LEGISLATIVE COUNCIL.

Wednesday, November 11, 1959.

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

QUESTIONS.

PROTECTION OF PORPOISES.

The Hon. R. R. WILSON—I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. R. WILSON—My question is somewhat unusual. In the sea waters adjoining my electorate the industry of shark and tuna fishing is flourishing and I am concerned about the destruction of porpoises. It is considered by some that the porpoise is one of the most intelligent creatures after man. In New Zealand a porpoise named Pelorus Jack used to meet incoming ships and, as it were, hitchhike with them for miles upon miles at the same pace as the ship. It was found that it put its tail at a special angle to the upwelling waters of the ship's bow wave so as to get the full force of the wave's forward thrust. It thus coasted along at the ship's speed with little or no effort. However, a sportsman ultimately had a pot shot at the porpoise, whereupon the New Zealand Parliament passed an Act to protect this particular fish. Opo, another famous New Zealand porpoise, played ball and allowed children to ride on its back, and it was a joy to all who saw it. In view of these remarks I should like to know whether the Government will devise ways and means of protecting porpoises in special waters away from shark fishing grounds so that they may breed in safety?

The Hon. Sir LYELL McEWIN—I ask the honourable member to put his question on the Notice Paper.

EARLY CLOSING ACT.

The Hon. K. E. J. BARDOLPH—About a fortnight ago I asked the Minister of Industry and Employment what action was being taken by the Factories Department to police the Early Closing Act. Has the Minister any further information to give the Council today?

The Hon. C. D. ROWE—Following on complaints, inspectors have been asked to attend a little more carefully to the responsibility of looking into whether shops are kept open after hours, and on occasions they have been employed over week-ends. I can say, therefore, that action has been taken to see that the provisions of the Act are complied with.

LOTTERY AND GAMING (CHARITABLE PURPOSES) BILL.

The Hon. Sir LYELL McEWIN (Chief Secretary) obtained leave and introduced a Bill for an Act to provide for the issue of a totalizator licence for one additional race meeting to be held in the year 1960 for the benefit of one or more charitable institutions, and for matters incidental thereto. Read a first time.

MARKETING OF EGGS ACT AMENDMENT BILL.

Read a third time and passed.

FRUIT FLY (COMPENSATION) BILL.

Read a third time and passed.

PRICES ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

In seeking an extension of the Prices Act for a further 12 months, the Government is motivated by strong evidence of inflationary tendencies. At the present time, economic activity throughout the Commonwealth is at a high level. Manufacturing and trading companies are, in many instances, recording higher returns both as regards a higher percentage of shareholders' funds and on substantially increased capital. This State has the lowest level of unemployment in the Commonwealth and increased spending power in the hands of the public of this State for the next 12 months is calculated to exceed the amount spent last year by no less than twenty-seven million pounds. Warnings that further inflation appears inevitable have been issued from a number of authoritative sources. The Governor of the Commonwealth Bank recently stated that "inflation is a serious and growing threat to the health of our economy."

The Commonwealth Government adopted a noticeably cautious attitude in the Budget recently announced by the Federal Treasurer, and my Government also feels that the economic situation is developing to the extent where strong inflationary trends must be heeded and every effort made to ensure reasonable price stability. If this situation is not dealt with, we might well expect to revert to the position which the country continually faced with spiralling prices only a few years ago. From all reliable reports the basic wage increase of 15s. per week appears to be causing considerable concern to primary producers, industry and the consuming public alike.

Although its final effect has by no means yet become evident, it has already been responsible for a number of price increases which would otherwise have been avoided. Unfortunately, some price movements have been unwarranted and the Prices Department has found it necessary to take action in a number of cases.

The continued progress of this State is inevitable. However, the amount of money which lending institutions can make available to prospective home buyers and the limitation of lending advances make it essential that costs and prices covering a wide range of services and commodities should be held in check. The people can only buy or build homes if prices are kept within the bounds of their ability to pay for both borrowed money and the day to day living items which it is necessary for them to buy.

There is some evidence of a tendency by the Governments of those States which completely abolished price control a few years ago to reintroduce it on at least a few items. Whilst it is not desired to reintroduce control on any items in this State unless exploitation becomes evident, the fact that some of these States have again found it necessary to re-enter the field of price control reflects their growing anxiety. This Government has found that, while it has been necessary to continue some form of control, the savings effected as a result of the numerous investigations carried out by the Prices Department have enabled both the man on the land and the wage earner to procure a large cross-section of their requirements at prices lower than those which their counterparts are being called upon to pay in other States.

With the gradual release from control of a number of items, more agreement between the Prices Department and the associations concerned are coming into effect. The present situation makes it necessary that these agreements should continue, but they can continue only so long as the Prices Act is itself continued. We have not yet reached the position where, in the interests of the State, we can afford to do without this legislation. Investigations carried out by the department continue to show that there are still people in the trading community who would exploit others.

With the dry seasonal conditions repercussions affecting prices of a number of commodities may well occur. If this situation developed, the position could become serious without the assistance of the department to watch the position. With prospects of the man on the land having to face lower yields and income, his financial resources will require every protection. It is the Government's obligation to ensure that this lower income is not whittled away by unnecessary price increases. For the reasons given above, the Government considers that this legislation must be continued for a further 12 months.

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

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

The object of this Bill is to enable the Savings Bank of South Australia to establish a staff medical and hospital benefits scheme. There is considerable doubt as to whether the bank, under its existing Act, may expend its funds for the purpose of such a scheme and clause 3 of the Bill accordingly inserts in the principal Act a new section which will empower the trustees by resolution to make arrangements for the provision of a medical and hospital benefits scheme for officers, clerks and servants of the bank and pay out of the funds of the bank such sums as the trustees may determine in accordance with arrangements made. Honourable members will recall that a similar amendment was enacted last year to enable the trustees to provide for a superannuation fund. This Bill is along similar lines.

I understand that the bank has already discussed the establishment of a medical and hospital benefits scheme with the staff and that the trustees have approved of such a scheme which is, I am informed, to be non-contributory on similar lines to schemes already in operation in many other banks.

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

HOLIDAYS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

This Bill amends the Holidays Act Amendment Act of 1958 by substituting the expression "savings banks" for the expression "trading banks" in section 2 (2) of that Act. That Act provided that the Governor could by proclamation bring it into operation when

satisfied that arrangements had been made and would be carried out for keeping trading banks open until 5 p.m. on Fridays and, as honourable members know, the operation of the Act is to make Saturdays bank holidays.

Negotiations have been proceeding between the Government and the banks and it has now been agreed that savings banks (including the Commonwealth Savings Bank) will be prepared to remain open until 5 o'clock on Fridays. In view of these arrangements it is proposed to amend last year's Act to enable a proclamation to be made bringing Saturday morning closing of all the banks into operation.

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

THE AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES BILL.

Second reading.

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

That this Bill be now read a second time.

This is rather an important measure associated with our research and development laboratories in the Mines Department. They were built ten years ago to deal with the very difficult problem of recovering uranium from the complex ore at Radium Hill, and success would not have been achieved without the splendid work done in these laboratories. Subsequently major help was also given in establishing other uranium producers in Australia, but during recent years there has been a considerable reduction in work of this nature and although the scope of the laboratories was extended to assist the mineral industry generally, it became necessary to explore other ways and means of keeping the laboratories fully and gainfully employed. It is obvious that the State of South Australia cannot continue indefinitely to maintain the laboratories on their present scale and provide a sufficient variety of interesting and useful work to retain the first-class staff.

To overcome this problem, an approach was made to the Commonwealth to share in the laboratories. The Commonwealth Government indicated it would be interested if the mineral industry itself would assume part of the operating costs. Following discussions a basis has been determined for a tripartite arrangement, for the laboratories to be shared with the Commonwealth and mineral industry. The present operating cost of the laboratories is £225,000 per annum and it is proposed that South Australia will provide three-fifths of this amount (£135,000), the Commonwealth one-fifth (£45,000) and the mineral industry one-fifth (£45,000), the position to be reviewed after a five-year trial period.

It is the belief of all parties that there is a real need for such a centre which could well become a national institute. Let me quote the following from the report of the Executive Officer, Australasian Institute of Mining and Metallurgy, presented at its annual general meeting in August, 1959:—

The Australian Mineral Industries Research Association. A very considerable step forward has been taken in the formation of this Research Association, to which many members have looked forward for years. Whilst the immediate sparking impetus was provided by the offer of the South Australian Government to make its research and development facilities more widely available, in the broader concept the Research Association will advance the interest in research in all fields and will ensure the availability of research facilities to small companies as well as the larger ones. Also, encouragement will be provided to research workers in universities and elsewhere. In the particular matter of participation in the operation of the Australian Mineral Development Laboratories, in Adelaide, the industry at large will have access to the facilities of the best equipped laboratories in Australia, which in fact contain the elements of a national metallurgical research institution comparable with those established earlier in other countries. The institute is gratified at having taken a leading part in the formation of the Research Association, and the council looks forward to continued co-operation with it. For the time being the headquarters of the Research Association will be on institute premises.

