LEGISLATIVE COUNCIL.

Tuesday, November 10, 1959.

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

BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT BILL.

Read a third time and passed.

HALLETT COVE TO PORT STANVAC RAILWAY BILL.

Second reading.

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

That this Bill be now read a second time.

The object of this Bill is to enable the South Australian Railways Commissioner to construct a railway from a point near Hallett Cove railway station to a point in section 578 in the Hundred of Noarlunga, adjoining the site of the oil refinery established in accordance with the agreement made last year between the State and Standard-Vacuum Refining Company (Australia) Pty. Ltd. The area is to be known as "Port Stanvac."

Clause 2 incorporates the provisions of the Compulsory Acquisition of Land Act and clause 3 empowers the Commissioner to construct the railway and all works, buildings, and structures connected therewith. The route is indicated on a plan which has been deposited in the office of the Surveyor-General in Adelaide. The railway is to be of five feet three inch gauge and the Commissioner is empowered to enter into contracts in connection with its construction.

Clause 4 provides that moneys required by the Commissioner for the purpose of the Bill shall be paid out of moneys provided by Parliament for the purpose. The State undertook, in its agreement with the company (clause 5(*d*)), to construct and maintain the railway and that agreement, as honourable members are aware, was approved and ratified by Parliament by the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958. Construction of the railway was recommended by the Parliamentary Standing Committee on Public Works in an interim report dated July 28, 1959.

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

DOG FENCE ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

This is a simple Bill. Its object is to provide that owners of any part of the dog fence, as defined by the Dog Fence Act, who fail to inspect or to maintain in a proper condition, the dog fence or to take all reasonable means to destroy wild dogs in the vicinity of the fence shall be guilty of an offence and liable to a penalty of not less than £50 and not more than £100. The Act already provides that it shall be the duty of the owner of any part of the dog fence to maintain the fence and destroy wild dogs, and section 23 provides that if the Dog Fence Board is satisfied that any owner has failed in his duty, the board will carry out the necessary work and recover the costs from the owner as a debt. While it is the intention of the board to exercise its powers where fence owners fail to meet their obligations it is felt that the exercise of these powers is not sufficient to secure the co-operation of owners, some of whom are apathetic, to the detriment of the interests of themselves and adjoining landholders. It is believed that a penalty clause would act as a stronger deterrent to neglect on the part of owners and the Bill provides that owners may accordingly be prosecuted for failure to carry out their obligations. Clause 3 accordingly so provides, while retaining the liability of owners to pay the cost of action taken by the board on default. The proposal is supported by the Stockowners Association, which has two representatives on the board.

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

PASTORAL ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It amends the Pastoral Act to make available to holders of average leases the right already enjoyed by lessees for terms of 42 years of asking the Minister some seven years before the expiration of the lease whether he will grant another lease of the whole or part of the land and if so, on what conditions. This right enables lessees some years before the expiration of their leases to obtain a decision which enables them to make plans for the future and it is of great value to them.

Section 95 of the Pastoral Act enables lessees whose holdings comprise leases expiring on different dates to apply for a single lease covering the land concerned and expiring on a date at or about the average date of expiry of the leases surrendered. Such new leases are commonly known as "average leases" and

increasing numbers of pastoralists have been taking advantage of this provision, which enables them to introduce some order into their affairs and, in fact, it has been the policy of the Government to encourage them to do so. But such average leases do not carry with them the rights granted by section 46 to the holders of leases for 42 years. It is thought that if lessees were aware that by surrendering existing holdings for average leases they were depriving themselves of any benefits that they previously enjoyed under section 46 they would prefer to retain their existing leases expiring on different dates, despite the obvious inconvenience of such an arrangement.

This Bill will rectify what appears to be an anomaly. Clause 3 amends the existing section 95 relating to the average leases by adding to it provisions similar to those of section 46, that is to say, provisions which will entitle holders of average leases to apply to the Minister seven years before the expiration thereof for an indication of his intentions respecting the position which will arise when the average leases expire.

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

HIDE, SKIN, AND WOOL DEALERS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The purpose of the principal Act is to regulate dealing in hides, skins and wool so as to prevent trafficking in stolen goods, in much the same way as the Hawkers Act, the Marine Store Dealers Act and the Second Hand Dealers Act seek to prevent transactions between thieves and receivers. Section 12 of the principal Act has proved to be a complicated and unsatisfactory means of giving effect to the intention behind the Act which was that only persons who were the holders of licences issued by the Chief Inspector of Stock should be allowed to deal in—that is to say, buy and re-sell at a profit—hides, skins and wool. Clause 6 of the Bill, which re-enacts section 12 in an amended form, provides a simpler and more effective scheme for the licensing of persons who buy any hides, skins, or wool. It differs from the old section in the following respects:—

1. The circumstances under which a person must hold a licence are clearly and simply expressed. A licence must be held by any person who buys any hides, skins or wool for the purpose of re-sale or who, being a person who carries on the business of treating hides, skins or wool in the process of manufacture, buys any hides, skins, or wool in the course of that business. A licence is not required where the goods are bought at an auction sale or from an approved selling agent.

