subject of differing judicial opinions both in England and in this State, but the weight of those opinions seems to favour a construction of that passage as contemplating only two classes of tort-feasors from whom contribution can be recovered under that provision, namely—

(i) those who have been sued and *held* liable by judgment in the suit, and

(ii) those who have not been sued, but would, if sued, be *held* liable.

Such a construction could work hardship on a claimant tort-feasor in a case where the tort-feasor from whom he seeks contribution, though capable of being *held* liable if sued by the victim of the tort at a particular time, has a good defence (e.g. under a special Act which requires the action to be brought within a shorter period of time than that required by the Limitation of Actions Act or by reason of his having been released from his liability) if sued at some other time, in which case he would not be in either of those two classes, being neither a tort-feasor who has been sued and held liable nor one who has not been sued but would, if sued, have been held liable.

Paragraph (*a*) of Clause 3 of the Bill seeks to remove this hardship by substituting for the words "if sued" in that passage the words "at any time" so that paragraph (*c*) of section 25 of the principal Act, when amended, would read:

"(*c*) any tort-feasor liable in respect of that damage may recover contribution from any other tort-feasor who is, or would at any time have been, liable in respect of the same damage, . . ."

The interpretation of the words "any tort-feasor liable in respect of that damage" in the above passage has also given rise to much argument as to whether the right to recover contribution crystallises only when the tort-feasor's liability has been determined by a judgment in an action founded on the tort. Such an interpretation works hardship on a tort-feasor seeking to recover contribution from, or to be indemnified by, a co-tort-feasor to whom a defence (*e.g.* under a special Act prescribing a shorter period of limitation referred

to earlier) might become available by reason of time running against the claimant tort-feasor until his liability is determined by the judgment. This hardship is sought to be removed by sub-paragraph (i) of the new paragraph (*ca*) inserted by Clause 3(*b*). The paragraph also preserves the rights of a tort-feasor, who has settled a plaintiff's claim out of court, to maintain a claim for contribution or indemnity from a co-tort-feasor. The onus of proving this liability and the reasonableness of the settlement would still fall upon the tort-feasor seeking contribution or indemnity, but it is considered that in many cases costs of unnecessary court proceedings could thus be eliminated.

Subparagraph (ii) of the new paragraph will preserve a tort-feasor's right to contribution from a tort-feasor from whom contribution is being or could be claimed (who, for the sake of convenience, is referred to in that paragraph as a "third party") notwithstanding that the person who suffered the damage has released the third party from his liability for that or any part of that damage. Sub-paragraph (iii) is intended to meet the situation where one or two or more tort-feasors is entitled under a special Act to receive notice of action before action is brought against him by the person who has suffered the injury. As the law now stands, if in such a case the plaintiff fails to give a proper notice to the tort-feasor who is entitled to that notice, the other tort-feasor or tort-feasors have no right to recover contribution or indemnity from him and their right to recover contribution or indemnity could well depend upon the whim of the plaintiff—*i.e.* upon whether or not he chooses to give the notice. The right to contribution in such case is preserved by sub-paragraph (iii) of the new paragraph notwithstanding that the victim of the tort has not given the third party the requisite notice of his claim in respect of the damage, but the right to contribution is subject:—

(*a*) to the claimant tort-feasor giving the third party full particulars of the claim as soon as he himself receives written notice thereof from the victim, or

(*b*) if the claimant tort-feasor fails to give such particulars, to the court being satisfied that the failure was due to the claimant's absence from the State, or other reasonable cause or that the third party has not been prejudiced.

Similarly, subparagraph (iv) of the new paragraph preserves the right to contribution notwithstanding that the time within which the victim of the tort could have commenced action against the third party has expired, but that right again is made subject to the claimant tort-feasor commencing proceedings for such contribution within one year after receiving written notice of the victim's claim against him or within one year after settlement of that claim (whichever is earlier) or within such further time as the court may allow.

In a decision of the Full Court of the Supreme Court of this State in the case of *Hall v. Bonnett* reported in 1956 S.A.S.R. at p. 10, it was held, *inter alia*, that section 25 (*c*) of the principal Act as enacted did not so bind the Crown as to subject the Crown or an agent of the Crown to the statutory liability for contribution as a joint tort-feasor created by that section. It is considered that this decision could give rise to hardship both on persons suffering damage as a result of a tort committed by the Crown or an instrumentality of the Crown and on other tort-feasors who would be liable for the same damage. Subparagraph (v) of the new paragraph (*ca*) inserted by Clause 3 (*b*) of the Bill preserves the right to contribution notwithstanding that the third party is the Crown or an instrumentality of the Crown.

It will be seen that the new paragraph (*ca*) inserted by Clause 3(*b*) is made applicable only where the claimant tort-feasor becomes liable for the damages arising from the tort in question on or after the coming into operation of this Bill when passed and it will not apply in respect of any liability incurred prior to that event. Clause 3(*c*) is a consequential amendment. Clause 3(*d*) is an interpretation measure which interprets the expressions "third party" and "plaintiff" as used in the new paragraph (*ca*) inserted by Clause 3(*b*).

Section 70d of the Road Traffic Act confers rights to obtain judgment from an insurer or nominal defendant in respect of death or bodily injury caused by negligence on the part of the driver of a motor vehicle, and section 26a of the Wrongs Act provides that an insurer or nominal defendant who has been properly sued under section 70d of the Road Traffic Act shall be deemed to be a tort-feasor if the insured person or (as the case may be) the driver was a tort-feasor in relation to that death or bodily injury. The Municipal Tramways Trust has rightly pointed out that the effect of section 26a is that the insurer or nominal defendant can be proceeded against

as a co-tort-feasor for recovery of contribution only if that insurer or nominal defendant had been "properly sued" by the person who suffered the damage. If that person, therefore, failed to sue the insurer or nominal defendant the latter could not be deemed to be a tort-feasor, and a joint tort-feasor liable in respect of that damage would have no right to recover contribution from that insurer or nominal defendant. The trust has sought an amendment of section 26a of the Wrongs Act to remove this anomaly by substitution of the words "is referred to in" for the words "has been properly sued under", and Clause 4 of the Bill gives effect to this proposal.

Clause 5 enacts and inserts in the principal Act a new section 31 which provides that after the coming into operation of this Bill the provisions of Parts II and III of the principal Act shall for all purposes be construed as applying to, and binding, the Crown and instrumentalities of the Crown.

The Bill is essentially a measure of important and necessary law reform, a draft of which has been seen and approved by Mr. D. Hogarth, Q.C., President of the Law Society, who was instrumental in the submission of the proposals to the Government. Obviously, this is rather a technical matter. I shall be happy to endeavour to get honourable members any further information they may require. This Bill comes forward as a result of a recommendation made by the former Parliamentary Draftsman, Sir Edgar Bean, and approved by the present Parliamentary Draftsman, Dr. Wynes. Its purpose is to clear up a discrepancy that has appeared in the law following on a decision of the Supreme Court of South Australia in the case that I mentioned.

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

HALLETT COVE TO PORT STANVAC RAILWAY BILL.

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

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 4. Page 1379.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading. In doing so, I should like first of all to compliment the heads of the various Government departments whose duty it was to prepare these Estimates. Every honourable member will agree with me when I say that this State is most fortunate in having heads of departments of such calibre. They sometimes have to perform trying and onerous duties, all of which they carry out with that impartiality for which the South Australian Public Service has become renowned. The citizens owe them many thanks for the manner in which the State's accounts are kept.

The amounts of money on the Estimates are already determined by other authorities—the Commonwealth Parliament and the bureaucracy in Canberra. Every State since Federation has become tied to the chariot wheels of the Commonwealth Parliament, and all the progressive proposals made by the respective State Governments have to be vetted by, or run the gamut of, the Commonwealth Ministry, of whichever political complexion it may be, together with the Canberra bureaucracy. That is evident since we have had uniform taxation, but I do not think any honourable member envisaged at that time the financial difficulties confronting every State today. Uniform taxation limits the State taxation field to a very few items. Consequently, the States are placed in the position of that famous character in Charles Dickens, Oliver Twist, asking for more.