I should also like to pay tribute to the leaders of the mineral industry, who have played a most active part in organizing industrial participation in the present proposal. Several of them are on the temporary advisory council advising me on the running of the laboratories and their helpful and enthusiastic approach, which is equally apparent in the councillors representing the Commonwealth Government, augurs exceedingly well for the future of the laboratories, if the proposals we are now to consider are proceeded with. I also wish to stress that the laboratories intend to collaborate closely with C.S.I.R.O. and other bodies so that more efficient use can be made of the limited scientific manpower available for tackling the many problems confronting the mineral industry. The object of the present Bill is to enable the State to give effect to the proposals which have been agreed with the other participants in the scheme to be carried out. Part II of the Bill accordingly

establishes an organization to be known as the Australian Mineral Development Laboratories (clause 5), charged with the powers and functions of carrying out scientific researches and investigations in connection with minerals and mining problems (clause 6).

Clause 7 enables the Minister of Mines to make arrangements with the organization for the carrying out of its functions and, in particular, to make available to it the buildings and equipment of the existing laboratories for a period of five years, at the end of which it is contemplated that further discussions will take place with a view to the determination of permanent arrangements if the trial period has proved successful. Part III of the Bill establishes a council, to be appointed by the Governor. This council, which will be the executive body of the organization, will consist of two members to be appointed on the nomination of the Commonwealth, two on the nomination of the Minister of Mines and three on the nomination of Australian Mineral Industries Research Association Limited. The last mentioned is a company recently formed to represent the mineral industries throughout Australia and it is the participating body in the general scheme on behalf of the mining industry. In addition to the foregoing seven members, the Governor may appoint three additional persons upon the nomination of the existing seven. These provisions are contained in clause 7, which also enables members of the council to nominate alternates to represent them on the council at any time. Clause 9 provides for a chairman and deputy chairman, clause 10 for the term of office of members of the council, and clauses 11 and 12 for vacancies. Clause 13 empowers the organization to remunerate members of the council with the concurrrence of the three participants in the scheme. Clause 14 is a general provision providing for the validity of acts of the council, while clause 15 provides that the council shall hold the assets of the organization on account of the Crown.

Part IV of the Bill provides for the appointment of a director and staff for the organization. The director and staff will be appointed by the council upon terms and conditions to be determined by it. Clause 17 (3) and (4) provides protection for the existing staff of the laboratories who may be granted leave of absence to serve the organization, retaining during that period all their Public Service rights, including their existing salaries which, if less with the organization, are to be made good by the Minister. Part V concerns finance. Clause 18 (2) appropriates the sum of £135,000 a year for payment to the organization during a period of five years. In addition to this amount the State Government will continue to pay the cost of maintenance and repairs of existing buildings and payments to the Superannuation Fund (clause 19).

Part VI empowers the council to make rules of procedure and prescribe fees (clause 23) and requires it to provide an annual report of its work, copies of which are to be furnished to the three participants (clause 22). It will thus be seen that the Bill empowers the Government to enter into arrangements with the new organization with a view to its taking over the operation of the laboratories for a period of five years. An important provision of the Bill is that in clause 2, which provides that it is not to come into operation until appropriate arrangements have been made with the other participants in connecton with the provision of funds. It is contemplated that these arrangements will be of an informal character, being embodied in letters which will be exchanged among the three parties, providing in effect that each party will guarantee to the organization adequate funds to enable it to carry on, the State providing three-fifths, *i.e.*, £135,000 a year, and the Commonwealth and mineral industry each one-fifth or £45,000, making a total guaranteed income of £225,000 a year.

A very satisfactory arrangement has been arrived at. Each of the parties will be entitled to an equivalent amount of work being done in the laboratory according to its financial support. The Bill will enable the very high standard that has been built up to be guaranteed and maintained. It is well known that the status of any such institution depends upon the quality of the staff, and the best way to retain a staff is to place it upon a definite and secure basis, as is provided for in the Bill. I commend the measure to the consideration of members.

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

POLICE PENSIONS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its object is to effect an alteration in the basis of Government contribution to the Police Pensions Fund. The Act now provides that

the Government shall subsidize the fund in accordance with the usual actuarial method whereby both the members of the Police Force and the Government contribute in advance of the actual payment of pensions. These provisions have been in operation since 1929, when the original Act was passed. In 1927 provision was made by the Superannuation Act for the Government to subsidize the superannuation fund on a clearly defined emerging costs basis. In view of the rapid expansion and increasing population of the State it is now considered desirable that the method of Government subsidy should be on a similar basis in the case of both funds. This Bill accordingly provides by clause 3 that instead of moneys voted by Parliament from time to time being paid into the fund, contributions shall be so paid. Clause 6 makes provision for the basis of contributions by the Government. These are to be based on the total amount of cash payments, children's allowances and pensions actually paid from the fund during each financial year. In the case of persons who became members of the force before July 1 of this year the Government will contribute two-thirds of the total amount paid out, whereas in the case of persons who became members on or after July 1 of this year the Government will contribute three-fifths of the total amount paid out. The proportions of two-thirds and three-fifths are based on a recommendation by the Public Actuary following an examination of the state of the fund.

Clauses 4 and 5 make necessary consequential amendments. Section 9 of the existing Act provides that the Public Actuary shall report to the Chief Secretary in each year what the amount of the Government subsidy during that year should be. This provision is removed from the Act in view of the specific provisions for ascertaining the amount of contributions by the Government provided by clause 6 of the Bill. Section 10 of the Act requires the Public Actuary to make general reports as to the state of the Fund every five years. Clause 4 of the Bill re-enacts this section with the additional provision that the Public Actuary shall report at the same time as to any variation required in the rates of contribution by members of the force or the Government. A similar provision exists in relation to the Superannuation Fund. Clause 5 merely alters the number of the existing section 11 to 10.

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

HALLETT COVE TO PORT STANVAC RAILWAY BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 1458.)

The Hon. F. J. CONDON (Leader of the Opposition)—What's in a name! I think the members for the district should have been able to arrange for a more appropriate name than the one chosen for the proposed oil refinery site. This is a very important measure which means much to the State. A Select Committee was appointed to consider the Bill and evidence was tendered to it by Mr. H. C. Smith (director of Vacuum Oil Company Pty. Ltd.), a director of Standard Vacuum (Aust.) Pty. Ltd., Mr. Hart (the Town Planner), Mr. Jackman (the Highways Commissioner), and Mr. A. M. Ramsay, the General Manager of the Housing Trust. The project was then submitted to the Public Works Standing Committee, which considered alternative routes—(*a*) from Hallett Cove station in a southerly direction, and (*b*) from between Reynella and Morphett Vale stations in a westerly direction. The length of route (*a*) was three miles nine chains and route (*b*) two miles 58 chains. The cost of route (*a*), using 94 pound rails, was estimated at £333,000, and the cost of relaying existing 60 pound rails with 94 pound rails was £32,000, bringing the total to £365,000. The estimated cost for the shorter route (*b*) was £282,000. To measure all the advantages of route (*a*) over route (*b*) it is necessary to have a reasonable assessment of the volume of refinery traffic which will be carried over the new railway. The amount of liquid fuels carried by rail from the Port Adelaide-Birkenhead area during the year ended June 30, 1958, was 160,000 tons. The company's indenture provides that the company may lay and operate pipelines from the refinery to Birkenhead and Osborne. If this were done the quantities would not be less than those carried today. On the basis of a movement of 3,100 tons of freight a week from the refinery to Mile End the calculated saving on route (*a*), after allowing for the greater construction costs, is £10,930 annually, and therefore there is a clear case in favour of this route.

In this connection I wish to make a few references that I am sure will interest Mr. Giles to show how costs increase in a very short period. The oil refinery will require a considerable amount of water and in 1955 the proposed Myponga reservoir was estimated to cost just over £3,000,000. By February 18, 1957,

that estimate had increased to £3,933,250. Since the original estimate was made there have been considerable changes in land useage. Certain people started to grow peas, possibly knowing that there was an opportunity to have a shot at the Government. This has resulted in increased land values. In the first place it was estimated that purchase of land would cost £80,000. Later this figure rose to £100,000, but the latest estimate is £285,000. This has taken place in the district of my friend, the Honourable G. O'H. Giles, who objects to a number of things on which I shall probably have more to say later this afternoon. When the Myponga reservoir was first proposed it was never contemplated that an oil refinery would be established in the district, but as a result of the change that has taken place the Government has been compelled to spend a great deal of money in order that the State may progress in this matter. The latest information is that the cost of the Myponga project will go up by £1,678,250, which will make the total cost £5,610,500. It was originally intended that water from Myponga reservoir should supply the metropolitan area, but it is obvious that it will not do so in a few years' time. It will serve places such as Yankalilla, Port Noarlunga, McLaren Vale and other towns, but its construction is necessary to meet the position and the money must be spent. If honourable members peruse the Auditor-General's report their attention will be drawn to the position of South Australia's water supplies today. It will probably be necessary later to duplicate the Mannum-Adelaide pipeline and the Morgan-Whyalla pipeline and to build the two reservoirs required and I wonder where the Government is getting the money from.