2. The employee of a licensed person must hold a licence before he can perform the duty of buying hides, skins and wool. This provision overcomes a disadvantage in the existing section 12, namely, the inability of the Government to control a servant of the licensee who in many cases is the person who buys the goods and who should be subject to the Act, so that a licence may be refused to a person who has a record of dishonesty.

3. Provision has been made for the Minister to approve selling agents for the purposes of the Act. Under this clause a reputable stock and station agent would be gazetted as an approved agent and a person could buy hides, etc. from him without the necessity of being licensed under the Act.

Clause 3 (2) provides that the new licensing system in clause 6 shall come into operation on a day to be fixed by proclamation. Clause 4 is a consequential amendment to the main theme of the Bill as set out in Clause 6. Clause 5 makes provision for the application to corporations of section 10 of the principal Act concerning the posting up of licensees' names.

Clause 7 makes it an offence for an unlicensed person to hold himself out as being licensed. A breach of this clause would invoke the general penalty set out in section 15 of the principal Act, namely, a fine not exceeding £50, or imprisonment for any period not exceeding 12 months. Clause 8 empowers the Governor to make regulations regarding the manner in which a licensee must keep records of his transactions under the Act and also to enable an inspector or member of the police force to inspect such records. In the case of a licence held by a servant of a licensee the Governor may make regulations prescribing a reduced fee. Subclause (2) of clause 8 will validate existing regulations under the principal Act concerning a licensee's duty to keep records of his dealings in hides, skins and wool.

The Hon. A. J. SHARD secured the adjournment of the debate.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The object of the Bill is to extend the provisions of Part IVA of the South-Eastern Drainage Act, which at present applies only within the western division of the South-East, to the eastern division. Accordingly clauses 3, 5 and 7 extend those provisions. Clauses 6 and 11 (which latter clause introduces a new schedule into the principal Act) define the eastern division. The provisions of the Bill are based on a report made by the Parliamentary Committee on Land Settlement on July 24, 1958. The committee recommended that certain first steps be taken towards the complete drainage of the eastern division at an estimated cost of slightly over £3,250,000, such first steps to consist in the construction of the main outlet to the sea at Beachport; additional drainage constructions within the eastern division to be submitted to the committee for consideration and further report. Although the committee, in fact, recommended that only the first steps be undertaken now, it contemplated a complete system of drainage of the eastern division. The Bill accordingly empowers the undertaking of the complete scheme. The Bill does not appropriate funds and under the existing provisions moneys can be expended only from moneys appropriated by Parliament for the purpose from time to time.

The eastern division consists of an area of 727,000 acres. The area has an average annual rainfall ranging from 32in. at Kalangadoo to 22in. at Naracoorte and it is subject to a high underground water level in the winter. In addition, the area receives during the winter the discharge of three strongly flowing creeks which rise in Victoria (Mosquito, Naracoorte and Morambro Creeks). The area has no effective natural drainage outlet and consequently many parts of it are inundated for long periods in winter. There is a number of Government drains in the area which have resulted in improvement in some of the higher parts, but in the absence of an outlet the drains tend to accentuate flooding in the lower areas. Agricultural investigations have established not only the urgent need for a comprehensive drainage scheme, but also the great economic advantages that might result from such a scheme. The Senior Agricultural Adviser, indeed, reported in 1956 that the flooding of the area had reduced production to at least £2,000,000 a year below what it would have been if the area had been reasonably drained. Moreover, the Parliamentary committee found an almost unanimous desire among landholders in the area to stand behind the scheme. In these circumstances the Government considers it desirable that the necessary authority be given in principle to the undertaking.

The section (103g) of the principal Act concerning the payment of rates on assessment of betterments in respect of the western division provided that the landholders should pay to the South-Eastern Drainage Board an annual rate equivalent to 4⅛ per cent of the value of the betterment assessed in respect of their lands. Clause 9 amends this section by providing that this rate shall apply only in respect of drains or drainage works constructed for the drainage of the western division, but that the rate in respect of drains or works for the drainage of the eastern division shall be 6 per cent. The rate in respect of the western division was fixed in 1948 but, as members are aware, interest rates have increased over the last few years and the Government considers that a rate of 6 per cent would be in keeping with existing conditions. Moreover, the rate extends over a period of 42 financial years and this is an additional factor which has to be borne in mind.

The Parliamentary committee drew attention in its report to the provisions of the existing section 103c of the principal Act, under which assessments can be made only when any drains and drainage works have been "completed." There may be some doubt whether the South-Eastern Drainage Board may make assessments of benefits from new drains in stages as recommended by the committee. Accordingly, clause 8 of the Bill by subclauses (*a*) and (*b*) provides that assessments may be made, when drains or works have been constructed, in respect of any betterment resulting from the construction of those drains. Clause 8 (subclause (*c*)) is designed to empower the Board to assess betterment which may result from drains or drainage works where benefits accrue to lands outside the actual areas of the western and eastern divisions. It is clear that benefits may well accrue to land outside either division from the existence of drains within either division.