Whilst the present Commonwealth Government is of the same political complexion as the State Government, it is refreshing to view television and hear the Treasurer say that every good suggestion made by the Opposition, be it in this place or another place, the Government acts upon. That is a clear indication and admission—I do not want to be charged with bringing politics into it!—that the Liberal and Country League is bereft of ideas, and that the Australian Labor Party's policy is one that caters for the interests of all the people and that the Party desires to legislate for all. As honourable members know perfectly well, all the Labor Party's suggestions are good; the legislation submitted from time to time would not reach the Statute Book were it not for the support of Labor members, both here and in another place, which gives the Government the necessary majority.

First, we were burdened with the financial agreement brought in by the Bruce-Page Government in 1926, and we still have a Government of the same complexion. That curtailed borrowing, which had some good aspects, but it made it an overall Commonwealth borrowing power. With the advent of the Menzies Government the States have been reduced to a condition of penury. They have to go cap in hand to the Commonwealth Government, which has a

preponderance of members on the Loan Council and at the Premiers' Conference, to ask what amount of loan moneys will be granted for carrying out their respective programmes. It is well-known that the Commonwealth Government is today lending money back to the States which has been collected from them in the form of taxation, and it is charging interest on it. I do not think any honourable member will agree that that is a sound and honest policy to pursue. We must remember that the powers of the Commonwealth Parliament were granted by the State Parliaments and when Federation was inaugurated it was determined that the principle of Federation was that Australia should progress and develop as one united nation. That seems to be the pivot on which the present Federal Parliament and those in charge of Commonwealth affairs desire the States to swing.

Some honourable members may say that we have also had Federal Labor Governments, and that is true; and those Governments have always been elected to office to carry on Commonwealth affairs at a time when the Commonwealth has been in a state of crisis. I have in mind the 1931 depression period and World War II, during which the present Prime Minister, who was also Prime Minister then, abdicated in the face of the enemy and his Government fell to pieces. When Labor was in power it always viewed the interests of one State as the concern of all States and protected the interests and well-being of all the people of all the States. I do not think that honourable members can claim that the present Commonwealth Liberal Government represents all the people of all the States because of the legislation it has placed on the Statute Book since it came to power in 1949. Since that Government has been in power we have witnessed widespread inflation, high cost of living, the pegging of wages, the restriction of credit, and a general atmosphere of gloom. I am not one of those who suggest that there will be a depression and I have never suggested that. I always remember the axiom enunciated by a former Federal Treasurer, the late Mr. Theodore, and I do not think any member will question his ability, that the contentment of any nation lay in its manpower being put to work and in the provision of adequate housing accommodation. The present Commonwealth Government has neglected the very basis of our Australian democracy. The South Australian Government knows that if it were not for the Labor Party in this State, things here would be at a standstill. My honourable friends may laugh. All the works claimed by the Premier over the radio and published in the press on Thursday mornings have been supported and very ably advocated by members of my Party.

I will touch on only three questions, namely, housing, education, and railways, with which I couple roads. We have heard much about what this State has achieved in housing. I will not decry or attempt to belittle the only building authority we have in this State, namely, the Housing Trust. I have the greatest respect for its members and its staff and the general professional and workmanlike efficiency displayed by that body. I do not think it has a peer in any State.

The Hon. C. R. Story—You should stop there.

The Hon. K. E. J. BARDOLPH—I am not like my honourable friend and do not speak with my tongue in my cheek. If the Commonwealth Government would return more of the money it takes from the State in the form of taxation and it was then lent to a responsible authority such as the Housing Trust, the housing lag would soon be overcome. It is hampered by the Housing Agreement. I remind my honourable friend that it was a Federal Labor Government that first instituted the Housing Agreement and renewed it from time to time. First, a certain percentage of the Commonwealth money granted to the States was to be expended on building houses for renting, but since the Menzies Government has been in power the allocation for housing has had several strings attached to it and the new agreement makes it mandatory for a larger percentage of houses to be built for sale.

The Hon. C. R. Story—Don't you believe in people owning their own property?

The Hon. K. E. J. BARDOLPH—Of course I agree with that and I have always advocated it, but a number of the people in the community because they are raising a young family are not in a position to find the amount required for a deposit on the houses built under the Housing Agreement and under the Homes Act in South Australia and other States. I probably have a more advanced view than my honourable friend about people owning homes. I agree with the sentiments expressed in the statement of Mr. Theodore that I quoted. I agree that when people are allowed to purchase homes on low deposits you have the greatest contentment. The nation is not found in the great mansions but in the humble homes of the workers and it is our responsibility to see that the people who constitute the great majority and produce the wealth of this

country are properly housed and able to own some of the things in life that will make them independent.

I am not decrying the actions of this Government on education, but it is hampered by lack of funds. My remarks are directed mainly against the Commonwealth Liberal Government. Recently a report appeared in the *Advertiser* of a speech made by the Minister of Education, for whom I have the highest regard. It stated:—

It was impossible for the States to provide enough money to meet the huge and growing needs of education without further financial help from the Commonwealth, the Minister of Education (Mr. Pattinson) said yesterday. Mr. Pattinson was opening the annual conference of the Australian Council of School Organizations attended by delegates from all States. He said it was estimated that £17½m. would be spent on education in South Australia this financial year—£2m. more than last year, and a total of £80m. since 1953-54.

In that period, South Australia had built or was building nearly 3,500 classrooms and had been changing gradually from wooden to solid construction. But schools were still short of teachers, many teachers were inadequately trained and insufficiently qualified, and there was a general shortage of accommodation. Fortunately there is a growing public realization of the benefits to be derived from longer and more effective schooling for most girls and boys.

It is 10 or 15 years since this House passed legislation authorizing an increase in the school leaving age. Under that legislation it was left to the Government by proclamation to increase the school leaving age. I think the reasons for not increasing the age at that time were scarcity of labour brought about by the ravages of the war and matters incidental thereto. Although the Minister says there is growing agitation by the public that boys and girls should progress to higher education this Government has done nothing to increase the school leaving age but has left it at 14 years, which was the age applying 10 to 15 years ago.

The Hon. Sir Frank Perry—The Government has given plenty of encouragement, though.

The Hon. K. E. J. BARDOLPH—I am not denying that, but a public statement made by the Minister of Education representing this Government calls for some criticism against the Government for allowing these things to continue. Trade unions can claim a good deal of credit for what they have done in Australia on education. Some people—and I do not suggest that they are members of this House—believe that Labor representatives are not competent to discuss and suggest amendments to various Acts or to conduct the affairs of the State, but I remind honourable members that primary, secondary and technical education has always been to the forefront of Labor policy. In 1868 in England when the Manchester trade unionists—and this was the genesis of the trade union movement among English-speaking peoples—were drafting a circular to convene a meeting, known as the first trade union congress, they put on the agenda technical education as the most fundamental item. One of the oldest standing committees that exists today in the trade union movement—the Standing Committee of the Trade Union General Council in Great Britain—deals with primary, secondary and technical education. Ruskin College was established in Great Britain through the efforts of the trade union movement.

The trade union movement and members of the Labor movement can claim as much kudos for trying to bring about an enlightened and intelligent democracy as some of those people who claim that Labor is not able or competent to represent various people in Parliament. That reminds me of a statement made by Mr. Menzies when he was speaking on education:

An inadequately educated democracy is a contradiction in terms. We shall become perfectly democratic only when every citizen is given a spiritual, mental and physical training which he is capable of receiving.

That emphasizes the policy of the trade union movement and of the Australian Labor Party.

The Hon. Sir Frank Perry—Who copied that one?