Why doesn't the Government take some action on land acquisition? In 1955 the estimated cost of acquiring the land needed was £80,000 but now it is £285,000 and that price is for dairying land held by the poor dairy farmer of whom I heard so much yesterday. That represents a colossal increase and I ask the Government what action it intends to take on the increased costs incurred in acquiring land.

The Hon. E. H. Edmonds—Have you any suggestions to make?

The Hon. F. J. CONDON—Yes, but that is a matter for the Government to work out.

The Hon. C. R. Story—Give the Government the benefit of your suggestions.

The Hon. F. J. CONDON—That has to go before your Government. The Government would not get anywhere if it were not for Parliament, or perhaps we should adopt the suggestion I made recently that we should do away with Parliament and let the Government run the country. I think some action can be taken. What happens today? When there is any proposal by the Government to build a school or construct reservoirs or perform any other work what is the reaction? Up jumps the price. Certain people take advantage of the ratepayers and they take a shot at the Government and put in a few crops of peas so they will be able to increase the value of their land.

The Hon. E. H. Edmonds—What percentage of the cost of the schools would be represented by the cost of the land purchased?

The Hon. F. J. CONDON—A considerable amount. As soon as it is known that a project is to be undertaken the price goes up.

The Hon. Sir Frank Perry—Where is this land?

The Hon. F. J. CONDON—At Myponga Reservoir.

The Hon. Sir Frank Perry—At the reservoir itself?

The Hon. F. J. CONDON—It is the land adjoining the reservoir. Government officers made an estimate in the first place and when they did so there was no evidence that peas were being planted or that anything of that nature was taking place. That did not occur until the Government decided to build a reservoir.

The Hon. C. R. Story—It was a dry year.

The Hon. F. J. CONDON—I thought it was a good year. Somebody is having a shot at the Government. I understand a man wanting a fair return, but for land valued at £80,000 to increase to £285,000 in four years represents much more than a fair return. I make that point strongly and suggest that the Government should take some action.

The Hon. E. H. Edmonds—You favour acquisition?

The Hon. F. J. CONDON—The Bill deals with the question of acquisition.

The Hon. Sir Arthur Rymill—Do you regard it as a coincidence that that land has grown some of the best pea crops in South Australia?

The Hon. F. J. CONDON—I have learnt that since 1955, but I did not know it before. It is wonderful how they can find these things out so quickly. This is, unfortunately, happening every day, and who has to pay? The ratepayers have to pay. If I allowed these people

to get away with this sort of thing without raising my voice in protest I would not be very favourably disposed toward the Government's action.

The oil refining company will use 1,000,000,000 gallons of water per annum and it is necessary to spend extra money in order to provide water for the refinery, which is to be connected to the railway line now under discussion. That necessitates increasing the size of the mains and it means doing a lot of other work. The fault which was discovered underground was not missed in the first place as a result of anybody's negligence. It is impossible at times to find these faults, but there is a certain amount of extra expense that will have to be incurred. A further increase in costs is due to increased wages, but the total increase in the cost of the work represents a very big jump and it is similar to increased costs in many other works undertaken over the last few years. I cannot make this protest too often and I do complain about the enhanced values of land.

This Bill is based on a recommendation of the Railways Commissioner. The work will cost £365,000 and I think the money will be well spent. The work is necessary and I am going to support the second reading, but I hope there will be no delay in the work. Nobody can tell us when this work will start or when it will finish, for the engineer concerned is overseas and we have to wait until he returns. I trust the Bill will be a further means of placing South Australia on the map.

The Hon. G. O'H. GILES (Southern)—I support the second reading. The Minister gave a complete outline of the proposal. The Bill is a logical consequence of the Oil Refinery (Hundred of Noarlunga) Indenture Act, which was passed last year. In some ways I agree with Mr. Condon regarding the naming of the port; in some respects it reeks of advertising. If on the other hand a name can be applied to a new area, it is a more commonsense approach to the problem.

In dealing with the acquisition of land and the possibility of water coming from Myponga reservoir for this area, may I compliment the Hon. Mr. Condon on his knowledge of my district. However, his insinuation of malpractice by dairy farmers in claiming high land values, through a quick change to pea growing, cuts little ice. Firstly, peas have been grown extensively for years in the Myponga area, and secondly, most of the land acquired in the reservoir area consists of steep slopes on which sheep have been run.

I was interested in the facts and figures submitted by Mr. Condon, and no doubt his association with the Public Works Standing Committee enabled him to get the details from that source. I feel that the fuel companies in this State have rather lost track in some ways of the requirements of the jet aircraft age. In this country therefore kerosene has become overnight a very important fuel, and I therefore trust that the reports that I have heard that highly refined kerosene is to be produced in the new refinery are true.

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

DOG FENCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 1458.)

The Hon. F. J. CONDON (Leader of the Opposition)—The main reason for the amendment is that the dog fence has been allowed to get out of order, enabling dogs to get through, and thus prove a menace to sheep. Because storms and sand drifts have damaged the fence, it has been suggested that there should be two fences. The Bill proposes that in addition to there being the right to insist that the fence shall be put in order at the expense of lessees who have failed in their duty, they may also be fined.

The expenditure on the fence last year was £1,436, payments to owners for maintenance amounted to £15,193, and total expenditure £19,134. Income for the year included £6,486 as a subsidy from the State Government, £12,323 from rates declared under the Act, and penalties for late payment amounted to £83, making a total of £18,892, resulting in a deficit of £242. I think that the legislation is necessary, and therefore support it.

The Hon. E. H. EDMONDS (Northern)—Although only a short Bill, like many similar Bills it does not necessarily mean that it is of little importance. Really, it is of great importance to the pastoral industry, particularly in our northern areas. It may be of interest to members to know that the fence commences in the west of the State on the coast of the Nullarbor Plain, continues along the coast to Ceduna, thence north to near Coober Pedy, and then it follows an irregular line eastward to the eastern side of Lake Torrens. It will be observed that the area it protects from the depredations of vermin, particularly wild dogs, is very great indeed.

Having regard to the type of country traversed by the fence, much of which consists of very hilly terrain and consequent washes scoured by heavy rains, breaks in the fence are inevitable with the result that occasionally wild dogs get through. However, by the exercise of vigilance on the part of the landholders and inspectors, these strays usually do not survive long to do much damage. The upper northern areas of this State, which are protected by the fence, produce some of the finest merino sheep in Australia. This result has been achieved by skilful breeding and selection on the part of those associated with the industry and undoubtedly vermin control has led to these flocks being maintained at a high standard. It is a curious habit of wild dogs to select the best of the flock. Quite frequently pastoralists find that if wild dogs get amongst their sheep they are lucky indeed if they do not lose some of their best animals. Therefore, anything we can do to keep these dogs out should commend itself to all.

The Act provides for a rate of 2s. 6d. a square mile for all rateable land, with an additional rate of 1s. 3d. in respect of rateable land adjoining the fence and within 10 miles of it. These collections are paid into the Wild Dog Fund and the Government pays a subsidy of £1 for every £1 raised in this manner. From this sum payment is made for scalps and the cost of aerial baiting and so forth. Mr. Condon has given us some figures on this matter so it is unnecessary to repeat them. However, it is of interest to note that the amount paid for scalps in the year ended June 30, 1959, exceeded payments for the previous year by £1,277, which is rather an indication that the wild dog is still there and that it is still necessary to protect ourselves in every way against its depredations. Admittedly, many of the scalps paid for probably came from the outside country. Nevertheless, it is an indication that the dogs are there, and it behoves us to do everything we can to keep the fence in good repair.

The Dog Fence Act provides for the setting up of a board consisting of a member of the Pastoral Board as chairman, two members appointed by the Stockowners' Association, and one by the Vermin Districts Association concerned. Although the Minister did not say so, I assume that the amendment now before us has the concurrence of the Pastoral Board. It really amounts to a penalty clause, and, I suggest, should be considered in association with section 23 (2) of the principal Act which gives the Pastoral Board authority, in the event of any lessee failing to fulfil his obligation of keeping the fence in repair, to do the work and charge the cost against him. As the Act stands the indifferent owner may be quite satisfied to have the board do such work and pay the costs incurred, but the point is that it must be the responsibility of the owner to do the work as he is the party who benefits most.

The Hon. Sir Frank Perry—Is the fence patrolled at all times?