The remaining clauses of the Bill re-define the boundaries of the South-East to include all lands likely to benefit from the proposed works. The additional lands consist of the Hundreds of Santo, Messent, Neville, Wells and Petherick and portions of the Hundreds of McNamara, Hynam and Joanna. The new definition also clarifies the position in regard to the boundary of the area of the South-East and the Hundred of Rivoli Bay. The definition is covered by clauses 4 and 10 (which latter clause re-enacts the first schedule of the principal Act).

The Hon. S. C. BEVAN secured the adjournment of the debate.

LAND AGENTS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The object of this Bill is to make some amendments to the Land Agents Act which are considered necessary for the purpose of maintaining effective control over land agents, managers, and land salesmen. Under the present law the powers of the board are limited and some of the proposed amendments will enable the board to take action against licensed and registered persons where their conduct in transactions has been unsatisfactory, but does not constitute a breach of the law or warrant an application for cancellation of the licence or registration. The proposed amendments have, in the main, been recommended by the Land Agents Board in the light of experience gained in the course of its administration of the Act. As members know, the board is the statutory authority charged with the issue and cancellation of licences and generally with the supervision of land agents, managers, and land salesmen.

Clauses 3 and 4 of the Bill will increase the number of members of the board from three to four, one of whom is to be the secretary. In the past instances have occurred where a member has been disqualified from dealing with a matter because of some interest that he may have in it and the effective number of members has been reduced to two, the secretary not having hitherto been a member of the board. Clause 30 makes a consequential amendment.

Clause 5 will substitute the words "a fit and proper person to be licensed" for the words "of good character" in section 27 of the Act which requires the board to be satisfied that an applicant for a land agent's licence is of good character. It is felt that the board should direct its attention to the general suitability of an applicant for the purpose of deciding whether a licence should be granted. Clause 6 effects a similar amendment in relation to corporations. Clauses 10 and 16 of the Bill make consequential amendments.

Clause 7 amends section 32 of the Act in two respects. Subclause (*a*) will provide that an application for a renewal of a licence may be accompanied by a renewal certificate or other satisfactory evidence of payment of the renewal premium on an existing fidelity bond rather than, as the Act now provides, a receipt for the renewal premium. Clause 11 (*a*) makes a similar amendment in relation to land salesmen. The object of clause 7 (*b*) is to enable the board to reprimand an applicant for a renewal of a licence in cases where the board feels that cancellation or suspension of a licence is too strong a penalty to apply in the particular case. Clause 11 (*b*) makes a similar amendment in relation to land salesmen. Clause 8 amends section 35 by empowering the board to exercise a discretion whether it will accept a voluntary surrender of a licence. At present an agent in respect of whom an application for cancellation of licence has been lodged can surrender his licence and thus deprive the board of its right to continue an inquiry into his conduct. Clause 12 makes a similar provision in relation to registered land salesmen. Clauses 9 (*a*) and 13 (*a*) are consequential amendments to that made by clause 23 of the Bill.

Some doubts have been expressed as to the scope of section 36 of the Act empowering the board to cancel a licence on certain stated grounds or "any other ground" which the board deems sufficient. Clause 3 (*a*) adds to the expression "any other ground" the words "whether of a like ground to any of those mentioned in this subsection or otherwise." A similar amendment in relation to the cancellation of registration of land salesmen is made by clause 13 (*b*). Clause 14 extends the period allowed for appointment of a new manager of a corporation carrying on business as a land agent, following the death of the nominated manager, from one to two months. Clause 15 applies to managers the provisions already suspending the registration of land salesmen when they cease to be in the employment of a land agent.

Clause 17 repeals the present section 60 setting out the duties of land agents with respect to trust accounts and substitutes a new section setting out in greater detail the responsibilities of land agents in respect of trust funds. An agent will be required to keep his trust account books properly written up at all times and to pay all moneys received in his capacity as a land agent into a trust account not later than the next day on which his bank is open for business after the day on which the total of all moneys received and held by him in such capacity amounts to ten pounds. Clause 18 amends the provisions concerning the duty to furnish accounts by permitting an agent to make an agreement as to the time within which an account must be furnished. Clause 19 applies the requirements as to advertisements

stating the name of the responsible licensed land agent to firms or partnerships. Clause 20 enacts a new section prohibiting the publication of advertisements concerning the sale or disposal of land without the written consent of the owner of the land. The object is to prevent agents from misrepresenting themselves as agents for sellers.

Clause 21 increases the amount in which fidelity bonds under the Act are to be given from £500 to £2,000. Clause 22 increases the amount for which Commonwealth securities may be deposited in lieu of fidelity bonds from £600 to £2,250 and at the same time increases the amount of compensation that may be paid from £500 to £2,000. Clause 23 enacts a new section which will empower the board of its own motion to initiate enquiries into the conduct of land agents, land salesmen, or managers. Clauses 9 (*a*) and 13 (*a*) make consequential amendments as already mentioned. Clauses 24 and 25 likewise make consequential amendments. Clause 26 enacts a new section 81 in lieu of the present one by making it clear that the board may reprimand instead of cancelling, with the additional provision that three reprimands within a period of five years will automatically result in cancellation.

