LEGISLATIVE COUNCIL.

Wednesday, October 5, 1960.

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

QUESTIONS.

BASIC WAGE INQUIRY.

The Hon. F. J. CONDON—I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. F. J. CONDON—Mr. J. Robinson, representing South Australian employers, said before the Full Bench of the Commonwealth Arbitration Commission at Adelaide yesterday that the South Australian rate of development, compared with that of the larger States, was being slowed down by existing inequitable basic wage levels. Mr. Robinson is supported by the State Government advocate, Mr. Wells, and in a review of basic wage differentials for Adelaide and South Australian country districts said that Mr. G. F. Seaman, an expert witness, would be called by the State Government to demonstrate that living costs were lower in Adelaide. Mr. Robinson went on to say that despite the industrial production that had been achieved in South Australia the rate of progress had been slowed down in comparison with larger States. As the Government is continually advertising the prosperity of the State and looks to the future with great confidence, how can it reconcile this with its present court attitude? Will the Minister of Labour and Industry state whether the industrial development of South Australia has been better or worse than the development in the other States during the last seven years?

The Hon. C. D. ROWE—The question is whether industrial development in this State has been better or worse than in other States during the last seven years, and without a considerable amount of research, and going into much detail, it would be impossible to give a detailed reply to the question. The fact is that industrial development in this State has been quite remarkable in very many respects.

The Hon. F. J. CONDON—Will the Minister tomorrow give a considered reply to my question?

The Hon. C. D. ROWE—I am prepared to look into the matter and, if possible, give a considered reply tomorrow.

DAIRY FACTORY PICK-UP TIMES.

The Hon. G. O'H. GILES—I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. G. O'H. GILES—My question relates to the right of appeal for dairymen concerning the pick-up times of the particular factory with which they deal. The case that prompts the question is that of a dairy farmer north of Adelaide who because of personal reasons, the death of his wife and the inability to keep a man working on the property, appealed to change to another factory whose pick-up time was later in the morning. The present procedure is through the Metropolitan Milk Equalization Committee, where the dairyman did not get the chance to put his case personally, and he has had no satisfaction in this regard. Does the Government think it would be advisable to have some sort of appeal for people who suffer hardship through personal reasons and who want to change from one factory to another? I think they should be able to put their case personally, rather than wait for 12 months after notification of intended transfer.

The Hon. Sir LYELL McEWIN—If the honourable member will set out in writing the facts regarding this particular case rather than make a statement in a general way I will ask the Minister concerned for a reply.

PRIVATE SCHOOLS.

The Hon. K. E. J. BARDOLPH—Has the attention of the Minister representing the Minister of Education been drawn to a report in yesterday's *News* of a statement by Dr. R. J. Darling, headmaster of the Geelong Grammar School, that Governments should provide State aid for the building of private schools? Will the Government consider Dr. Darling's suggestion with a view to devising ways and means of assisting our independent schools in their capital expenditure by making money available at low rates of interest?

The Hon. C. D. ROWE—I saw the article and I have no doubt the Minister of Education saw it also, but I will convey the honourable member's request to him so that he will be aware of the contents of the article.

LOCAL GOVERNMENT ELECTIONS.

The Hon. W. W. ROBINSON—I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. W. W. ROBINSON—My question relates to the system of voting at local government elections. On Saturday last a by-election

was held in the Kensington ward of the Burnside City Council and the presiding officer went to some pains to make it known that the system of voting was by a cross. It seems to me that because we have accepted for all other purposes, such as Commonwealth and State elections, the principle of preferential voting it is desirable to have local government voting in conformity with that principle. When future amendments to the Local Government Act are considered will the Minister of Local Government earnestly consider the desirability of adopting preferential voting at local government elections?

The Hon. N. L. JUDE—Certainly.

FLUORIDATION OF WATER SUPPLIES.

The Hon. A. C. HOOKINGS—I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. A. C. HOOKINGS—There has been a considerable amount of public controversy for some time about adding fluoride to water supplies to prevent dental decay. As far as I can ascertain, there are town water supplies in South Australia that have the amount of fluoride present which the dental profession claims will assist in preventing decay. Can the Minister of Health say whether the Government has ever considered the addition of fluoride to town or city water supplies, and, if not, will the Government consider the advisability of adding fluoride to the Mount Gambier water supply from the Blue Lake?