The Hon. E. H. EDMONDS—Yes. The honourable member will find all the details of expenditure and income and so forth in the Pastoral Board's report of last year. That board cannot be expected to maintain a repair gang to carry out repairs, which may occur only infrequently, and therefore it is the responsibility of lessees to do the work.

I hope I have made it clear that the maintenance of the fence is of very great importance to the pastoral industry and that the amendment about a penalty is justified. I consider that the maximum rate mentioned as a penalty is reasonable if it falls to the Pastoral Board to repair the fence as it could quite easily cost more than the fine imposed. I have much pleasure in supporting the Bill.

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

PASTORAL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 1459.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill rectifies an anomaly that appears in the principal Act. In 1926 a Royal Commission was appointed and it made certain recommendations which apparently have not been put into effect and appear to have been overlooked. The Bill seeks to apply the principle of what is termed an average lease. This will enable the lessee holding a number of leases with different dates of expiry to be placed in exactly the same position as ordinary lessees by enabling them, seven years prior to the expiry of their principal lease, to have the expiry dates averaged so that they will know exactly where they stand. I cannot see any harm in this legislation and therefore I support the second reading.

The Hon. E. H. EDMONDS (Northern)—When I first read this Bill I was somewhat intrigued by the reference to "average leases." I am conversant with most types of Crown leases—perpetual leases, miscellaneous leases

and so forth—but the term average lease had me thinking for a while. I endeavoured to find a definition in the Act but could not do so. However, I understand that the object of the Bill is to improve the tenure of those lessees holding a number of leases which terminate at different times by giving them an opportunity to bring all their leases under one terminating date by means of averaging the dates of expiry. This is what is termed "an average lease." I cannot see any objection to that; indeed, I think it has advantages for the lessee by giving him a definite period to work on. I feel that it will make for more effective administration and provide more security for the lessee. I have pleasure in supporting the Bill.

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

HIDE, SKIN, AND WOOL DEALERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 1459.)

The Hon. A. J. SHARD (Central No. 1)—The purpose of the Act is to regulate dealing in hides, skins and wool in order to prevent trafficking in these goods in much the same way as the Hawkers Act, the Marine Store Dealers Act and the Secondhand Dealers Act seek to prevent transactions between thieves and receivers. With my limited knowledge of what has been going on I wonder why this amending Bill has not been brought before Parliament earlier. There have been a number of prosecutions of various kinds made under the provisions of this Bill, but I do not know why it has been allowed to operate in its present form for 24 years before making some amendment. I understand that the number of persons licensed to purchase hides, skins and wool throughout the country has grown considerably since the war. The practice, as I understand it, is that the principal gives an operator a lorry and that person goes out into the country to purchase these items. The operators work on a commission basis and naturally they want to buy skins, etc., at the lowest possible price. They work long hours and have not been particular as to how they have acquired hides, skins and wool from the farmers. I have often wondered why producers and farmers of the smaller type have forsaken the recognized brokers and have dealt with these people who are seeking high profits. The farmers have not got nearly the right price and have been kidded along by these people who have told them that they can evade taxation by dealing with them.

The Government realized that section 12 of the principal Act was complicated and did not carry out the intention of the legislation, and clause 6 replaces that section. The new section provides that only reputable persons will be licensed to do this kind of work in future. Reputable firms such as Crompton & Sons Ltd., Wilcox, Mofflin Ltd. and Wm. Haughton & Co. Ltd., each of whom has a number of employees buying at a number of stores, were worried whether each of them would have to be licensed, but the Minister of Agriculture has given an assurance in another place that only the principal of each firm will have to be licensed, and where a person has to buy in the country he or the agent of the company buying has to be registered. It seems to me that the tightening up of the Act may have a desirable effect on the type of buyer I referred to earlier and it may, in the long run, be of benefit to the producer and the seller of hides, skins and wool.

Clause 8 is the other clause that amends section 16 of the principal Act and it provides that the Governor may make regulations. The clause reads:—

> Section 16 of the principal Act is amended by inserting after subsection (1) thereof the following subsections:—
>
> (1a) The Governor may make regulations—
>
> (*a*) requiring a licensee to keep a record of his sales and purchase of hides, skins and wool in the manner prescribed by the regulations; and
>
> (*b*) enabling an inspector or a member of the police force to inspect the record.

That provision may have a disquieting effect on people who have been doing the wrong thing in the past and it may be an incentive to the seller to make sure that somewhere near the correct price is paid. It should stop the trafficking and thieving that has been taking place in hides, skins and wool. I think the Bill is a worthy one and I have pleasure in supporting it.

The Hon. L. H. DENSLEY (Southern)—I support this Bill which is designed to regulate dealings in hides, skins and wool and to prevent trafficking in those items and I believe it is a step in the right direction. I did not see any reference to any clause dealing with the dodging of taxation mentioned by the previous speaker. I do not know whether he was referring to the skin dealer or to the broker

but, obviously, the honourable member has had an experience of that matter that I have not had, and I will take his word for it. The normal skin dealer in the country is quite a useful person, particularly in farming areas where he makes a weekly or bi-weekly visit to farms to collect skins. The skins, hides and wool can then be marketed in a satisfactory condition before they have gone weevily or, in the case of skins and hides, before they have been left to hang on the fence and dry out in the sun. I do not know if there is any loss to the producer if he sells his skins to a dealer because if he consigns them to Adelaide he has to pay freight to the railways and then has to wait for a cheque to be sent to him. I think he is probably wise to take advantage of a man who calls frequently and gives him what I have found to be a very reasonable price.

Primary producers today are not so inclined to give away their skins or oddments of wool unless they get a reasonable price for them. The provision that dealers will in future have to be registered—there were some loopholes in the Act whereby they could avoid registration—is a good one as they will be subject to inspection and will have to keep records of the skins they buy. These people will be registered in the same way as hawkers and buyers who collect bottles. It is normal for a skin buyer to record what he buys, the price paid and the type of skin purchased. A duplicate of this record is given to the seller and the purchaser retains the original in his book. I do not think we should reflect adversely on these people who are carrying on a normal business. I think these provisions will stop people stealing sheep and selling the skins, when all track is lost of the skins. I support the Bill.

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

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 1461.)

The Hon. S. C. BEVAN (Central No. 1)—I support this Bill and will deal with works that have been completed or are in process of being completed in the South-East. The South-Eastern drainage scheme is not a new venture as the desirability and advisability of draining the South-East was first inquired into in 1925. Legislation was enacted in 1926 for the control and management of the drainage of the South-East. This legislation was repealed by the 1931 Bill which was amended in 1947 and again in 1948. The legislation applies only to what we know as the western division of the South-East. Under this legislation considerable drainage work has been undertaken with remarkable benefit both to the landholders and to the State. Main drains and subsidiary drains were constructed in the western division, the principal ones being known as drains K and L. The construction of these two main drains with an outlet to the sea was necessary to disperse the flood-waters and divide them up in such a way that they would be channelled into those drains. It was hoped at that time that considerable relief from flooding in the wet seasons would be given to the western district. It was found that these drains were so beneficial that the drainage north and south of drains K and L was extended.

This work was inquired into by the Land Settlement Committee and after inspections and taking evidence from landholders and other interested persons the committee recommended the drainage of 260,583 acres south of drain K and of 146,640 acres north of the drain, making a total of 407,223 acres. The cost of the drainage of the western division of the South-East up to June 30 last was £3,282,000. Expenditure for the 12 months to June 30 amounted to £404,000. The overall result was a deficit of £22,247 for the year. As yet we have not had an opportunity of assessing the full value of this work, but it is anticipated that the drainage of the southern district will be completed in 1959. The drainage of this area has resulted in the opening up of new country for soldier settlement and it has increased the carrying capacity of the land by as much as two sheep to the acre. The scheme has proved beneficial to landholders, to the State and to the Commonwealth as a whole. It has been so effective that petitions have been received from landholders requesting the construction of petition drains for the further development of their land in the eastern division. It is useless to spend money on the construction of drains to take water from one area only to dump it on another. The suggestion for the drainage of the eastern division was referred to the Land Settlement Committee for report. It inspected the area and took evidence from landholders in 1958 and they were overwhelmingly in favour of the construction of

drains to enable the eastern division to be effectively drained. In evidence they agreed to meet their share of the cost of construction and maintenance. The committee's recommendation was that the work should be proceeded with as soon as possible. More than 700,000 acres of very fertile land is involved.

The flooding of this area is aggravated by the Mosquito, Naracoorte and Morambro Creeks, all of which rise in Victoria and flow into lagoons in South Australia; and when these lagoons overflow thousands of acres are flooded and temporarily go out of production. The drains will have an outlet to the sea at Beachport. The estimated cost of the work is about £2,250,000, but by the time the scheme is completed costs will possibly have increased considerably. With the experience gained in draining the western division, undoubtedly it will be necessary to provide subsidiary drains and perhaps other main drains to effectively drain the eastern division. Therefore, it is natural to assume that the construction of other drains will considerably increase the amount of £2,250,000 already mentioned.