Clause 27 clarifies the powers of the board in relation to the costs of applications and inquiries. Clause 28 will allow the court before which an agent or salesman is convicted of an offence involving dishonesty or an offence against the Act, to cancel the licence or registration. A similar provision was contained in the earlier Act but was repealed in 1955. Clause 29 clarifies the position concerning the delivery of notices of documents. Clause 31 provides that the Bill shall not come into operation until proclaimed. The intention is that it should be proclaimed to take effect immediately after the expiration of the term of office of the members of the existing board in January next.

The purpose of the Bill is to tighten up the law with regard to the business of land agents and in particular to give as much protection as possible to the public who are dealing with land agents and salesmen.

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

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 5. Page 1430.)

The Hon. G. O'H. GILES (Southern)—In rising to support the second reading might I first join with previous speakers in congratulating heads of departments on the onerous work they have performed in compiling the statement which comprises the Appropriation Bill, and to congratulate the responsible Ministers and the Government on achieving such a magnificent appropriation as regards balance of expenditure. I have been very interested to hear the speeches on this subject, but there are one or two remarks which I feel called upon to try to correct.

The Hon. K. E. J. Bardolph—You will find it difficult, I think.

The Hon. G. O'H. GILES—Possibly, but I must deal with several honourable members' remarks later. Reference has been made during the debate to the dairying industry. At this moment a Federal investigation is under way in respect of that industry and I have no intention of making statements or sticking my neck out, nor am I going to involve myself in arguments between margarine and butter or filled milk and milk. I do object, however, to some of the derogatory remarks put forward by two members as regards the aid given to primary producers in this State. Whether we consider city people or country people there are some, whether we like it or not, who are well off in both sections, but the thing that irritates me a little is to hear primary producers referred to by members of the Opposition in this Chamber as being affluent people who can afford to do all sorts of things which people in the city are unable to do.

The Hon. K. E. J. Bardolph—I made no such suggestion.

The Hon. G. O'H. GILES—I think the insinuation was there. Do not members of the Opposition consider the plight of the 31,000 people in this State who are on farms without any help or labour? I regard them as workers, and even from the Opposition's point of view I think they deserve that title without drawing unfair discriminations.

The Hon. K. E. J. Bardolph—But it was a Labor Government that helped the people on the land.

The Hon. G. O'H. GILES—I think possibly I shall be able to reply to that shortly. It is very disappointing to hear any attack upon the primary producers of this State who are combating decreased export prices, decreased yields due to bad seasons, and, furthermore, trying to absorb—though they have not yet felt its full impact—the recent 15s. rise in the basic wage. Another remark I heard last week was, "Why should we protect the primary producers but not give similar protection to

others?'' It is obvious to me that primary production is not protected and I could mention wool, apples for export, fat lambs and numbers of other items. As regards seasonal influences, there is no section of the population worse off than the dairy farmers and fat lamb breeders on small acreages in a season like this. I offer those comments to offset some remarks I heard last week.

The Hon. Sir Frank Perry—Does that apply to this year only?

The Hon. G. O'H. GILES—Mainly to this year, but in the case of dairy farmers in the Adelaide Hills it has probably prevailed for some years. I heard some surprising statements from Mr. Condon in favour of margarine on several occasions during his otherwise excellent speech. It is rather an amazing thing, I imagine, to find the Leader of the Opposition in a Chamber such as this supporting big business and cartels in favour of margarine to the detriment of the hard working farmers. I should like to know exactly how the Labor Party expects support from the primary producers when such remarks are made. Even the Federal Leader of the Labor Party does not look very carefully to protect the Australian workers, whether in secondary industries or not, in his ideas on our immigration policy—and I throw that in largely to offset Mr. Bardolph's remark that the Prime Minister was responsible for the fall in wool prices a few years ago.

The Hon. K. E. J. Bardolph—I said that it was because of the action of his Government, not him personally.

The Hon. G. O'H. GILES—As far as I can gather from the speeches of two members of the Opposition, they are in favour of cheap artificial substitutes for butter, and no doubt would also support cheap artificial substitutes for milk if they had the chance.

The Hon. F. J. Condon—If you do not want me to call you names, you had better not go on like that.

The Hon. G. O'H. GILES—Furthermore, I suggest that they would probably favour our eating concentrated capsules rather than get their teeth into a bit of good steak. Their policy seems to be wide open in several ways. Mr. Bardolph made some remarkable statements; one in particular to the effect that producers subsidize overseas butter prices. I have been quite aware of a subsidy that helps offset the losses in export fields, but I am at a loss to understand just what he meant.

The Hon. K. E. J. Bardolph—I did not say that. It was the Leader of the Opposition.

The Hon. G. O'H. GILES—I quote Mr. Bardolph—talking of butter—as saying, ''But does not the Australian producer subsidize that overseas price?''

The Hon. K. E. J. Bardolph—That is right, and the consumer, too.