The Hon. K. E. J. BARDOLPH—I quoted it and that is what the Leader of the honourable member's Commonwealth Government said, but he is not living up to the sentiments that he publicly expressed on that occasion. I have, ever since I have been in this Council, advocated some measure of support for them. I do not think anyone of us here desires that there should be direct payment to denominational schools, but I do suggest that those that are termed independent schools are providing a service, not only to the people, but to the Government of this State, by way of school buildings and equipment, and especially teachers in their respective religious orders and communities who have taken up teaching as a vocation. I was very pleased to read in the *Advertiser* of October 19 a statement by the Minister of Education (the Honourable

B. Pattinson), on the occasion of the opening of some new schoolrooms at Loreto Convent and I thoroughly endorse the sentiments he expressed. This is what he said:—

The Education Department would be unable to cope with the amazing expansion if it were not for the many thousands of parents prepared to give their children an education in private schools. The role the churches are playing in the educational life of the State is immensely important. As Ministerial Head of our State system of secular education I make no apology for stating my opinion that a merely secular education, however thorough, cannot be a complete education. Education should have reference to the whole of life and not merely to some aspect of life. Either in the home, the church or at school, and preferably all three, children should receive instruction in the Scriptures and be taught the spiritual basis of life.

The Hon. Sir Lyell McEwin—Then you agree with some things the Government does.

The Hon. K. E. J. BARDOLPH—I agree with what the Minister of Education said then. I feel the same as he does with regard to being unable to expand the school system and spend more money on new buildings and so forth. I sympathize with him. I am not mentioning these things in a derogatory manner because no member here can possibly twist my remarks in that way. I am supporting the Minister in upbraiding the Commonwealth Government for not making funds available for education. Approximately 35,000 to 38,000 children are attending independent schools. I mentioned earlier this afternoon what public school committees have done in assisting our Education Department. They have contributed £1,250,000 for which they have received a pound for pound subsidy from the Government. Similar committees function in independent schools, but when they raise money for school equipment it is not subsidized in a like manner. If those 35,000 to 38,000 children were sent to State schools tomorrow those schools would not be in a position to accommodate them, despite the fact that it is compulsory for children to attend school.

The Hon. F. J. Condon—And what about their war record?

The Hon. K. E. J. BARDOLPH—Former scholars of independent schools have played their part in every crisis, and history will reveal exactly what they have done. They have volunteered for service just as others have done, and they do not claim any special credit for doing so because they live in a democracy which gives them certain rights and privileges and they know that they have certain responsibilities as a consequence. They have fulfilled their part in times of crisis the same as every other section has done as one united South Australian family.

I mention these things in the hope that something will be done by the Government because, as I said just now, if these schools were closed tomorrow the Government would be unable to house them or find the equipment or the teachers. The Minister of Education mentioned the difficulty in training teachers. Teachers are recruited from the age group born about 1931, and since the commencement of the migration influx some 150,000 immigrant children have come to Australia. This makes no allowance for any further increase after the migrants have settled down and had additions to their families. When those children reach school-going age the position will become even more acute, so I submit that it is the responsibility of this Government to review the circumstances, visualize the numbers involved, and see that greater provision is made and some measure of support granted to the independent schools for capital expenditure for new buildings and equipment, but not necessarily for the payment of teachers. I do not think most of them would desire that. The Government has a policy of creating satellite towns and I know that one of the independent schools desires to build at Elizabeth. The Savings Bank and private banks and the insurance companies have reached saturation point in loans for school purposes. Most of their money is being lent for home building, and these school projects do not run into a mere £5,000 or £6,000 but to £50,000 or £60,000. Consequently, through the credit restrictions imposed by the Menzies Government through the Commonwealth Bank, the school authorities are unable to borrow as much as they would desire. Some of them are even going to parents and asking for the loan of money, and I put it quite candidly—and I think members know I can speak with some authority as regards educating a large family—that parents, too, have reached saturation point in what they can give.

These schools are not for the benefit of only one section because the independent schools take people from any sect or religion; there is no religious bar. I mention all this, not in a spirit of rancour, but in order to place before the Government the difficulties, trials and tribulations that private schools are going through in coping with the migration intake as well as the natural increase. I turn now to the question of railways and roads concerning

which Mr. Story had something to say yesterday. He implied that Labor members do not know much about the needs of primary producers, but I think that statistics will prove that, but for the Labor Party the primary producers would not be in the happy position they are today.

The Hon. C. R. Story—No-one disputes that.

The Hon. K. E. J. BARDOLPH—Agreements made by Labor Governments—first the Curtin Government and then the Chifley Government—have been treated like scraps of paper by the Menzies Government. One very patent example is that of the Standardization of Railway Gauges Agreement which was signed by this State and the Chifley Labor Government.

The Hon. C. R. Story—What has that to do with primary producers?

The Hon. K. E. J. BARDOLPH—The Commonwealth Government has shown its partisanship by lending to the Mount Isa Company £20,000,000 over a period of four years. It is true that the Commonwealth Government can claim that it has made a start on the standardization of the railway gauge between Melbourne and Albury, but there was also an agreement in respect of the Cockburn-Port Pirie line. I suppose members have read the question asked by the Leader of the Opposition in another place in respect of the latter line, when the Premier said in reply that the subject might have to go to the High Court for decision. If two parties sign an agreement there should be no need for a judicial determination. It is very interesting to note that in 1949, just before the Chifley Government went out of office, it prepared plans for the standardization of all railways because it recognized the need for fast efficient transport. It had the unhappy experience, during the war, of the lack of rail communication from coast to coast for the transport of war equipment and troops. Emerging from the improvization that was necessary during this period came road transport, but the Commonwealth Government has made no effort to lend money to the States to carry out either the agreement for the standardization of railway gauges—not only for the economic progress of the States but for war emergencies—or for the provision of roads. The Australian Labor Party brought these proposals forward by way of agreement between the States so that there would not be a recurrence of the difficulties we had during World War II.

The Hon. C. R. Story—Have you read page 8 of today's *News*?

The Hon. K. E. J. BARDOLPH—No.

The Hon. C. R. Story—It would do you good.

The Hon. K. E. J. BARDOLPH—There is widespread concern throughout Australia about the condition of the roads. State Governments and local municipalities have not the money to do the work and the Commonwealth Government will not grant funds to construct or reconstruct the main arterial roads or many subsidiary roads. The Commonwealth Government collects about £50,000,000 a year from the proceeds of the petrol tax. Out of that it grants to all the States £34,000,000 a year to be utilized for road purposes, and retains the other £16,000,000 for Commonwealth Consolidated Revenue.

Since 1926, the Commonwealth has collected £489,000,000 in petrol tax and has returned to the States only £260,000,000. Labor contends that the great increase in road traffic in recent years, which has thrown terrific financial burdens on to the States, makes it essential for all revenues from the petrol tax to be paid back to the States.

The Hon. C. R. Story—Who wrote that?

The Hon. K. E. J. BARDOLPH—I did. I wrote it correctly so that my honourable friend would be able to understand. An examination of the methods used overseas indicates that all petrol tax garnered is spent on the roads in the various European countries. Petrol tax is a legal "pay as you go" tax, which means that those who use the roads pay the most because they cover the most mileage; those using the roads pay the tax on the petrol. Over the past few years, Labor has consistently advocated, both in the Commonwealth Parliament and here, that in strict conformity with the agreement on the imposition of the petrol tax the money garnered from that tax should be handed back to the States *in toto* for making new roads and the upkeep of existing roads. This Government has made no approach to the Commonwealth Government in that connection but it has a responsibility there. I do not propose to go any further now than make a few remarks on what my honourable friend said yesterday. He implied that the Labor members in this House had no right to speak on behalf of the primary producers.

The Hon. C. R. Story—Who said that?

The Hon. K. E. J. BARDOLPH—I said the honourable member implied that.

The Hon. F. J. Condon—He is not the only one who knows anything about that, anyhow.

The Hon. K. E. J. BARDOLPH—I want to touch on three things connected with primary production. I think honourable members will not deny that what I am saying is correct. I remind my honourable friend that in the crisis of the Second World War primary industry was in a state of chaos.

The Hon. C. R. Story—Do you remember the Wheat Agreement?