The Government, having in mind the increased costs associated with the drainage of the new area compared with the western division, proposes to increase the annual rate from 4⅛ per cent to 6 per cent. As the rate will apply for a period of 42 years, I consider that an increase of 1 per cent would have been sufficient. Clause 8 provides that assessments may be made of areas benefited actually before the work is completed. Landholders in the western division had a distinct advantage in this respect because they were not called upon to pay the rates until the drain was completed. The Bill provides that once a landholder begins to receive the benefit of the drainage work he becomes liable to pay the annual rate, and this will be a distinct advantage to the Government.

We know that interest rates have increased considerably since the 4⅛ per cent was applied to drainage work in the western division, and therefore I feel it is an imposition to increase the rate to 6 per cent for the eastern division. Those in the western division will enjoy a distinct advantage over the full period of 42 years compared to those in the eastern division. Landholders in both divisions are engaged in similar work and receive similar prices for their products, such as wool, fat lambs and cattle. Therefore, those in the eastern division will be at a disadvantage. I suggest that 5⅛ per cent will be adequate to meet increased costs. The ordinary bank overdraft rate is 6 per cent and normally on Government undertakings it has been the practice that the interest rate charged to landholders has been a little less than the bank rate, and therefore I consider that the same practice should be adopted in this case. Undoubtedly, the draining of the eastern division will have the same beneficial effect as that experienced in the western division. Large areas will be brought under production and land already partly under production will be brought into full production, resulting in a considerable increase in the wealth of the South-East, with benefit to landholders as well as to the State and Commonwealth Governments. I have no hesitation in supporting the second reading.

The Hon. A. C. HOOKINGS (Southern)—I should like to add a few words to the excellent speech of the Hon. Mr. Bevan. The area to be benefited will be almost 1,000 sq. miles. Undoubtedly, members have read of the benefits derived as a result of the drainage of the western division. As one who has had the advantage of farming on wet country on the edge of a drainage system, I can say without hesitation that some of the land that previously was extremely wet has now proved to be some of the most fertile and most productive. The scheme provided in the Bill will result in nothing but good to the State.

The South-East of South Australia is a unique area. The average annual rainfall is between 22 and 32 inches and in the whole of the area there is not one river that flows into the sea, and for many years much of the country was more or less waterlogged during portion of each year. With drainage, production will be improved out of sight. Reference has been made in both Houses to the number of sheep an acre which can be carried in this area as a result of drainage. It is not always the extra number of sheep and cattle that can be carried on a given area because of drainage, but the way in which those animals are carried which is all important. Anyone with experience in the production of meat knows that an animal kept on a lower nutritional plane in its growing stages, when slaughtered cannot have the same appeal to the consumer as one grown on sound nutritional lines from the time of its birth. Therefore, the drainage of the South-Eastern areas will give the farmers the advantage of enabling them to keep their animals in a better state right through. There are many other examples I could give, but time does not permit today.

Some landholders in the South-East have criticized some of the drainage schemes which have been carried out, but I feel sure that those who have had the benefit of drainage are now very thankful for the work which has been done by the Government.

Mr. Bevan referred to the interest rate. I have not had the opportunity to study all the terms and charges or all the benefits derived from drainage in this area, but I would point out that the eastern division of the South-East, which lies a considerable distance from the sea, is fortunate to have this drainage scheme at all, and when we remember that all the water must be carried a long way to the sea I have no doubt that the interest rate was determined with those facts in mind. I have pleasure in supporting the Bill.

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

LAND AGENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 1462.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support this measure. Every member will agree that it is a Bill that is better discussed in the Committee stages and therefore my remarks will be brief on the second reading. History shows that the first Land Agents Act was passed in 1925. A series of amendments followed up to 1955 and in that year the Act, with a further sheaf of amendments, was consolidated. The amendments before us are the result of the experience of the board in the administration of the Act. When the amending legislation was considered in 1955 I advocated, as I do now, that certain of the work now performed by land agents should be done by legal practitioners. This is the only State where land agents are, by legislation, authorized to carry out certain transactions. They are authorized to prepare mortgages and legal documents in connection with land transactions which, in every other State, is the prerogative of the legal fraternity, and for which they are trained in their university course. I am not suggesting that land agents are not carrying out their work in a capable manner.

The first amendment deals with the general conduct of land agents and brings the provisions more into line with those governing the medical, legal and other professions. One of the major amendments increases the number of members of the board from three to four by making the secretary a member. As pointed out by the Minister, this overcomes the difficulty that often arises when a member of the board has some interest in the case under consideration and consequently the board is reduced to two members. This amendment in the opinion of the Minister and the Government will make it easier for the board to function.

The Bill provides that an applicant for a land agent's licence shall be of good character, and further proposes that the board shall direct its attention to the general suitability of the applicant. This may be a bit too wide. Any person has the right to choose his vocation, and if a board of four is to be the determining factor of a man's choice of career the amendment may be a bit too far-reaching. It sets the board up as a sort of super-authority to determine the capabilities of a person who desires to follow a certain calling. I agree that the applicant should be of good character, but there the amendment should stop.

Another amendment tightens up the provisions in respect of trust accounts and sets out in greater detail the responsibilities of land agents in respect thereto. Another new section prohibits the publication of advertisements for the sale or disposal of land without the written consent of the owner and prevents agents from misrepresenting themselves as agents for the sellers. This is a result of the fact that these practices have been indulged in by some agents. I am not suggesting that land agents as a body are a grasping lot, but in every walk of life there are some who attempt to evade the law and this makes the suggested amendment necessary.

Another amendment increases the fidelity bond from £500 to £2,000. Another, with which I agree, empowers the board of its own motion to institute inquiries into the conduct of land agents or land salesmen. This is an ordinary machinery clause. The Bill will not be proclaimed until some time in January, after the expiration of the term of appointment of the present board. As I said at the outset this is essentially a Committee Bill and I content myself now by supporting the second readnig.

The Hon. F. J. POTTER (Central No. 2)—I support the second reading and have only one or two remarks to offer. Before I do so let me say that I was surprised and pleased to hear the last speaker (Hon. K. E. J. Bardolph) say that he advocated very strongly that certain functions now performed by land agents and licensed land brokers should be more properly the functions of the legal profession.

At one stage they were and it is a matter of history why they are not entirely allowed to do that work now to the exclusion of others. That is not the situation in other States and I feel that it would be a good thing for the legal profession, and for the general community, if it were clearly understood that land agents had control of the selling of property and that the legal profession were to attend to the legal aspects of the transfer of a title.

The Hon. K. E. J. Bardolph—That would provide greater security for both seller and purchaser.

The Hon. F. J. POTTER—I agree, and I think that there would be very few land agents or licensed brokers in this State who would have any strenuous objections to such a situation.

The Hon. K. E. J. Bardolph—At least the documents would be properly drawn up.

The Hon. F. J. POTTER—I agree. However, that is not the subject of the amendments before us. Most of them arise from the experience of the board in its administration of the Act and I think every one is a good amendment. I have only one or two matters on which I wish to comment. The first is in relation to clause 20, which provides for restrictions on the publication of advertisements in relation to any intended transaction. Section 64 of the principal Act requires that in any advertisement the licensed land agent is to state his name and address and the fact that he is a licensed land agent. The proposed new section 64a will make it a necessity for such agent first to get his principal's consent in writing to his advertising the sale. I regard that as a most important amendment but I query one aspect, namely, that the word "advertisement" is not defined anywhere in the Act, and I feel that it ought to be clearly understood to include a sign board on a property that has been put there by an agent. It may very well be that that is within the meaning of the word "advertisement." I think a very good argument could probably be put up for that, but I think it is important, for I have seen notices appearing on properties which have said "Refer to Mr. so and so of so and so," obviously referring to the land salesman and not the owner of the property. I have no objection to an owner of property putting his own sign on the property and saying refer to him. That would be perfectly in order, but any board placed there by a land agent should come within the meaning of the word "advertisement."

The only other matter on which I raise a query is in regard to clause 17, which deals with amendments concerning the trust accounts of land agents. These are all very necessary provisions and tighten up some of the existing provisions, but a little difficulty might be encountered in the words in subsection (1) requiring that a land agent shall pay all moneys received by him, in his capacity as a land agent, into a trust account. I would not like to see any loophole in the Act so that a land agent could say moneys were not paid to him in his capacity as a land agent and I am not very happy with that wording. I do not know whether I can suggest an alternative, but probably something like "has any money paid to him in the course of his business as a land agent" may help to make the matter clearer. After all, we must not forget that a land agent receives, in the course of his business, moneys for the purchase price of property which he has to pass on to the vendor, in many cases he receives fees which have to be disbursed for land titles office fees, and he also receives insurance premiums, adjustments of rates and taxes, etc., and in many cases he receives moneys for the sale of furniture, which is often disposed of after the sale of the property. It may be said that money does not come to him as a land agent, but as an auctioneer or something of that sort, but it does come to him in many cases as part and parcel of the transaction and therefore I am not sure that some additional words might not be of assistance.