The Hon. G. O'H. GILES—If I understand the honourable member now he thinks the producer does subsidize the export trade. If he wants his second interpretation it is very nice to know that we have a supporter of the dairying industry, because in actual fact he is quite correct. To quote actual figures, a while ago £20,000,000 a year was lost by the dairying industry and of that sum, £13,000,000 was made up by the Federal subsidy. The remaining £7,000,000, as Mr. Bardolph I am sure will fully agree, was borne by the dairymen of this State, so on the second interpretation of his remarks I expect he is right.

The only other statement to which I wish to refer was the honourable member's reference to the lower standard of living since the Menzies Government came into power. I do not quite know which member to believe because, being a new member, I took particular notice of the first speech I heard from Mr. Shard, and he gave me the impression that in his experience every successive basic wage increase brought a better standard of living to the workers. Which way do they want it? I agree with Mr. Shard, and do not accept Mr. Bardolph's statement in reference to the lower standard of living since the Menzies Government took office. I should appreciate it if some of the Labor policy was for more substantial help to primary producers; no doubt from their point of view it could have a slightly better impact upon the community than the farcical state of affairs we see now, when some Labor members speak on current agricultural matters.

I have heard repeated reference to the idea of grants to aid private schools. My views are slightly at variance with several I have heard on the subject in this Chamber. I think there is an argument in favour of aid to private schools when moneys provided in that way relate to capital expenditure. No running costs should be taken into account by the Government once these moneys are expended. The position could be examined quite seriously from the point of view of providing moneys in one direction and not in the other. Money now spent on our educational system has some further implication in regard to the upkeep of

buildings and general running costs in perpetuity. I am rather surprised that this argument was not used—the logical thought in favour of money spent on private schools for capital expenditure is that these institutions are housing a certain number of people under very good conditions without regard to future running costs.

I refer now to the hotel licensing fees in this State. Regulations provide that they should be based on the annual value of assessment, with a yearly maximum fee of £450 and a minimum of £260 in the metropolitan area, plus an additional levy of £15 for each bar. The minimum in the country is £25 for a licence. I wish to refer to an anomaly that applies to hotels, such as the Coonalpyn Hotel, Tintinara Hotel and Tailem Bend Hotel, all new hotels built on modern lines with every facility to make them first-class. They are particularly important hotels today because they are on the interstate route between Adelaide and Melbourne and provide good accommodation to travellers. Their importance to the tourist must also be emphasized. These hotels draw upon a very small local population for their bar trade, for which they pay the maximum fee. We have the rather anomalous situation of the South Australian Hotel being on an annual fee of £450, with an extra £30 for two additional bars. There is also the Hilton Hotel, which possibly has the biggest bar trade in South Australia, and it is on the same licensing fee. This also applies to the Elizabeth Hotel, which has seven bars and pays an additional £15 for each bar. New country hotels have not the same volume of bar trade, but are on the same maximum fee.

I suggest that possibly the South Australian Hotel, the Elizabeth Hotel or the Hilton Hotel would get as much trade in five days as the Coonalpyn Hotel would in six months and that may be under-estimating the position. In Western Australia and Victoria the licensing fees are based on the bar trade. In Victoria it is 5 per cent of the bar trade and in Western Australia 6 per cent. Whether this is the correct way to consider the licensing fees for country hotels, I do not know, but I suggest that the present fees in South Australia unduly hinder the building of first-class hotels in country areas. If it is possible for some new assessment of the position to be made, I am certain it will help hotels in the non-populous areas to do better than they do today. If the new country hotels referred to had realized the position, they might not have provided so many bedrooms. The position should be watched by the Government to encourage the building of really first-class hotels in country areas. I support the Bill.

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

MANNINGHAM RECREATION GROUND ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1375.)

The Hon. F. J. CONDON (Leader of the Opposition)—The original Bill was introduced in this Chamber on September 29, 1936, and dealt with two blocks of land situated in the Enfield Corporation area. They were settled by the late Dr. A. H. Bennett upon trust, one block to be used as a playground and recreation ground and the other as a site for residential cottages. Difficulties arose in carrying out the trust of Dr. Bennett's settlement and the only way the position could be overcome was by Act of Parliament. The object of the Bill is to allow the Enfield Corporation to lease portion of the land vested in it by the Act for a bowling green. As this matter is to be referred to a Select Committee, I intend to support the second reading. I understand that the original intention was that the land in question was to be used for a children's playground. I have to be convinced of the necessity of its being used for a bowling green, because it may get away from the intentions of Parliament in 1936. The Select Committee's report on the 1936 Bill was as follows:—

The evidence shows that because of the insufficiency of the funds available for the purpose it is not possible to carry out in full the intention of the late Dr. A. H. Bennett in regard to certain land at Hampstead which was the subject of a deed of trust between Dr. Bennett and the Executor Trustee Company. An agreement had been arrived at, however, by which firstly portion of the land will be sold and with the proceeds the District Council of Enfield will undertake one of the objects of the trust, namely, the development and maintenance of the remainder of the land as a children's playground and pleasure and recreation ground; and, secondly, securities now held under trust will be realized for the benefit of the widow. Legislation is necessary to permit of this departure from deed of trust and the committee is satisfied that the Bill provides a fair and reasonable method of dealing with the situation and that it has the approval of all interested parties. The committee therefore recommends that the Bill be passed.