The Hon. K. E. J. BARDOLPH—Yes, I am coming to that. Whoever has spoken to the honourable member about it has given him wrong information. It was brought in under a Labor Government. I mention Labor Governments because we are so used to reading what the Premier says in the *Advertiser*. Being reminded of these things is not very palatable to some honourable members because they like to think that all things beneficial to this State emanate from the Party to which they belong. I was referring to the crisis in the Second World War when primary industries were in a state of chaos. No effort was made and no policy was enunciated to place them on an even keel. When Mr. Pollard was Minister for Agriculture—I want my honourable friend to realize that I am now dealing with wheat, and he came from a wheat-growing area—the Chifley Government co-operated with State Governments and made Commonwealth-wide organized marketing of wheat a reality. In 1948, the Labor Government guaranteed the cost of production price for five years on all wheat consumed locally together with a quantity not exceeding 100,000,000 bushels for export annually. This plan—largely the work of Mr. Pollard—worked splendidly and has twice been extended for five-year periods by subsequent Governments. The wheatgrower has gained reasonable security up to 1963 on the basis of an agreement prepared by the Labor Government, established in 1948, on the price guarantee principle.

I turn now to dairying. Prior to the Second World War the dairying industry was probably Australia's most depressed rural industry. At that time there was a saying that the dairyman used to get up with the milk and go to bed with the sun. Mr. Pollard came forward with this plan, which was most popular in the industry. When the five-year plan of the Labor Government ended in 1952, and again in 1957, it was renewed by the Menzies Government, but a major and detrimental change was made. Instead of a price guarantee applying to all butter and cheese production, as it had under Labor's scheme, the guarantee was limited to cover only butter and cheese consumed in Australia and the amount for export included in the guarantee was limited to 20 per cent of local consumption. This has meant that, with a lower Australian consumption per head, due to unemployment and lower standards of living since the Menzies Government took office, together with a heavy fall in the price of export butter and cheese, the dairying industry has been confronted with a very serious fall in its income.

The Hon. L. H. Densley—How do you compute a lower standard of living—by less motor cars, less refrigerators and things of that sort?

The Hon. K. E. J. BARDOLPH—No, by the pegging of wages. If wages are to be pegged, then prices should be pegged; wages cannot be pegged and prices allowed to spiral.

The Hon. L. H. Densley—But we do not have standards of living pegged.

The Hon. K. E. J. BARDOLPH—Standards of living are governed by the purchasing power of the wages of the wage-earner. The same applied to the 90,000 woolgrowers in the Commonwealth. For the season 1957-58 the wool export income was down £150,000,000 compared with the previous season, under the Menzies Government.

The Hon. G. O'H. Giles—You can't blame it for that.

The Hon. L. H. Densley—You are in the clouds!

The Hon. K. E. J. BARDOLPH—We can blame it, and I am not in the clouds at all. I am happy to let those honourable members display a lack of knowledge of their own industry. If the woolgrowers would adopt the same policy as the wheatgrowers, they would get a guaranteed market and one pool through which to sell their product. Today, some woolgrowers favour an appraisement for their wool, while others favour a continuance of the auction system.

The Hon. L. H. Densley—What about developing synthetic skins?

The Hon. K. E. J. BARDOLPH—Wool is one of our staple primary industries. I have heard it said here that, were it not for wool, we should have no overseas credit. The very basis of these Estimates is the money or the book entries we can get by our overseas credit. We are buying capital machinery from overseas, and that is the basis of our credits. If the wool people could come together as the wheat people did and have one selling authority for their product instead of going on as they are now, some wanting appraisement for a selling

price, some wanting a continuation of the auction arrangement that has been in operation for some years, they would benefit. They cannot have any continuity of price or unity of purpose with regard to the value of their product at the moment.

The Hon. C. R. Story—Is this a speech for home consumption or export?

The Hon. K. E. J. BARDOLPH—I know the honourable member has to make a lot of speeches for home consumption because he will find it a difficult task to retain his seat at the next election. The late Premier of New South Wales, Mr. Cahill, who I think every honourable member will agree was one of Australia's greatest sons, suggested at the last Premiers' Conference that he attended—and I give our own Premier credit for supporting him in this—that a housing authority should be created by the Commonwealth Government to provide the funds necessary for carrying out the building of more homes with greater speed in all States of the Commonwealth. I submit that to the Minister because we have always had, and shall continue to have, the statement made that lack of funds is a cause of the shortage.

The Hon. A. C. HOOKINGS (Southern)—I support the Bill and join with the honourable Mr. Story in commending the Government for budgeting for such a comparatively small deficit although this State is passing through a record dry period. At this stage I do not feel competent to speak at length on a Bill of this nature. The honourable Mr. Bardolph has spoken differently from the way I shall speak on the principles involved. He has had some years in this Chamber and has attacked the Bill in a different manner from the way I intend to now. I take this opportunity to comment on one or two matters which I feel concern many people in the district I represent, and others throughout the State. I notice that £793,470 has been allocated to the Department of Agriculture. Some things have been said in this Council about primary industries in South Australia, some of which I agree with, but in other cases I disagree. I think all members will agree that the primary industries are of great importance to South Australia. We have a Department of Agriculture which I can assure honourable members is extremely highly regarded throughout the Commonwealth. I have worked in close association with it and learned to admire its administration and its officers. However, it is somewhat restricted in its activities because of the lack of finance. I know that we are passing through a difficult time, but in 12 months' time when we are considering a similar measure I hope we shall be able to remove some of the difficulties under which the department is now working. It has many extension officers who would like to do more travelling throughout the State, but it will not be possible for them to cover as many miles this year as they would like. The working of the department has gained the respect of every primary producer in South Australia and is also highly regarded by people in the other States. It is working under difficulties in its present accommodation in Gawler Place. That building has been there for a number of years and the department is growing, and if some way could be found to provide better amenities for its officers, then more efficiency would prevail. The department is cramped for room and the facilities are not very good.

An amount of £3,650,233 has been set aside for the Engineering and Water Supply Department, which controls vast water and sewerage schemes. A sewerage scheme for Mount Gambier has been mentioned. It was reported in the local press last Saturday that the sewer survey at Mount Gambier was nearly completed, that it was expected that it would be completed within four months and that the whole scheme was likely to be commenced in 18 months or two years. It was reported that "Councillor Elkin said it was expected that the effluent would be carried by surface pipes either through Yahl to the sea or west to Hutt Bay." It seems hardly right, as I have mentioned before, that sewerage effluent should be discharged into the sea. This effluent has proved to be of great benefit at Werribee, Victoria, where a farm is controlled by the Metropolitan Board of Works. It is an example to the world of how production can be obtained from comparatively infertile areas. I suggest that our Government should look into the possibility of utilizing sewerage wastes from the Mount Gambier scheme. The area concerned is basically fertile and has good drainage. If a farm could be established there the sewerage effluent could be put to advantage in some form of animal production. I know that some honourable members in both Houses of Parliament may refer to the incidence of beef measles in Victoria. Recently, a survey was made at the Melbourne Metropolitan Abattoirs over a period of six months of cattle slaughtered from the Metropolitan Board of Works Farm, and it revealed

1.2 per cent of beef measles; whereas cattle drawn from other sources in Victoria showed an incidence of 1.8 per cent. I do not think that the possibility of beef measles should be a deterrent in establishing a project as I have suggested. We are now passing through a record drought, and it is startling to me to learn that in works such as those to be established at Mount Gambier and those already operating at Glenelg valuable moisture which is undoubtedly needed in South Australia is being wasted. I trust that someone can give us the answer to some of these things. Thousands of millions of gallons of water which now goes to waste and which has valuable fertilizing qualities should be utilized.

I notice that £5,231,651 is to be spent on hospitalization. In our rapidly growing State many problems associated with hospitalization arise, and as a country member I find that particularly in the lower South-East many claims are being made regarding hospital treatment. I hope that the Minister of Health can give us some information concerning the Government's policy in relation to hospitalization. I compliment the Minister and his Government on the assistance given in this direction, but at present there appears to be a different policy adopted with some hospitals. Sometimes it is a Government-assisted hospital, a purely private hospital, or a purely Government hospital. I should like some explanation from the Minister on that question. I have much pleasure in supporting the Bill.