The Hon. Sir LYELL McEWIN—The answer to the first question is yes, and the answer to the second question is also yes; it will be considered. I am not aware of any particular scheme that has been considered. This is a contentious matter and I have been told that, medically speaking, two good cups of tea will give the required amount of fluoride. Although the answer to the question is that it has been considered, I cannot say whether it has been considered directly in association with Mount Gambier water.

MARGARINE.

The Hon. G. O'H. GILES—I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. G. O'H. GILES—Following on some interesting debates on margarine in this House in the last few weeks, I have been informed of certain facts of which I was not previously aware. Table margarine is manufactured in this State under a quota system and originally it was made from imported vegetable oil. That position has altered today and is probably covered by regulations which allow certain oleo fats or fats from beef to be used in the production of table margarine. This brings table margarine very closely into the same category as cooking margarine, which is basically comprised of animal fats. That makes it difficult, even with analysis, to detect one from the other. Does the Chief Secretary, representing the Minister of Agriculture, consider this is a desirable state of affairs if what I have said is correct?

The Hon. Sir LYELL McEWIN—I will obtain a report from the Director-General of Public Health. I should have thought that the honourable member would have known the difference between margarine and butter, but if he needs any further information to assist him on that matter I shall try to obtain it.

MARGARINE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 7. Page 959.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I remember recently making a rather rambling interjection when the Hon. Mr. Giles was speaking and you, Mr. President, properly called me to order and said that I could make my speech later. With your indulgence that has become my privilege today. I am sorry, in a way, that it has fallen to my lot to speak at this stage of the debate because none of the Ministers of the Crown has yet made any official pronouncement on this matter or of his attitude to this Bill. At this stage, therefore, I am rather in the dark as to what the Ministers' views are and what information they can give the House about the subject. I am not so much interested in the particular line that the Government proposes to follow but I am interested in its argument whether it be in favour or against, because the Government always has much information which is not so readily available to private members perforce, and thus anything the Ministers say on Bills such as this is always very helpful.

The Hon. Sir Lyell McEwin—You do not always accept it.

The Hon. Sir ARTHUR RYMILL—No, but I am always prepared to give it the fullest consideration to the best of my ability. In this case I hope to hear from a representative

of the Government later. I do not propose to commit myself as to my course of action until I do hear the Government's view and there may be some sort of advantage in the fact that I am speaking before a Minister, whoever he may turn out to be, because if I have any point to make this afternoon the Ministerial representative will be able to enlighten me on any point that may be worrying me.

I do not know a great deal about margarine except that I have consumed it, as no doubt other honourable members have, particularly during the war years, and I found it a not unacceptable product. Statistics show that there is some sort of case to be made out for an increase in the quota. The Government has previously accepted the idea that there should be a certain quota of margarine available for consumption by people in this State or, perhaps I should more accurately say, capable of being manufactured by manufacturers in this State because margarine can come in from other States.

We all know that margarine is much cheaper than butter, with which it mainly competes, and that is an advantage. The Government is very genuinely and properly concerned with keeping down the cost of living in this State and it even indulges in certain things that I do not altogether favour for that purpose, such as price control. That is certainly aimed at keeping the cost of living down, but whether it actually does or not I do not know. I am not going to delve into that matter because you, Mr. President, will probably call me to order if I do. The point I make is that on the one hand the Government is using its utmost endeavours to keep down the cost of living and on the other hand it is limiting the amount of margarine that may be manufactured in this State and thus, in effect, to be consumed in this State when it is a much cheaper product and which, if available in greater quantities and consumed in greater quantities, would no doubt have some effect in reducing the cost of living.

Therefore, on the part of the Government we have two conflicting or competing categories of interest. On the one hand it is interested in endeavouring to keep down the cost of living, which is to the advantage of everyone, and on the other hand its obvious course in limiting the production of margarine in this State is aimed at the very desirable purpose, once again, of encouraging the primary producer and of giving him protection in his industry for his products. Whatever else we have to say about it we do have definitely conflicting points of view here. I am all for the primary producer and always have been. I was brought up to regard him as the backbone of the country and I still believe he is. Having become not a producer, but a man on the land in a peasant fashion, one may say, I have realized much more forcibly than ever before his great difficulties with the weather and all kinds of pests. Much happens to him that does not happen to those fortunate people living in the city. On the other hand the primary producer is already fairly highly protected in the butter industry. He has, as Mr. Condon pointed out in introducing the Bill, received a subsidy (I think it amounted to £15,000,000 in one year), which even in our extensive Commonwealth Budget today—because that money comes from the Commonwealth—is a substantial proportion of that Budget for one section of Australian industry.