We should be careful before agreeing to this Bill, and should not depart from the original intention. Much will depend upon the evidence to be submitted to the Select Committee. None

of the councillors of the Enfield Council gave evidence before the Select Committee, which was told by the chairman and secretary of the district council that it had no objection to the proposal. I have every confidence in members of councils, even more than the Minister who introduced the Bill. I read in the press today that he made a certain statement yesterday, and I should like him to clarify the position, because there is doubt in my mind. He said that men of strong character with boundless energy and tact were needed in local government, and added, "What I need in my local government administration are men of strong character and boundless energy." Has he not them now? That is what I say about councillors who come under the control of this Bill. We should have every confidence in them and give them every consideration. If councillors are interested in this Bill they should be heard. More satisfaction will be obtained if the people concerned give evidence. They did not do so on the previous occasion, and I know there was some dissatisfaction because I was approached on the matter. I support the second reading and will rely on the evidence tendered and on the report of the Select Committee.

The Hon. Sir FRANK PERRY (Central No. 2)—The honourable Mr. Condon may have made a mistake in the point he made and in the nature of the move he wished to see. This land was given many years ago and it is in an area which was sparsely settled but which has now become more populated. The march of time does alter things and I am sure the trustees, who are responsible for the estate, would first desire to observe the wishes of the donor and see that they were carried out. Failing that, I am sure that the trustees would desire to give effect to the donor's intention as far as possible, and I am sure this House will assist the trustees in that direction. As this Bill has to go before a Select Committee, which will decide the merits of the case, it is not my purpose at this stage to argue the merits or demerits of the Bill. I support the second reading of the Bill to enable a Select Committee to be appointed.

Bill read a second time and referred to a Select Committee consisting of the Hons. N. L. Jude, S. C. Bevan, Sir Frank Perry, Sir Arthur Rymill, and A. J. Shard; the Committee to have power to send for persons, papers and records and to report on Tuesday, November 24, 1959.

PRICES ACT AMENDMENT BILL.

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

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL.

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

HOLIDAYS ACT AMENDMENT BILL.

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

THE AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES BILL.

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

POLICE PENSIONS ACT AMENDMENT BILL.

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

WRONGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1423.)

The Hon. F. J. POTTER (Central No. 2)—I support the second reading of this Bill and would first pay a compliment to the draftsman who prepared it because it is a very complicated matter from a legal point of view. I have read the Bill very carefully and I consider that it just about covers every point that I can think of arising out of the difficulties that can accrue through claims for a contribution between joint tort feasors. This matter was raised in debate earlier in this session by the Hon. Sir Arthur Rymill when he dealt with the amendment to the Limitation of Actions Act. He very rightly brought forward an example of what can arise when a contribution is sought from a person who is in the position of defendant and wishes to seek contribution from the Crown. That case is known and reported in the law reports as *Whimpey's case.* I shall not weary the House by quoting details of that case because they are all set out on page 655 of *Hansard* of this session.

Basically what this amendment deals with is this. If A is injured in an accident involving B and C—B being a civilian and C being the Crown or an employee of the Crown—A may sue either B or C or he can sue them both because they are both involved in the accident and both have caused damage to him, irrespective of whether one may be 80 per cent to blame and the other 20 per cent, or whatever the percentage may be. But if C is the Crown

—and that is postulated in our example—then certain restrictions apply to A's right against the Crown because he must give certain notices required under the Limitation of Actions Act before his right of action accrues against C, and if A neglects to sue C or deliberately refuses to sue him then he jeopardizes B's right to bring C into the action. If B is sued he can always bring C into the action by means of the procedure which we call third party procedure or, alternatively, he can sue C himself once he has been found liable in A's action against him. The trouble that has arisen and which this Bill seeks to remedy has been caused by judicial interpretations of certain words in section 25 of the Wrongs Act. We all know that difficulty arises from time to time in judicial interpretation of odd words in Statutes, and I think the Hon. Mrs. Cooper will sympathise with people experiencing such difficulties.

The words that have given trouble in this particular section are the words "liable if sued" and the trouble has arisen over what is the exact meaning of the word "liable," and there have been some conflicting court decisions on it. Generally, this Bill seeks to set out in detail all the circumstances under which that right of action can be preserved to the defendant against a third party. As I said earlier, I consider this a worthwhile amendment, although cases may be few and far between when it will be necessary to apply the actual provisions of this amendment. Nevertheless, injustice has arisen in the past and it will not, as far as I can see, arise again if this Bill is passed.

Before I conclude I refer to the fact that one of the minor amendments proposed is to section 25 (*d*), which deals with the right of a husband or of a wife to recover damages against some other person who may have injured them. However, that paragraph confers no right on the husband to sue his wife, in the event of a tort committed by the wife, and no right on the wife to sue the husband for a tort committed against her by him and, indeed, that particular right is specifically taken away from spouses by the provisions of section 101 of the Law of Property Act, which states that no husband or wife shall be entitled to sue the other for a tort. It seems to me that we ought not to go on year after year allowing this situation to remain, and I understand that efforts have been made in other States to remove this anomaly.