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

MARKETING OF EGGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1376.)

The Hon. F. J. CONDON (Leader of the Opposition)—When the original Bill was introduced in 1941 the Minister in charge stated that the egg industry was valued at about £1,000,000 a year and that the annual consumption of wheat by the poultry industry was at least 3,000,000 bushels, which I then questioned. That is more than the wheat used to make bread for local consumption. The estimated production of eggs then was 7,000,000 to 8,000,000 dozen a year. For the season 1940-41 about 600,000 cases of eggs in shell, each of 30 dozen, were shipped overseas by Australia and of this quantity South Australia was responsible for 65,236 cases. I have a vivid recollection that when the 1941 Bill was introduced in this Chamber you, Mr. President, and some other honourable members, wanted to put the boots into this legislation. Some of the amendments I moved were defeated, but I was successful in having one carried, and I will refer to it later. It was suggested that it was to be a temporary measure, but in 1959 we have the Government seeking to extend the life of the legislation, which will not expire until September, 1960. When the original legislation was introduced it was expected that interstate competition would be reduced to a minimum. The measure carried into effect the Government's decision to establish, for the duration of the war, an authority to control the marketing of eggs in South Australia. Clause 16 was an unusual clause—which was defeated—and it contained a provision that was fairly common forbidding the board to use funds to assist any political Party or to affiliate itself with any political Party. What that had to do with the introduction of the Bill I don't know. Was it ever suggested that the men who would control this board were dishonest men? There was an inference that the Government did not trust the Egg Marketing Board at that time. The board consisted of five members, but today it consists of six members. There was an attempt at one stage to have the number increased to six to give the consumers a representative, but that move was defeated. Then there was a move to introduce the basic wage into the industry and that was defeated, only the Labor members supporting it. Today the position is entirely different in that respect. I am supporting this Bill because I think it is in the interests of all concerned.

The Egg Board operates under the Marketing of Eggs Act, 1941-1957. The board fixes the price at which it purchases eggs from the producers and that price is also the wholesale selling price in South Australia. In 1958-59 the operations of the board resulted in a deficit of £2,000, compared with a surplus of £10,000 the previous year. Cost of management was £37,000, which was £10,000 less than for the previous year. The importance of this industry is illustrated by the fact that the board purchased 7,784,000 dozen eggs which is 1,500,000 dozen less than the previous year. That indicates that the production of the poultry industry has fallen off considerably. The poultry industry suffered about two years ago because there was a shortage of offal. Many substitutes have now been introduced to combat the high prices of bran and pollard brought about by the high price

of wheat. The poultry producer was not in a position to pay the high prices asked for offal. That high price is not due to the manufacturer but solely attributable to the price of wheat.

The number of eggs exported was 551,000 dozen, which was one-fifth of the total exported the previous year. The quantity exported represented seven per cent of the board's purchases. The deficit on export trade was £32,000 compared with £130,000 in 1957-58. This is another deficit that the consuming public has to meet. I am not objecting to that, but I shall probably be told that statement is untrue. If that statement is untrue and the statement I made yesterday is untrue members can blame the Auditor-General because those statements are taken from his report. I think poultry producers are worthy of consideration. A few years ago when the Bill was before Parliament a great deal of discussion took place as to whether a man should be penalized if he kept 20 fowls. He could keep 19 but was unable to keep 20 unless registered with the board. If he committed an offence under that section he was liable to a fine of £100. The President moved an amendment that the number be increased from 20 to 50, but it was defeated. I moved that the fine be reduced from £100 to £25 because I did not look upon it as a very serious offence. I did not think that, if a man were permitted to keep 19 fowls but instead he kept 20, he should be penalized to the extent of £100. This Bill had a very rough passage. Several amendments were moved by members on both sides but it was eventually placed on the Statute Book and it has been there ever since. We were told when it was introduced that it would remain in force for the duration of the war and for six months thereafter. The war has been over for a considerably longer period than six months. We were told the legislation was necessary to protect the industry. I think the industry should have all the protection it can get, and I support the Bill.

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

STOCK DISEASES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1376.)

The Hon. A. J. SHARD (Central No. 1)—The Chief Secretary when explaining this Bill said that the Stock Diseases Act had as its object the prevention of the introduction or spread of contagious and infectious diseases affecting stock, including animals and birds. It empowered the making of regulations for restricting the movement, and for the inspection, quarantine and treatment of stock, fodder or fittings. It empowered the appointment of inspectors and contained general provisions for preventing the spread of disease in stock. The Chief Secretary referred particularly to the effect of pullorum disease—a very serious disease—in poultry. It had been thought that the Act provided sufficient control over the movement of such products as eggs, cheese, milk, etc., but this amendment has been found necessary and clarifies the position. I think it is a good amendment and I therefore support the Bill.

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

BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1383.)

The Hon. F. J. POTTER (Central No. 2)—I support the second reading and wish to make a few brief remarks about it. The Chief Secretary in introducing the Bill gave two main reasons for the amendment proposed by it, firstly, that it would assist the administration of the registration of births and deaths in as much as it would relieve certain officers of the police force of the necessity to be personally present when particulars were given on the information statement, and the other reason given was that many of the amendments were purely to clarify the wording of the Act. I think that is self-evident by looking at the Bill. Firstly, I would like to say that any Act, which has as one of its effects the relieving of police officers from certain onerous duties, would have my support. I feel in many ways the members of our police force are called upon to do extra work that is not strictly within their line of duty, and indeed I shall have something further to say on that matter when dealing with the Local Courts Act Amendment Bill when it is before the Council again.

I am sure this amendment to the Births and Deaths Registration Act will effect some saving in police officers' time. It seems quite unnecessary that they should be present when gleaning information for the registration of births and deaths. Indeed, I think all members know that in most hospitals forms and information statements are made available to mothers by the sisters or matrons in charge of the hospital and

in many cases the information is supplied direct from the mother's hospital bed and it becomes quite unnecessary for this information to be given in the presence of an officer. I feel that the information statements prescribed by the regulations are quite easy to understand and should present no difficulty to any competent person providing certain directions are given on the forms, which I understand is contemplated.

I was not present yesterday when my friend the honourable Mr. Bevan made certain remarks on this Bill, but I did have an opportunity of reading his speech today. I assure him that I feel there is not very much to worry about in the matters he raised, particularly about the last matter he dealt with concerning the person authorized to register a death or a birth. I think it is quite clear, in the case of death, that the Principal Registrar or the district registrar or the assistant district registrar is competent to register within the statutory period of 10 days what might be described as a death in normal circumstances. In two special circumstances, namely, where there is a late registration of death and where there is a registration of death pending a coroner's inquest, the only people competent to register under the provisions of this Bill will be the Principal Registrar and the district registrar, and it is only in those two exceptional circumstances that the assistant registrar is not authorized.

There is one passing comment I would make on the amendments. As I said earlier, most of them are purely for the purpose of making the meaning of the Act quite clear, and I refer to the amendment contemplated to section 29 (1) II where, after the words "date of death" in the second line it is proposed to insert "by the principal registrar or district registrar upon the direction of the principal registrar." I would have thought that if that were necessary in paragraph II it would be necessary in paragraph III because the wording of both is identical. Paragraph III, of course, deals with the registration upon the direction of the Minister and no doubt the reason why it is omitted is because no difficulty is encountered in matters which are done upon the direction of the Minister. I make that comment, and perhaps the draftsman may think there is something in it. However, I do not propose to move any amendment because I feel that the matter can be dealt with administratively as it stands. I have much pleasure in supporting the second reading.

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

DOG FENCE ACT AMENDMENT BILL.

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

PASTORAL ACT AMENDMENT BILL.

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

HIDE, SKIN, AND WOOL DEALERS ACT AMENDMENT BILL.

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

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL.

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

LAND AGENTS ACT AMENDMENT BILL.

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

FRUIT FLY (COMPENSATION) BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1376.)