I have tried to take all these facts into account in considering this Bill and tried to make up my mind what is the proper course for me to take. There are one or two other perhaps minor matters. I asked a man at lunchtime today what he knew about margarine and to my surprise he said, "I eat it at breakfast every morning." The Hon. Mr. Giles has told us that it is only available under our quota at the rate of one pound per annum per capita. However, this man eats it every morning, so obviously he is consuming considerably above the average. He named the brand and said he could not distinguish between it and butter. I said, "You are not worried about the price of it?" to which he replied "No", and I asked, "Why do you eat it?" He said, "Because it has fewer calories than butter". Perhaps that is only a subsidiary point, but it affects many of us who watch our calories; and I can see calorie-watchers all around me. Why should we have our calories restricted, as it were?

The Hon. Sir Lyell McEwin—What is the calorie requirement of an individual, say, of your own weight?

The Hon. Sir ARTHUR RYMILL—As little as possible, and as far as I know there is no other answer. Unfortunately, calories are rated in hundreds, and many of us have hundreds too many. No doubt when Mr. Condon replies he will deal extensively with this matter, which is close to my heart and that of other members who do not work hard

physically. When talking about the comparison between butter and margarine Mr. Giles mentioned that the latter was an imitation of butter. Of course, that is the point of view of the producer of butter. That relates to the ingredients which make butter. No doubt the producer of the ingredients for the manufacture of margarine may think that butter is an ersatz margarine. It all depends upon the point of view. I shall not delve into that problem because I like butter for personal consumption despite the horrible calories I have mentioned.

The Hon. F. J. Condon—Why penalize the South Australian manufacturer of margarine?

The Hon. Sir ARTHUR RYMILL—The manufacturers have been manufacturing on the present quota basis and the only penalty has been, as I see it, that they have not had their quota increased recently; and they have not had it reduced, except during the war. The quota has remained constant except for rises rather than reductions. Taking Mr. Condon's interjection in its literal sense, the manufacturers have not been penalized at all.

The Hon. F. J. Condon—They have because of the importation of margarine from other States.

The Hon. Sir ARTHUR RYMILL—But they can still sell all they produce, and if they cannot they do not need an increased quota.

The Hon. F. J. Condon—They can sell much more than they can make.

The Hon. Sir ARTHUR RYMILL—The only way it can be said that they have been penalized is that with the increasing population and the expanding economy they have not been able, by Government order, to increase their production like other expanding industries have. I should not use the word "penalized." The only way they have been restricted, and possibly unduly restricted, as I have said before, is because of the population increase. As honourable members know, I am not one of those people who like controls; but on the other hand we have to recognize, particularly in this year of grace and in recent years, that some controls are and have been necessary. I like to keep them to a minimum and that again inclines me to think that some consideration should be given to an elevation in the output of margarine in this State.

The Hon. G. O'H. Giles—Don't you think that if the Commonwealth Government sees fit to subsidize the butter industry by as much as £13,500,000 a year, we should take this seriously?

The Hon. Sir ARTHUR RYMILL—The honourable member is making a comparison between the Commonwealth and the State. The question of the subsidy is a Commonwealth Government one rather than a State Government one. I should like to help the dairy farmer all I can, but on the other hand there are other people to be considered. As has been clearly pointed out by Mr. Condon and Mr. Bevan, who made a very excellent and forceful speech on this subject, the pensioner is one of those least privileged people who needs to buy the basic commodities of living at the cheapest possible rate. If margarine is a substitute for butter, and it is much cheaper than butter, all the pence a pensioner can save in the difference between the cost of butter and the cost of margarine is a very important matter to that individual, and that is a thing to which I propose to give the utmost thought in considering this measure.

In conclusion, I think that a case has been made out for an increase in the quota because of a population increase alone. Previously the Government was in favour of a certain quota in relation to a certain population. Unless this view has altered, I would expect the Government to support a quota increase in accordance with an increased population since then, because that would be logical. As my honourable Leader, Sir Frank Perry, pointed out, in fixing an arbitrary quota in this legislation it is perhaps reasonable to allow for the fact that our population will continue to increase. The Hons. Mr. Condon, Mr. Bevan and Mr. Giles quoted figures on this subject. Mathematics can be made to speak in all sorts of ways. The increase in the allowed amount of margarine production in this State has not been consistent and it is possible to arrive at various increases according to the year in which figures are examined. If you go back to 1939 and compare population with tonnage in that year you will get a different result for 1960 than if you compare the tonnage in 1952 with the population in that year or the tonnage in 1956 with the population of that year. Before this Bill gets into Committee, I propose to consider those various figures to determine the extent to which I can support the Bill, totally or even fractionally, depending on the year taken as a starting point.