We all know that in these days, through the third party compulsory insurance provisions in the Road Traffic Act, it is compulsory for motor drivers to insure against doing damage to third parties, and practically everybody receives protection under the provisions of third party insurance excepting the unfortunate wife of a driver of a car if she is injured in a collision, and the same thing applies to the husband if he is injured while his wife is driving the car. Neither has any right to recovery in an action and neither gets any benefit through having insured against third party liability; it is important that the situation be cleared up. It is ridiculous, for example, that if an erring husband goes out in a motor car with his mistress and has an accident she can sue him for any damages that arise, yet that does not apply if an accident occurs when his wife is in the car. It is about time we did something about it. I believe something more fundamental than an alteration of the Wrongs Act is necessary to rectify this situation, and something more fundamental than an alteration to the Road Traffic Act. It may be a matter with wide ramifications involving two or three or more of our Statutes, and I would like to see the Government bring down satisfactory amendments soon, and a fundamental one will have to be to the Law of Property Act.

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

MARKETING OF EGGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1431.)

The Hon. R. R. WILSON (Northern)—I am of the opinion that the South Australian Egg Board has proved to producers that it is necessary to extend the life of the board for a further three years after the expiry of its present term. It has proved worthy of its existence. The poultry industry is worth £4,000,000 a year to South Australia. On an Australian basis the production of eggs represents £43,500,000, and poultry meat £11,500,000, a total of £55,000,000 annually. This is a huge sum which illustrates the importance of the industry. The constitution of the board is very suitable in as much as it consists of three representatives of the poultry industry, and one each of retailers and wholesalers, plus a secretary. It provides a system of orderly marketing which I have heard described as socialistic legislation; but it is no such thing. Orderly marketing is successful, I think, when the producers are represented on the board.

Eggs are extremely fragile and perishable, and since the Egg Board commenced functioning in 1941 we have had better quality eggs than formerly. The egg is an important article of diet and therefore its quality means everything. I should like to quote a few examples of what takes place in the country; for instance, at Whyalla there is a man who produces practically all the eggs required in that town and who is also a wharf worker. Some of his best customers are the hotels, but when eggs became cheaper in the flush season he found that these customers were not purchasing his eggs. On inquiring the reason he was told, "An egg is an egg to our customers," meaning that a small egg satisfies the customer just as well as a two-ounce egg. This illustrates one of the difficulties facing egg producers, and there are many others. As one involved in the industry I know what is going on. Mr. Condon said that the egg industry should have protection and I was pleased to hear him say that because unless one is associated with an industry one cannot know all the problems confronting it.

Before the Egg Board was established in 1941 it was a problem to dispose of eggs. Nearly every farmer has eggs to sell and prior to that time the local storekeepers provided the only outlet and the farmer generally had to take payment in goods. At that time the price of eggs sometimes fell to as low as 2d. a dozen, but the proceeds kept the store bill down to some extent. The storekeepers could not be blamed because they had to take the risk of whether the eggs were fresh or stale, and the losses they incurred were sometimes very considerable. I put a question on notice today and I am looking forward with interest to receiving the answer because Port Lincoln is faced with a growing problem in regard to egg production. I telephoned my farm last night and was told that 30 dozen eggs netted £3 1s. 3d., which is 2s. 0½d. a dozen. There is no other market and I want to know why there is no grading of eggs there; only a flat rate price.

I consider that there is a racket in interstate trading in eggs. It has been said—and I believe it to be correct—that eggs are transported by road from other States to South Australia and the same vehicles take back South Australian eggs. This State has established a reputation for eggs of good quality and size, and that appears to be the reason for this traffic. We are getting the smaller eggs, probably purchased in other States under somewhat the same conditions as those I referred to at Whyalla. I hope that Mr. Anderson, chairman of the Egg Board, will be successful in his efforts to establish a Commonwealth scheme for the marketing of eggs. That is the only way to overcome the present trafficking in the egg trade. I consider that the Egg Board has done an excellent job. I recall how concerned the late Hon. A. W. Christian, when Minister of Agriculture, became when the United Kingdom suddenly terminated its buying of eggs from Australia. Because Holland, almost next door to the United Kingdom, had entered into egg production in a very big way, she naturally bought fresher and cheaper eggs because of the shorter distances involved.

I have much pleasure in supporting the Bill and hope it will be passed. I shall be very interested to know if those who oppose it have anything better to offer than the South Australian Egg Board, which has under adverse conditions done a wonderful job.