The Hon. S. C. BEVAN (Central No. 1)—This Bill, which at first glance appears to be simply a re-enactment of present legislation, has for its purpose the payment of compensation to persons for damage done, or loss of fruit and vegetables in the event of an attack by fruit fly during the 1959 season. It also fixes the time for the lodging of claims as not later than February 1, 1960. I support the Bill, as I believe that people should be compensated for such losses. It might quite easily happen to a commercial grower who would thereby lose the whole of his income for the year. I deplore the necessity for such legislation because it involves the State in considerable expense. It is of interest to note that for the year ended June 30, 1959, the costs were:—for stripping, disposal and spraying, £164,375; compensation, £73,559; committee expenses, £730; a total of £238,664. The number of claims received for the year amounted to 5,884, of which 145 were disallowed. The total cost to June 30 last for the whole of the eradication campaign amounted to £1,846,948 and the total number of claims received was 37,939. They are alarming figures and, judging from the complaints received from time to time, savings

could be made by closer supervision, and perhaps some damage might be prevented.

I offer that comment because each year since the original outbreak there has been a recurrence, mild in some instances, but nevertheless necessitating a proclamation of a given area and the stripping of the trees therein. Members for the districts concerned have had quite a number of complaints about damage to trees, and although this Bill provides for compensation for damage I feel that the backyard fruit or vegetable grower is not looking so much for compensation for damage but for the prevention of damage during stripping operations. With a little closer supervision, this damage could be eliminated and expense saved. Thus, the expenditure incurred since 1947 might not have been so great.

The other side of the picture has to be considered too. If this legislation were not passed, what would happen? The fruit fly would take such a grip in this State that its eradication would be most expensive. I dread to think what would happen if it attacked our commercial undertakings or fruit-growing districts along the Murray. The loss to the growers could not be estimated.

Western Australia has suffered from this pest. Within the last two years there the people have not troubled to plant or maintain fruit trees in their backyards because of the fruit fly infestation, which got out of hand to such an extent that when fruit was almost ripe it was attacked by the fruit fly and became a total loss. Therefore the householders did not bother about their trees. We knew the damage that could be done if it were left unchecked, and that was responsible for the original legislation on fruit fly. I understand Western Australia is now attempting to control this pest, which is still prevalent there. Their legislation makes it compulsory for every grower to register his trees at a fee of 30s. a tree. That might be all right if a householder had only one tree in his backyard. The fees would be controlled by the Agriculture Department in Western Australia. Trees there are sprayed and follow-up sprays are given. If similar legislation operated here, and especially along the Murray, at 30s. registration fee a tree, a grower, say with 500 trees, would pay £750 in fees. Something must be done eventually to eradicate the pest. I do not know what the final expenditure will be in Western Australia but it must be great. We are fortunate here in not having such difficulties so far.

This Bill is necessary and the continuation of this legislation imperative. We have to face up to this expenditure. Although savings may be possible we cannot let up in this field. If we decided to discontinue this legislation and fruit fly persisted each year, it would not be long before it spread enormously and conditions similar to those in Western Australia prevailed here. That we cannot afford. If our holdings became infested, it would mean the end of them and a great loss to the State.

The Hon. C. R. STORY (Midland)—I, too, support this Bill. I should like to compliment the previous speaker on the way in which he approached the matter and what he put before us. I agree in principle with his sentiments. This legislation was first introduced in 1948 following an outbreak of fruit fly in the Wayville area, and I think most members have been treated to a similar Bill in this Chamber each year since then. I always hope that the speech I make each year will be the last I shall ever have to make on the fruit fly scourge.

The Hon. A. J. Shard—You will still be making it in 10 years' time.

The Hon. C. R. STORY—Yes, but hope springs eternal in the human breast. I hope that one of these days I shall not have to make this speech. As the honourable Mr. Bevan has said, fruit fly is something which, if it got out of control, could do great damage to our industry. An amount approaching £2,000,000 has been spent by the Government on attempted eradication measures. That is equal to about one year's production of fruit in one district of the Upper Murray at present. If fruit fly got out of control in South Australia, in the first place we could not handle the disposal of the fruit; it would be a colossal undertaking. I am pleased at any time to observe the steps the department is taking to combat, and the co-operation it is getting from the public in handling, this difficult problem.

The suburban householder has probably borne the brunt of the inconvenience necessary to keep this pest under control. Bearing in mind the trouble he has been caused, I think the average householder has been most patient. The original idea to compensate people was wise, because that was an incentive for people to notify the department if the fruit fly had attacked their trees. In the main, people have been co-operative but, when we realize that the fruit fly itself cannot move more than 300yds. in its whole life cycle, it

is amazing how we find fruit fly bobbing up eight and nine miles away from the area affected the previous season. It seems there are still careless people who do not realize their responsibility and cart infected fruit from one suburban district to another.

Recently, the people of Port Augusta have experienced the difficulties arising from stripping and attempted eradication in that area. It is a great compliment to the department itself that it has completely wiped out the Queensland fruit fly in South Australia. There has been no instance of Queensland fruit fly for some time in this State. The number of infected areas is gradually being reduced. Last year they were isolated in the metropolitan area into two general areas—Kent Town and the Alberton-Port Adelaide district. Previously, they were more scattered. I do not think that the fruit fly is wintering in certain areas; I believe it has been transported from place to place by careless people.

The Hon. G. O'H. Giles—Is there any Queensland fruit fly in Western Australia, or is that Mediterranean?

The Hon. C. R. STORY—Queensland. As a matter of fact, there was fruit fly in Western Australia and one of the outbreaks in Port Augusta was of the Queensland fruit fly variety, which indicated that it was coming from Western Australia. So the problem is one that we have to fight not only from within but also from without the State. It has been interesting to learn recently that the Minister of Agriculture will be attending an Agricultural Council meeting this month where Ministers from each State except Queensland will be meeting to try to formulate a plan whereby the fruit fly may be attacked on more or less a national basis. The one point at issue at the moment is, who pays? That is usually the problem. However, they have agreed in principle on buffer zones. In other words, on the eastern seaboard there is a very badly infected area in the Murrumbidgee irrigation district in New South Wales, but from there on there are clean areas.

It is expected that the same sort of road blocks will be set up at various points as we have at Ceduna and Yamba in this State. The department some months ago tried out a roving road block in the South-East and, although it apprehended a lot of fruit coming in, it did not detect any instances of fruit fly itself there; whereas, in the Paringa-Yamba fruit fly block, where fruit coming in from the Mildura area is examined, there have been a number of instances of fruit being full of fruit fly maggots. Had this fruit been carelessly thrown away near an orchard anywhere between Renmark and the Barossa Valley it is almost certain that they would have hatched and played havoc in those areas. I think that the road blocks have really paid off. It is often asked what growers are doing in this matter. They have formed vigilance committees, which work in close collaboration with the Department of Agriculture. The Director of Agriculture, Mr. Strickland, is on the State Vigilance Committee. The growers are prepared, if necessary, to contribute toward a fund on a fairly large scale to pay for fruit fly compensation. They are also doing something worth-while by keeping people apprised of the necessity to be careful.

From time to time parasitic control of the pest has been discussed. Two years ago parasites were released near Coff's Harbour, in New South Wales, and results will probably not be known for another couple of years. The parasites came from Hawaii, where the fruit fly is particularly bad. They have had some success. The Government is taking action to make amendments to the Vine, Fruit and Vegetable Protection Act which will give greater powers to inspectors so that they can compulsorily search people and luggage coming from other States. At the moment it is somewhat of an honour system, and if people do not want to declare they are not actually bound to do so. I feel that that will help greatly the work of the departmental inspectors.

Mention has been made of the damage that has occurred in metropolitan gardens because of careless strippers and sprayers, and although that may have applied in the early stages I think that in the last couple of years, since more experienced people have been put on this work, a much better job has been done by the gangs. We find that a number of men who had retired from fruitgrowing are acting as foremen with these gangs. I do not think the men could be more careful. I believe that the public realizes that the co-operation of the strippers, the department and the public must be of the highest order otherwise we would not get people coming forward to disclose that they had found or suspected the presence of fruit fly. I have much pleasure in commending the Bill to honourable members.