The other provision that I query, in as much as it seems to be slightly opposed to the following subsection, is subsection (3) which provides that money received by a land agent, other than in his capacity as a land agent, shall not be paid into the trust account. Subsection (4) of course envisages that at least his commission will probably be in the trust account and therefore it can be seen that subsection (4) implies that this will be withdrawn from the trust account. I am in favour of all moneys whatsoever being received by a land agent in his business or in his capacity as such going into his trust account, but I would not like this Bill to pass without being perfectly clear that the land agent ought to pay all those moneys into his trust account. There should not be any division or doubt in his own mind as to whether moneys might not go into some other account. After all, he is acting for members of the public and I think it would be impossible to expect him not to proceed

along those lines, namely, that on the completion of a transaction he would render a bill to his client or the purchaser setting out the purchase price, costs and charges for the preparation of documents under the Real Property Act, adjustments of rates and taxes, insurance premiums, any deposit paid, and the balance owing.

In nine cases out of ten the client will give him a cheque for the balance and that cheque in my submission should be the one paid into the trust account irrespective of whether it includes some commission or insurance premium.

The Hon. C. D. Rowe—All those transactions would be part of the transactions of a land agent and would go into the trust account, but this deals with the man who runs a garage in addition to a land agent's business and who may get his business transactions mixed up.

The Hon. F. J. POTTER—That is so, and I think it is very desirable from every point of view, but I would not like any land agent to think that he could not, as it were, pay in the total amount of the cheque received by him which would include his commission and other matters. Unfortunately I have not had an opportunity of discussing these matters with the Draftsman. I would have liked to do so before speaking on this matter today, but I think they merit some slight attention by him. He may disagree with me in my submissions, but I feel this is important and should be made crystal clear to people who are licensed land agents. I support the Bill because I think it will provide some very necessary amendments to the existing legislation and I may deal with those other matters again when the Bill gets into Committee.

The Hon. Sir FRANK PERRY (Central No. 2)—I support the second reading of this Bill which is for the purpose of tightening up the existing Act. From the layman's point of view the amendments are necessary. Land agents vary in substance and in probity. We only have to trace the history of land agents to know that, and I feel the Bill now presented tightens up what was probably a rather loose Act. With all due deference to the previous speaker I feel that the points raised by him are settled to the ordinary person. "Advertisement" must mean an advertisement or sign and I do not think it can be read in any other way. I feel that a trust fund is necessary and all money received should be paid into it. It has been the habit of some agents to hold a deposit sometimes for months before the final transaction is made. That does not belong solely to the land agent, but it is a deposit on the sale, and if the sale is not completed it should be paid to the person to whom it belongs.

I am glad to see the tightening up on fidelity bonds. The increases are very steep as they go from £600 to £2,250. The value of transactions is so big now that an increase of that nature is warranted. I submitted this Bill to the Real Estate Institute for examination, and the institute made only one comment, which in any case I would not support, and that was on new section 81 (2). The institute suggested that after "three reprimands" the word "shall" should be altered to "may." It seems to me that if any land agent has had three reprimands in five years he should no longer be a land agent. In all other respects the Real Estate Institute was satisfied with the Bill. The points raised by the Hon. Mr Potter can be raised again in Committee. They are worth considering, but the Bill seems clear to me.

Bill read a second time.

In Committee.

Clauses 1 to 16 passed.

Clause 17—"Duty of land agent with respect to moneys received in course of his business."

The Hon. C. D. ROWE (Attorney-General)—During his speech on the second reading Mr. Potter raised a point regarding this clause. I think it is quite clear what it means. Any moneys received by a man in his capacity as a land agent would have to be paid into his trust account. Some of these people holding a licence may be engaged in other types of business, such as a retail storekeeper, or they may have a motor garage. The intention is that all moneys received by a man in his activities as a land agent must be paid into his trust account.

The Hon. F. J. Potter—What would be the position regarding receipts from the sale of furniture?

The Hon. C. D. ROWE—If he sold a house and the furniture was included in the sale price, then it would be in his capacity as a land agent, but if he were called upon to sell the furniture as an auctioneer it would not be in the course of his business as a land agent and therefore he would not have to pay the money into the trust account.

The Hon. F. J. Potter—I am still not happy about the clause and I should like the opportunity to discuss it and also subclause (3) with the Draftsman.

The Hon. C. D. ROWE—I think the position is clear. I cannot see that we should get any further by altering the wording. I think it is a distinction without a difference and I ask the Committee to accept the clause. As to subclause (3), if a land agent is also running a motor garage he must not put moneys relating to that business in his trust account.

Clause passed.

Clauses 18 and 19 passed.

Clause 20—"Consent of owner to advertisement."

The Hon. F. J. POTTER—The Land Agents Board has often been asked questions whether a sign board erected on a property is an advertisement within the meaning of the Act. Can the Minister give any information?

The Hon. C. D. ROWE—I understand that the clause was included because certain people when they heard a property was for sale would advertise it accordingly and when they got an inquiry would say to the owner, "We think we can sell your property." The object is to prevent any land agent from advertising a property for sale before he has the authority of the owner to do so. As to whether a notice board on a property is an advertisement within the meaning of the Act, that is a difficulty that has not arisen. A man who has not the authority from the owner does not put a notice board on his property; but to erect a notice board would be an advertisement within the meaning of the Act.

Clause passed.

Remaining clauses (21 to 31) and title passed.

Bill reported without amendment and Committee's report adopted.

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 10. Page 1464.)

The Hon. R. R. WILSON (Northern)—I heartily congratulate the Treasurer on the budget he has presented, involving an amount of £59,265,000, which is a tremendous sum. The expected deficit is £791,000. I think that everyone has the greatest confidence in the Treasurer for the magnificent work he has done over the years. It is a great achievement to present a Budget, and it is amazing how often the final figure is close to the estimated figure. The various Government departments are entitled to praise for estimating so accurately their requirements for their successful functioning. Less than 20 years ago South Australia depended principally on primary production, but today, with the establishment of numerous secondary industries, the position is entirely different. Despite the poor season through which we are passing, the impact will not be nearly so great on our economy as would have been the case before the secondary industries were established. Great energy, initiative and imagination have been shown in developing our natural resources. Despite this year's record drought, apparently we are going to get through our difficulties reasonably well. The seasonal outlook is particularly grim, especially in certain districts where there was some promise of fair yields. However, the position has been completely altered because red dust and hay die have become very active. Where farmers expected some returns in these areas, I am afraid that because of these two diseases their expectations will not be fulfilled, and undoubtedly this will have its impact later.

There has been a tremendous sacrifice of stock and when conditions improve they will have to be replaced. Many farmers have neither fodder nor cereals available to feed stock. I know many who will not even take out their harvesting machines. It is expected that the wheat harvest this year will not reach 6,000,000 bushels. Many silos have been constructed and three are to be opened the week after next—at Wharminda, Lock and Booleroo Centre. The bulk handling company has done a magnificent job and these silos have been built mainly from last year's toll. This season there will be no toll and consequently no silos will be constructed next season.

In connection with the proposed expenditure for the Legislative Council a newspaper attack was made on the Council. It was suggested that it should be abolished and that it wasn't worth twopence-halfpenny. It was pointed out that New Zealand had abolished its Upper House, but I remind members that the members of the New Zealand Upper House were elected by the Government and therefore it was virtually a rubber stamp. Queensland abolished its Upper House for the same reason. I value my time here and believe that I am doing something worth while and I resent being told that we are not worth twopence-halfpenny. The Legislative Council has a wide franchise and there must be a reason why people say these things.

The ACTING PRESIDENT—I must draw the honourable member's attention to the fact that he must not quote from debates in another place.

The Hon. R. R. WILSON—I am not: I am referring to a newspaper report. This is a House of review. Much finance has come to this State recently because we have two Houses of Parliament. That in itself explains the necessity for the expenditure proposed this year. In the past we have been referred to as prehistoric dodos, and overripe cheese. These comments are unwarranted. I think they are prompted because people are afraid that some policy introduced elsewhere may be frustrated here. A considerable sum is provided for education, but we can appreciate the need for it when we realize our population has doubled in the last 10 years and that the expenditure on teachers and equipment has necessarily increased. In last night's *News* it was reported that a member of Parliament had asked, "Of what use is it for the Minister to beat his breast and demand more aid from the Commonwealth? He did not use the money he could have had." I asked the Minister of Education whether that was so and he said that it was absolutely untrue, that he used what money was available and that he wished he had a lot more. I compliment him and his department on the magnificent work they are doing.