The Hon. L. H. DENSLEY (Southern)—This Bill provides for the continuation of the Egg Board for another three years. The board was established to attempt to stabilize distribution and prices of eggs on an annual basis with a view to obviating gluts, such as those mentioned by Mr. Wilson, when the price of eggs might fall to as low as 2d. a dozen. I do not think, however, that the Egg Board can be credited with all of the good things that Mr. Wilson mentioned, for we should remember that the quantity of eggs produced in South Australia has decreased so tremendously that one wonders whether there is any justification for the Egg Board sending to the eastern States a large number of cheap eggs, while the eastern States at the same time are selling their small eggs here at a low price. Obviously, if the Egg Board is to function satisfactorily it will have to be something more than just a South Australian institution. It would be very interesting to know just how many eggs from South Australia have been sold in other States in the last few months. I have never been very enamoured of boards, although I agree that in some cases results have been satisfactory. Egg production in 1947-48 reached 14,500,000 dozen, but last year it was down to 7,784,000 dozen—about half. Obviously, therefore, one cannot credit the Egg Board with having disposed of so many eggs so very well, as Mr. Wilson claims. Of this 7,784,000 dozen only seven per cent were exported and the balance were consumed

within Australia. In that year administration costs were 1.15d. a dozen, levies and commissions, £107,398, and the year's trading resulted in a loss of £2,500.

In 1957-1958 the number of eggs sold by the board was 9,283,000 dozen, of which 29 per cent were exported. Administration costs amounted to 1.22d. a dozen and the levy was £118,588, which was tremendously high. It will be seen that there was quite a big increase in the levy for that year compared with any other year to cover trade losses. The surplus for that year was £9,815. In 1956-57 of the eggs produced in South Australia 32 per cent was exported overseas. Administration costs amounted to 1.16d. a dozen and levies and commissions to £82,637, and the deficit was £62,556. In 1955-56 a total of 48 per cent of production was exported, in 1954-55 it was 49 per cent, and in 1953-54 it was 58 per cent. Egg producers favour some control, and for that reason I intend to support the Bill. I believe it is desirable to include a clause whereby a specified number of producers may apply to have a poll of growers to make sure that they favour a continuation of the board from year to year. The figures I have given show that it was not a very great job for the board to sell the eggs, when one considers that production is only half of what it was a few years ago. We are now selling only about 7 per cent of production overseas. It is questionable whether the impact of the Egg Board on the market is very great. However, I support its continuation and believe that most growers are satisfied to carry on as at present.

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

STOCK DISEASES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1431.)

The Hon. L. H. DENSLEY (Southern)—Following upon the Minister's explanation of the Bill and the speech of Mr. Shard there is not much left to say. Clause 3 provides for the amendment of subsection (1) of section 5 of the principal Act as follows:—

(*a*) by inserting before the interpretation of "camel" the following interpretation:—

"animal product" means and includes meat, fat, milk, whey, cream, butter, cheese, eggs or semen of any stock:

(*b*) by inserting in the interpretation of "carcass" after the word "hoofs" therein, the words "feathers, blood, viscera";

In the interpretation, "animal product" means and includes meat, fat, milk, whey, cream, butter, cheese, eggs, or semen of any stock. "Stock" means:—

(*a*) all camels, horses, cattle and sheep, and all goats, deer, dogs, and swine of any age or sex, and all fowls, turkeys, ducks, geese, and pigeons of any age or sex:

(*b*) all other animals or birds to which the Governor at any time, by notice in the *Government Gazette*, declares that the provisions of this Act, or any of them, shall apply;

(*c*) the carcass or any portion of the carcass of any stock as hereinafter defined:

The Bill provides for the addition of the following paragraph:—

(*d*) any animal product of any stock as hereinbefore defined.

Obviously the product of stock, whether it be feathers, milk or eggs, is likely to carry disease, and it is sought by the Stock Department to have them included in the Act so that it can prevent the carrying of disease by this medium. I should say that this is necessary. In its bulletin for July, the South Australian Egg Board had this to say:—

The trade has become egg contamination conscious since egg washing is more generally used. Bacteria and moulds that always have been found on the outside of the shells are now often times driven through the pores of the shells by improper washing.

This highlights the fact that it is necessary to include in the interpretation of "stock" the various products mentioned which are liable to carry infection. Therefore, I support the Bill.

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

FRUIT FLY (COMPENSATION) BILL.

Adjourned debate on second reading.

(Continued from November 5. Page 1434.)

The Hon. G. O'H. GILES (Southern)—We have had two very good speeches by Mr. Story and Mr. Bevan and I do not intend to elaborate on what they said. The Bill provides for an over-all scheme to eradicate and stop the further introduction into South Australia of both the Queensland and the Mediterranean fruit fly. It is a far-reaching measure to try to ensure that the average householder will co-operate with the Department of Agriculture in

stamping out the fruit fly. Having heard several debates and read several reports on the subject, three things were impressed upon me. One was that there is a move on foot, on an Australia-wide basis, to set up a barrier to help control interstate infestations of fruit fly. Secondly, the Minister of Agriculture is reported as saying that he is not so frightened of any further outbreaks in South Australia, because he feels that the fruit fly here can be controlled and eradicated. What he is frightened of is the importation of flies from other States. Thirdly, although the scheme up to the present time has cost £1,846,948, which is a lot of money, it is infinitesimal compared with the value of the industry it protects. I support the second reading.

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

ADJOURNMENT.

At 3.55 p.m. the Council adjourned until Wednesday, November 11, at 2.15 p.m.