The Hon. G. O'H. GILES secured the adjournment of the debate.

UNDERGROUND WATERS PRESERVATION BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1382.)

The Hon. E. H. EDMONDS (Northern)—While the emphasis in the Bill is on contamination of underground water, I regard the matter of conservation of equal importance, and that the one is complementary to the other. Hence, my remarks will apply to these two aspects. The Minister, in his second reading explanation, said that the Bill provided for control of the amount of water that may be taken from wells. Such action, would, I suggest, be taken in the interests of conserving supplies. As it stands the Bill will have a State-wide application and I should say that conservation will be of major importance if it is to operate in the remote areas of the State. My approach to the matters dealt with in the Bill are along certain defined lines which are suggested by the objectives which in this measure the authorities propose to attain. First, there is no question that the stage has been reached when a fuller regard for the value of the State's water supplies must be accepted, and the need for control and preservation of existing sources of supply and of prospective supplies in the future, are matters of national importance. It has been somewhat surprising to learn that South Australia lags behind some of our sister States in taking action in this connection.

Mr. Potter gave some very interesting and instructive information regarding action taken in Queensland, much of which was news to me; although over the years it has been a matter of some speculation as to just how long we could continue to permit appreciable waste of underground waters to flow unchecked, as is the case with many of the established bores in our artesian basin, and how much longer it might be before a greater demand on conserved supplies from catchment areas would mean added dependence on underground storages. Apparently that period has now been reached and proposals for conservation and protection from contamination are in the Bill now before the Council.

I said at the outset that I approached consideration of the matter along certain lines and my first point will be, is control necessary? Over the years I have been privileged to occupy a seat in this Council I have long since learned that mere mention of the word "control" in any proposed legislation immediately arouses in the minds of members concern as to how it will affect their personal interests. I do, however, agree with the view expressed by Mr. Potter that freedom, for which we so often declare, demands responsibility, and acceptance of privilege must be subject to the common weal. I fully support that. I think we should consider that aspect of our responsibilities. Thus we come to the question "Are these proposals a matter of public interest and well-being? Is there a need to conserve our water supplies?"

With that question one must couple another, "Is there a prospect of an increasing demand in the foreseeable future?" To both of these questions I think the answer must be in the affirmative—a decision arising from varying circumstances. We are informed that the completion of the Myponga storage scheme will just about use up sites for catchment from surface run-off from the Mount Lofty Ranges.

We are experiencing a rather alarming shortage in present storage which is prevented from becoming a major disaster only by pumping supplies from the Murray at a cost which is placing a severe drain upon the State's economy.

There are disquieting rumours regarding any additional supplies from that source, all of which give ample confirmation in favour of question No. 1. Question No. 2 is the very important matter of protection against contamination. Efforts to conserve supplies, be they underground or otherwise, would be nullified if such were rendered unfit for use by pollution from any source. This is a matter having the most serious implication to our towns and the metropolitan area and particularly where household refuse and sewage is allowed to drain into underground water zones.

It must be remembered that local governing bodies throughout the State are encouraging residents to provide septic systems: indeed in some cases they are compelling this to be done, and whilst claims are often made regarding the effectiveness of such systems, I can say from experience that they are not altogether fool-proof, and could, under some circumstances, present a real danger and menace to underground water supplies that are required for human consumption. So much for the wisdom and need of proposed legislation.

The next matters to be considered are the means proposed to be adopted to achieve our objective. I do not propose to go into this aspect in any great detail as that has been done most effectively by other speakers. I

shall content myself with mentioning one or two points of material interest concerning the administration of the Bill. The legislation vests authority for administration in the Minister of Mines and the areas to be declared could cover the whole of the State, including the pastoral regions. Mr. Potter pointed out that there was provision under the Pastoral Act of 1934 for the control of underground waters and the granting of licences and that these powers were more stringent than those in the Bill applying to the outside pastoral areas. Provision is made in the Pastoral Act for the granting of permits and the supervision, construction and maintenance of wells or bores. Section 103 and others provide for control and management in these artesian areas. The Pastoral Act is under the control of the Minister of Lands while the proposal before us invests power in the Mines Department. This sets up duplication of authority for similar functions within pastoral areas. A further peculiar twist in administration is set up in a provision that before certain things can be done under the Bill the Minister of Mines must have the concurrence of the Minister of Lands under clause 20. Why have we this duplication of authority? I know it has been suggested that there is little likelihood of the provisions of this measure, if it becomes law, extending to cover the pastoral areas. If such be the case why not have pastoral areas excluded from the Bill? I make that suggestion and I hope that the Minister, in considering all the suggestions made, will carefully consider that point. The next matter I submit for consideration is the means of achieving our objective. When presenting the Bill the Minister remarked:—

Its purpose is to enact provisions to prevent the contamination and deterioration of underground waters within the State.

I emphasize the words "within the State." I am giving the Minister's remarks a somewhat wider interpretation, as I said at the outset, to include conservation as I regard that aspect as being of equal importance. It must be noted that the Minister further said that the general scheme of the Bill was to provide in critical areas for the control of sinking, deepening and maintenance, etc. I took that statement to imply that there was no intention of extending the application of the legislation into the remote pastoral areas and that implication was strengthened by the Minister specifically mentioning the metropolitan area and other areas in the State. It would appear that controls will be introduced only where conditions render them necessary to prevent contamination.

Part III of the Bill provides for the registration of wells existing or in the course of construction. The proposed committee is an important aspect of administration and it should include people having technical and geological knowledge. The debate thus far would indicate an acceptance in principle of the legislation to deal with the important matter of protecting and conserving the State's water supplies. There is, however, one point at issue concerning clause 5 which empowers areas to be defined by proclamation. Over the years there has been keen discussion in this House on the subject of proclamation *versus* regulation. That discussion has occurred many times on many different Bills. The procedure for making regulations is clearly defined in section 38 of the Acts Interpretation Act, 1915-1936. Somewhat to my surprise I cannot except in one case find any legislation of a like nature about the making of a proclamation. In the Stock and Poultry Diseases Act, 1934, section 6 of Part II provides that the Governor may do certain things by proclamation. Another interesting feature is that section 7c provides that a proclamation may be revoked by a further proclamation or disallowed by resolution of both Houses of Parliament. That means that a proclamation is not in force for all time but can be revoked. In deciding between regulations and proclamations I think it is desirable that Parliament should consider each case on its merits. The matters dealt with in this Bill, in the widest sense, have national implications as they may affect our claims to water coming from eastern States. Any failure on the part of South Australia to preserve and protect its own resources could prejudice the State's claims to water from the River Murray or from other sources in the eastern States. Further, the proposals under this measure will have State-wide operation if necessary and they will have a lasting effect. As such they cannot be subject to alteration as an overall scheme. Provision is made for objections by the individual against decisions affecting individual interests. Any right beyond that concession would leave the whole project up in the air and possibly nullify the valuable work that has been accomplished.

The Bill deals with work that must be undertaken and does not permit of any half measures. We either have control or do

not have control. If control is necessary it must be lasting or at least it must last while present conditions prevail. If any property owner has a grievance against any action of the administration there is a provision in the Bill for such grievance to be heard and put right.

The objections to the proposals have created in my mind a feeling that at least some objections are the outcome of flights of fancy or result from something that might happen. Some of them go back to that inherent objection to being ordered around at all or to being told that we should do this and that we should not do that. The average Australian does not like being pushed around on something he regards as his inalienable right. There are times when our personal convenience and even our personal interests must be made subservient to the well being of the community and I submit that this is one such occasion.

I repeat here a remark that I made early in my career as a member of this Council when speaking on a measure affecting land occupation and usage. I said the land is a sacred heritage to preserve and not to exploit to our own benefit regardless of the needs and well being of others. Those remarks apply to this Bill. Let us get away from the outlook of the lord of the manor of the feudal period, "All I survey and everything that goes with it I own." Let us mould our judgment upon things that aid and advance the well-being of the community. I support the Bill.