An amount of £26,000 is provided for the Bushfire Research Committee. I believe it should be compulsory for every property owner to provide firebreaks. The public generously subscribed to those persons who suffered through the recent disastrous South-East fire and I congratulate Sir Kingsley Paine and his committee on their administration of that fund, but will the public continue to support these appeals if people do not help themselves by insuring their properties? A property owner is neglecting his duty if he does not insure against such dangers.

I compliment the Government on carrying out its policy of helping people who help themselves and I applaud the proposal to provide a £2 for £1 subsidy to hospitals. That is a wonderful incentive and will stimulate the efforts of those people who work for their hospitals. The proposed grant to the Police Department is the largest I have ever seen. Our police are doing a magnificent job and the recent criticism of the force is most undeserving. Those who criticize so much are the first to run for protection and shelter in time of danger. I pay a special compliment to the Commissioner of Police, Brigadier McKinna. He has personality, experience and efficiency and as a result of a recent experience at Wilpena Pound he is having lectures conducted at Keswick in training certain officers in rescue work. Such training would have been valuable in New South Wales in the present search for Simmonds. The police force is vitally concerned in all youth movements and almost all the marching girl clubs are instructed by police officers. The cessation of the traffic for two minutes during the Remembrance Day observance this morning is a tribute to the force.

An amount of £17,500 is provided for cemeteries. We all realize that it is the Government's duty to provide for the maintenance of cemeteries, which are sacred to so many people. I am the only returned soldier of World War I in this Chamber. In 1920 the Government provided some land at the West Terrace cemetery for the burying of returned men from the First World War because prior to that many were being buried as paupers. A band of loyal women approached the Government and as a result the Garden of Memory was commenced. The late Reverend Kendrew was one of the prime movers in the establishment of that area. At present 3,500 ex-servicemen are buried there under uniform headstones. Up to the present the cost has been about £50,000, of which the Government has not been asked to subscribe a penny. I am a trustee of that part of the cemetery and I realize that we are now reaching the time because of increased costs—headstones cost £16 each and the wages of three permanent employees amount to £2,000 annually—when assistance will be required. Every economy is being practised under the chairmanship of Mr. Bishop, the recently retired Auditor-General. Our former Attorney-General, the Hon. Reg Rudall, expressed a special wish to be buried there, and he was. There is room for another 500 burials and when that portion of ground is fully occupied we hope the Government will make available land adjoining the area, but that is a matter also for the City Council. I hope that we shall pull through this difficult season and that the estimated deficit will not be exceeded. I support the Bill.

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

WRONGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 1466.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I want to make only a very brief comment on this Bill, which I support. During the debate on the Limitation of Actions Act Amendment Bill recently I suggested, following a communication from a legal friend, that an amendment to the effect of the one before us be included in that Act. It could have been done, but it is equally appropriate in this, and I was told at the time that the Government was contemplating bringing down this Bill for that purpose.

I have considered the draftsmanship of the Bill and obviously the Draftsman has taken a great deal of trouble with it and done his best to visualize any possible set of circumstances which might arise. I cannot think of anything else at this stage, but no doubt, as very often happens, experience may teach us otherwise. This Bill is the best that could be achieved. It is a misfortune that the type of matter dealt with cannot be dealt with in general terms which would include any circumstances that may arise, but it has to be dealt with specifically in relation to any particular matter that could arise. The only verbiage about which I have any suggestion to make occurs in new paragraph (*ca*) (iii) of section 25 where it says "the tort-feasor has, as soon as practicable after receiving written notice of the plaintiff's claim." I propose to move a minor amendment to delete the words "as soon as practicable" and substitute "within a reasonable time." My reason for this is that courts are accustomed to construing what a reasonable time is; there is ample authority on the point. On the other hand, the words "as soon as practicable," although they have cropped up in one or two pieces of modern legislation are not, as far as I know, traditional legal language, and I prefer what everyone can clearly understand. "As soon as practicable" might well be construed as meaning immediately, because I suppose in these days of plenty of pens and paper it is practicable to get hold of a pen and piece of paper as soon as one receives such a notice as is contemplated in this clause and give notice forthwith. The Parliamentary Draftsman has examined my proposed amendment and approves of the verbiage. Although it is only a minor matter I always believe that if we can improve Bills, even though in a minor way so as to facilitate construction, it is our duty to do so. With that small suggested amendment I support the second reading.

The Hon. C. D. ROWE (Attorney-General)—I am wondering whether instead of altering the words as suggested by Sir Arthur Rymill we could alter them by inserting "reasonably" before the word "practicable," making the provision read "as soon as reasonably practicable." I think the intention is that it should be done as soon as reasonably possible, and I think that is what ought to be the case. That is an amendment which implies that it shall be done slightly more quickly than if it were done "within a reasonable time."

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Claim and recovery of contributions between tort-feasors."

The Hon. Sir ARTHUR RYMILL—I accept the Attorney-General's suggestion and move—

That "reasonably" be inserted before "practicable" in new paragraph (*ca*) (iii) of section 25.

Amendment carried; clause as amended passed.

Remaining clauses (4 and 5) and title passed.

Bill reported with an amendment; Committee's report adopted.

STOCK DISEASES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 1468.)

The Hon. G. O'H. GILES (Southern)—Under the present Act control of the movement of stock has been effective, but this does not apply to the products of animals. The Chief Inspector of Stock and his veterinarians have exercised this effective control over the movement of diseased carcasses, hides and manure, but not over the products of various animals such as milk, semen, eggs and feathers.

This amendment is to enable control to be exercised over these products. The honourable Mr. Densley kindly ignored the reference to the word "semen" when talking on this Bill yesterday to enable me to deal with this particular portion of the amendment because I have had some chance when overseas to inquire into artificial insemination in America and in the United Kingdom. Experience in these two countries on these matters is important to this debate because of the ability of semen to be a

carrier of virus diseases which can affect livestock and thus possibly be a source of cross-infection. To get the background on artificial insemination as it is achieved in South Australia today members should know there are two common methods of carrying out the function of artificial insemination on stock; the first is by the use of chilled semen which has a very short life—probably 48 hours—and the second method is by the use of deep frozen semen which has, so far as we know, a more or less indefinite life with a falling off of probably 1 per cent each year.

With artificial insemination the spread of disease can be controlled and under modern conditions of caring for rams or sires used in artificial insemination schemes, such animals are cared for in isolation over a long period with a view to closely scrutinizing and testing them for complete cleanliness. In fact, artificial insemination today can be used as a means of protection. In Australia we have become used to looking on our country as being a long way from other possible centres of infection. We have never been faced with great outbreaks of diseases like blue tongue, which has such a horrifying effect on the sheep population, or foot and mouth disease and other very frightening outbreaks that have become prevalent in Europe and in parts of Asia. The closer in time that Australia gets to these areas the more likely it is for these outbreaks to spread to this country and the implication in this Bill is that semen must be watched as regards diffusion amongst livestock in this country.

We in this country already have diseases in stock such as Trichnomycosis, Vibrio-foetus and the Pullorum disease in poultry that can be dealt with by this amendment by controlling the movement of the disease. I enthusiastically commend the Government for bringing down this amendment which makes South Australia more up to date than any other State in Australia—with the possible exception of Victoria—in legislating to safeguard the very important livestock industry of the State. I support the second reading of this Bill.

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

LOCAL COURTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 4. Page 1380.)

The Hon. F. J. POTTER (Central No. 2)—I support the second reading of this Bill. It is a Bill designed primarily to assist the local courts in their administration generally and by doing that it indirectly assists suitors in those courts. In these days local courts are playing an ever-increasing part in our commercial life, particularly regarding the collection of ordinary debts due to businesses and private persons. Courts of law, particularly in the local court jurisdiction, are becoming an integral part of our economic structure. We hear a great deal today about our undoubted prosperity, how we never had it better and how everybody has more money and more assets, but sometimes I think we overlook how dependent our prosperity is on the credit structure, which is becoming increasingly massive. I cannot see anything but a further slow but sure expansion of this process, and therefore I say that the time may come soon, and indeed it may have already come, when we might have to examine our court procedures for the collection of debts.

I wish to make it perfectly clear that I think our local courts in South Australia represent an excellent judicial system for civil actions up to £1,250. It is unfortunate that the status of our Special Magistrates is not highly regarded in other States, where persons exercising substantially similar jurisdiction have the status of district court or county court judges and many practitioners from other States think of our special magistrates as comparable with their magistrates in courts of petty session. They are very surprised when we tell them that our magistrates exercise such a wide jurisdiction in the local court and that they are all appointed from the bar. In our local court system many procedures are easier and more effective than some of those in the other States and yet, conversely, some of the procedures available in those States are lacking here. The most important one I have in mind at the moment is the power to make a limited garnishee order on wages. I suggest that not only is this a hampering factor in the local courts, but it also extends into the bankruptcy jurisdiction in this State. The Mercantile Law Act provides that there is to be no garnishee of any wages or salaries, but I think the time is approaching when we shall have to take another look at the overall position.