The Hon. R. R. WILSON (Northern)—This Bill, if it becomes law in its present form, will deprive property owners of more rights of property and more freedom than anything I have known since I have been in this Council. The debate has been most interesting and I feel sure that when this Bill reaches the Committee stage there will be some amendment to it. Water is the greatest necessity for life and it is our greatest asset. South Australia depends mainly on the River Murray, which is the lifeline of this State. It also depends on the reservoirs and the underground water supplies. When the Mannum-Adelaide pipeline was constructed it was designed to pipe 52,000,000 gallons a day. That capacity has since been stepped up to the present quantity of 55,000,000 gallons a day, but even that is not sufficient to supply the needs of the metropolitan area and the country districts dependent on the reservoirs. At present 9,000,000 gallons is being pumped daily from 42 bores and I have been told by Engineering and Water Supply Department officers that if it were not for that underground water supply severe restrictions would have to be enforced. There were no restrictions here last summer, but practically every other capital city in Australia had restrictions. South Australia was exempt and I heard the Premier say recently that there will be no restrictions this year if people practise economy in the use of water and conserve it in every way. That is a great achievement when we consider our increased population and the numerous industries which have been established in this State and which require much water.

I saw a splendid example yesterday of water conservation. The incident happened not far from Tumby Bay where the Lincoln Highway is being constructed. There the workmen are using thousands and thousands of gallons of water each day but they are using sea water, which they cart with their large tanks. These men are setting an example and teaching a lesson to others who could economize in the use of water in many ways if they wished to do so.

In my lifetime I have had several bitter experiences of water shortage. In the early days when farming near Ardrossan we did not have the benefit of any water scheme or of any underground water. The land there has very little clay and is very level. Power was derived from the use of horses and we had to go to a place called Tiddywiddy, which was two miles north of Ardrossan, to obtain water that was found only 20 to 30 yards from the sea. That was the only water available and often we were there all night waiting for sufficient water to fill our tanks. Teams of horses would be stretched back for a distance of a quarter of a mile from the well waiting to get water.

The other experience was when I crossed the Sinai Desert from the Suez Canal to Palestine. There was no water except in a few places known as soaks. The temperature every day was almost 120 degrees; there was no shade, the sand was a foot deep. The only water available was provided by camel trains, which supplied it to thousands of men and horses. We were taught a lesson in how to economize in the use of water. I saw the corpses of many of our men and enemies who had died of thirst. That is not a spectacle I should like to witness again or one I am likely to forget. What underground water there was was often poisoned by the enemy and no-one was allowed to touch it before it was analysed.

The underground waters of the Adelaide Plains, which I think is the main area with which the Bill is concerned, are serving a public purpose and I think it essential that something be done in this locality. As one travels from Gepps Cross to Virginia and beyond one sees what were once fairly large paddocks now cut into five-acre or 10-acre blocks held mostly by new Australians. Credit must be given them for the progress they are making in the production of vegetables, tomatoes and so forth, but most of them require water and the only water obtainable is from bores. At the Angas Home, with which I have been associated for many years, there is a very good well, but we have found it necessary lately to deepen it because of the diminution of supply, and that sort of thing will happen if there is not some control of the underground waters in these localities.

Mount Gambier is another important district where I think it necessary to have some better arrangements. At present all waste is put underground and consequently pollution must take place. I will not support the provision for proclamation. I maintain that Parliament should have a say and that it should not be left in the hands of the Executive or a few experts. I have received letters from constituents of my own district complaining bitterly about this Bill if it is to be extended to the area in which they are earning their living. These people are not only boring contractors but producers, and they are of the opinion that no control is necessary. When one buys a property one buys the right of control, and if this Bill is carried as it stands I am afraid it will upset many sales. The first question one asks when about to buy a property is about the water supply, and the next about the rainfall; those are the first two essentials. As regards permits, as I see it, a permit will be necessary for even a post hole, and I think some amendment in these matters is vital. Under one part of the Bill the duration of the permit is for two years, and I hope that the Minister will clarify that because I think members will want to know whether it is necessary to apply every two years for a permit for the same purpose.

If no-one else does so I propose to move an amendment to alter the personnel of the advisory committee by the inclusion of a representative appointed by a local council in such areas as are proclaimed by regulation. I think local people have a life-time's knowledge of conditions. Although they are not geologists or diviners they have had practical experience which must be just as valuable as that of the scientists. I have in mind geologists who have inspected properties and told me where water was to be found, and I have not found it; diviners have attempted the same thing, which shows that no-one knows what is beneath the ground, and therefore the knowledge of local people should be availed of. I will support the second reading, but I know that the Bill will be debated to much greater extent in Committee and I shall be very interested to see in what form it emerges.

The Hon. JESSIE COOPER (Central No. 2)—It had not been my intention to speak on this Bill, but after long consideration and study of it as a whole I must say that I consider it badly put together, and I must therefore vote against it in its present form. It may be necessary, as the Government says, to control contamination of underground water supplies, but this Bill virtually gives the Minister powers over things which we have considered for many years to be the rights and properties of individuals. I find the meaning of many clauses ill defined and vague and the powers provided excessive. First, I would like to refer to the definition of terms. For the bulk of the operative clauses of this Bill the Minister may refuse a permit if the proposed action of any individual is likely to cause, in the words of the Bill, "contamination or deterioration of any underground water." I point out that deterioration, which is probably the most important word in this Bill, is not defined in the definitions clause. If deterioration means deterioration in quality, the normal dictionary meaning, no process of taking water out of a well or bore can possibly cause deterioration of the water remaining in the ground. Therefore, if that is the meaning of deterioration, the bulk of the Bill means nothing, for it would never have any effect on the matter of removing water from the ground. If the word "deterioration" refers to quantity of water in the underground reservoir then the Bill means everything in respect of any removal of any water in any proclaimed area from any underground source, or from any natural catchment, depression or fissure in the ground. Therefore it is perfectly clear that the Bill means everything or nothing to people removing water from the ground, depending on the meaning of one word, a meaning which will be made clear only by some poor man's going to the court at huge personal expense.

There are also a number of references to

the form which will have to be filled in before a permit is issued, but no form is shown in the shape of an appendix, allowing us to examine the type of form to be used. I consider this modern type of inquisition—the furnishing of forms to public departments—should be supervised and approved by Parliament. I would next refer to clause 16, which provides that the occupier of land in a proclaimed area upon which a well exists shall maintain such well in good repair and condition. Two questions arise. Firstly, for whose advantage, and secondly, why no compensation for what is apparently intended to be a public service? No individual should be required to perform a public duty for the State without reasonable compensation.

I see no reason why a man who has a well should be required to maintain that well, after he has no further use for it, merely for the public advantage and without compensation. Further, I can imagine a situation where a man has put down one, two or three wells or bores on his property, all of which produced some water and who eventually has discovered that another well would give complete satisfaction. Is he to be required to maintain all the other wells in perfect working order for an indefinite number of years quite unlimited by this Bill?

Clause 18 proposes to give the Minister power to order the closing of existing wells or to limit the amount of water that may be taken from a well. If this means that it is proposed to give the Minister the right to stop primary producers from using water from bores which they have been using for perhaps 30 years in order that some Government department may pump the same water off elsewhere to put into public mains, then I am definitely opposed to the Bill and will not be a party to such thinking.

I was most interested to hear Mr. Wilson's proposed amendment in relation to the formation of the advisory committee. As I see it, this committee will not include a representative of the people whose welfare is most affected—the users of the water or the general public, call them what we will. It has been fairly generally established in the past that committees or boards which advise the Government should contain some representation from the people most vitally concerned. I consider that clause 24 which gives the committee the power of a Royal Commission is far in excess of the reasonable requirements of a committee made up of public servants, and I therefore must vote against the Bill.

The Hon. A. C. HOOKINGS secured the adjournment of the debate.

ADJOURNMENT.

At 5.08 p.m. the Council adjourned until Tuesday, November 10, at 2.15 p.m.