I do not know whether members take much interest in bankruptcy statistics, but they may doubt some of the talk we hear of prosperity if they listen to these figures. In 1954 there were 68 bankruptcies in South Australia; in

1955, 68; in 1956, 116; in 1957, 202; in 1958, 246, and this year they may reach 300—a very steep increase in five years. Unfortunately, many people involved in bankruptcies get away completely free because there is no procedure available to the Bankruptcy Court, because of the existence of the provision I referred to, whereby wages and salaries can be garnisheed. That arises specifically because there is a prohibition not only in the Mercantile Law Act, but also in the Bankruptcy Act making it impossible to apply such a remedy where State law forbids it. I do not know of any other State where such a situation exists, even in some States where they have had a Labor Government for a long period.

Local court procedures here are virtually unaltered in many ways from those existing at the beginning of the century. There has been only one general increase in fees allowed solicitors in the last 30 years, and there has been only one very minor increase in service fees allowed under the Act. The result is that for the ordinary legal practitioner it is uneconomical to accept instructions to collect debts; and therefore we have seen the rise of three or four debt collecting agencies, which usually employ their own firm of solicitors.

Members may be interested in some further figures concerning the growth of the work of the local courts. In 1951 there were 19,757 summonses issued out of the local courts claiming a total of £630,000. In 1954 these figures had practically doubled, the summonses issued being 31,332 for a total of £1,039,000, and in another three years the figures had again about doubled, summonses issued numbering 57,121, and the amount sued was £2,250,000. Therefore, it will be seen that the work of the local courts has greatly increased. The work of the police force has also been greatly increased, because its members are charged with carrying out many of the administrative functions of the court.

The Hon. F. J. Condon—What is the increase in number of magistrates?

The Hon. F. J. POTTER—In civil jurisdiction in the Adelaide local court, the increase has been only one, but in country courts there are probably five or six more magistrates now. The figures given do not necessarily mean that the magistrates are overworked and cannot cope with the work given them, but indicate that many more people, as a result of our credit structure, must have recourse to the courts for the collection of their debts. Many cases can be dealt with administratively when there is no attempt at defence. The Bill enables alterations to certain procedures for the collection of payments under local court judgments. There are three ways in which judgments can be enforced. Firstly, there is the issue of unsatisfied judgment summonses, whereby the defendant is brought before the court and examined as to his means. That procedure in South Australia has useful results, because the court is empowered to make certain orders on an unsatisfied judgment summons. That does not apply in the other States, and is one of the virtues of our system. The court can make an order for imprisonment of the debtor if he does not turn up in answer to the summons.

The Hon. F. J. Condon—How often is that enforced?

The Hon. F. J. POTTER—Very often. After the making of the imprisonment order, the creditor can then issue a warrant for the enforcement of the order, and it is then a question of paying up or serving the term. We know the result in 99 per cent of the cases. The initial step in most cases to enforce judgment is the issue of an unsatisfied judgment summons. I have had little experience in my practice in the collection of debts, and unless they do it extensively most practitioners find it takes too much time and is also unprofitable. However, in my limited experience and from what I can ascertain from other practitioners there is now a considerable delay between the issuing of an unsatisfied judgment summons and its hearing by the court. Before the war, and just after, one could issue a summons and have it served and before the court in a fortnight. Now it takes anything up to six weeks. I do not blame the court in any way for this. In fact, with the additional work I have referred to, it is quite natural for the summonses to be set down a good deal ahead of the date of issue, but it is very frustrating to find that by the time the date of hearing comes around the summons has not been served. I have heard in many instances in the courts the report given "Summons not served," and then another delay of six weeks, and possibly more, must take place.

The Hon. C. D. Rowe—That would be the case if the defendant could not be found.

The Hon. F. J. POTTER—That is so. The point I make is that the officer charged with the serving of an unsatisfied judgment

summons is, in many cases, a police officer who has to fit that very onerous additional work in with all his other jobs. Service fees have not been increased; I do not even know whether the police officer retains the service fee; I presume not, but it may be necessary in future to consider the licensing of special bailiffs for the purpose of serving unsatisfied judgment summonses to make it possible, perhaps, to keep the period between the issuing of summonses and the hearing of them to the minimum, and to make sure that every effort is exerted to serve the summons and not to put the plaintiff to the trouble and delay of issuing it again.

The Hon. C. D. Rowe—When serving an unsatisfied judgment summons you have to make certain that it is served by a competent person.

The Hon. F. J. POTTER—I fully agree with that, but we must not forget that police officers in this State are charged with a lot of duties. One was taken off their shoulders earlier this session when we amended the Births and Deaths Registration Act and I said then that any Bill that would relieve the police officers of some of those extra duties would have my support. I am merely suggesting one or two things that we may have to think about. I agree entirely with what the Attorney-General said. We could not allow an unsatisfied judgment summons, or any other process of the court, to be served by an irresponsible person. There is, after all, an Act which provides for the licensing of bailiffs. I feel that perhaps there should be some special bond required, or the approval of a local court judge to provide, as it were, a small corps of specially licensed bailiffs to assist the local courts in their work. Indeed, if the local court figures double every three years, I think we will have to get around to it.

I do not propose to suggest any amendment, for every provision in this Bill has my wholehearted support. However, there are two matters on which I would like to offer some comment in the light of the remarks I have just made. The first is in relation to clause 4, which gives power for the making of rules of court defining the area of jurisdiction of a local court. I think this is a desirable and necessary thing. For a long time there has been no defined area for the jurisdiction of a local court and this will go a long way to make the position much clearer. I am not quite sure that we may not have to consider at some time extending the jurisdiction of a particular local court, making a much wider area over which a sort of central court could exercise its jurisdiction. By way of illustration, instead of having local courts at Moonta, Wallaroo and Kadina let us have one central court to serve the whole area. I would like to see the bigger towns made judicial centres, for this would in many cases relieve the work of the magistrates. In these days of the motor car there is no real difficulty in travelling and it is not much hardship to the parties to travel short distances to a central court. I think it would assist the legal profession a great deal. Although I know that some people will say that we are doing a disservice to the people who live in the towns now having local courts by making them travel 10 or 20 miles to another centre I would think that the saving of the time of magistrates, solicitors and court staff would offset any such disability.

The other amendment that I wish to refer to is that which makes it possible for a police officer to exercise some restraint when he is given a warrant of commitment. Section 27 (2) (iv) of the principal Act provides that the bailiff—here again the police officer—

> Shall cause to be executed every warrant of execution against goods and chattels, or against lands, or any warrant of commitment, within five days, or sooner if required by the clerk of the court, after receiving such warrant from him . . .

In other words, both warrants of execution and warrants of commitment must be executed within five days. In my experience this is one section that has been honored more in the breach than in the observance, because it is wellknown that warrants of execution particularly are delayed for some weeks, sometimes even months, because there is a reluctance on the part of officers to execute them. I am not blaming anybody for that. I would hate the job of having to serve a warrant of execution and seize a man's goods, and again I feel this is just another function which is so distasteful to the local police officer, so we might have to consider giving the job to a special licensed band of bailiffs.

After all, if there are goods which are subject to a bill of sale, one can go to an ordinary bailiff and get him to seize those goods, and if there is a hire-purchase agreement over a particular chattel, one does not have to get a bailiff but can take someone and break down the doors and repossess the chattel. It is not

surprising that police constables are rather reluctant to carry out their duty of executing warrants. They will avoid it if possible. I do not blame them and I do not even suggest that they have in any particular case failed in their duty, but I do know that in practice in many cases that happens. I had the experience in the last fortnight of a warrant of execution being returned and marked "no effects." In that case I issued an unsatisfied judgment summons against the defendant and brought him to court, and it was perfectly clear there were goods which could be taken under the warrant of execution.

I would like to see police officers, if it is possible, relieved in appropriate cases of the necessity to execute warrants of execution. I do not say that about warrants of commitment, which must inevitably fall to the lot of police constables to enforce, because after all they involve the liberty of the subject. I am very pleased to see that police officers will now have some discretion in the matter and will have a statutory period of one month. They always took at least that period in my experience, and I am glad to see that the practice is being given some proper legal sanction. Nobody would expect a police officer in any particular circumstances to descend upon the man if he could be given a month's grace and could find the money in the meantime. I would like to see the same provision in the case of a warrant of execution. I would like to see a month given in which the police could execute and then make it mandatory upon the officer to give a report at the end of the month on why the warrant had not been executed. I think this Bill will effect some useful reforms to the procedures of the local court and it has my complete support.

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

ADJOURNMENT.

At 5.45 p.m. the Council adjourned until Thursday, November 12, at 2.15 p.m.