I think Mr. Condon has made out a case for the careful scrutiny of this Bill by all members. I propose to hear what the Minister of the Crown who may speak on this matter says before finally determining my attitude. My present inclination is to support the second

reading, but I am not committing myself as I may be persuaded otherwise by further argument. In the Committee stage I will further consider the statistical question of what is justified. I have delayed doing that because I want to hear the Government argument on that point. The Government believes in controlling the quantity of margarine produced, and I wish to hear its present views on that point before doing what I may feel is right in the matter.

The Hon. L. H. DENSLEY (Southern)—I have spoken on similar Bills before and have opposed them on several occasions and intend to do so again. The representatives of the Southern district represent a very high percentage of the dairy farmers in South Australia and have a particular concern in protecting the interests of those dairymen. I congratulate the Hon. Mr. Bevan on his speech for which he deserves credit. He advocated an increase in the quota, but the Dairymen's Association of South Australia has strongly opposed any increase in the production of margarine in this State. There is little profit in dairying and even a small amount of competition from a cheaper commodity has some effect on the dairy industry because of the small profits in that industry. The decrease in export prices over the years has outweighed the effect of the increase in population in South Australia today, and increased costs of production and a smaller income from exports have made more difficult the position of the dairy farmers. Fortunately they have been able to maintain a home consumption price and there has been a subsidy on a portion of the exportable surplus.

The dairy industry is an essential industry in this country. We rely on dairy products for our growing population as their consumption is essential for the development of a fine physique and we must ensure the continuation of the industry in this State. Experts say that dairy products are highly beneficial and necessary for growing children and doctors have recognized that it is impossible to obtain sufficient quantities of calcium from other foods in a normal diet. One glass of milk contains more calcium than is normally eaten in all other non-dairy foods in a day. The calcium in one 8oz. glass of milk is equal to 20 servings of meat, 25 servings of potatoes, nine servings of green vegetables, or 11 eggs. Dairy produce also contains large quantities of high quality protein. Dairy farms in this State are in the main small holdings. The Government has settled many returned soldiers on dairy farms and these small holdings have not the same opportunity for diversification as have larger holdings, consequently they are restricted to one particular industry. Many other types of farm—cattle raising or wheat growing farms—can compete with the dairy farm as they can keep cattle, milk them and deal with them more economically than can a small dairyfarmer.

We must protect the man who makes his living on the small dairy farm. It is accepted that dairyfarming is not a highly profitable industry, and also that it is a family industry, as the dairyfarmer is usually assisted by his wife and family either at very low wages or none at all. We must bear in mind the standard that those people must have if they are to compete with any other class of labour or investor in this country. The Commonwealth realizes the position and has granted a subsidy on export butter and cheese of 20 per cent of the local consumption of those commodities. There seems to be a little misunderstanding amongst some members because they believe that all the surplus butter exported is subject to a subsidy, but that is not the case. Only 20 per cent of the home consumption quantity is subsidized and the balance is sold overseas at a low price when compared with cost of production. The quantity of butter consumed in Australia is about 120,000 tons a year and about 23,000 tons of the surplus is subject to a price subsidy. The balance of the surplus of 70,000 tons is exported without a subsidy. The value fixed for butter, according to the cost of production, is 539s. a cwt., and it is sold overseas at about 290s. a cwt. Every ton or 100 tons of a commodity imported into South Australia must affect the dairy farmers and I hope that will be remembered when members vote on this Bill. It is useless advocating improved standards of living of some people and reducing the standards of other people. We must be consistent in our advocacy of standards of living, and consequently we must protect the dairy farmers who are subject to high costs through those high standards of living available to other people.

On our Statute Book we have a law which says that shops and other places selling margarine must display a notice indicating that it is for sale. I have been in shops, dining rooms and cafes, and have never seen a notice saying that margarine is sold. Therefore, I doubt very much whether it is generally known that margarine is used in sandwiches or on

the table. People are getting away with it as a product of the dairy farmers. I would not worry about the quantity of margarine sold if it were not coloured to resemble butter. The public are being defrauded almost into believing that they are getting butter when they are getting only a substitute. If the manufacturers were to colour the margarine blue or green the dairy farmers would not worry about the quantity consumed in this State. We must protect our dairymen. We protect our industries by imposing tariffs. All wage awards, where they apply, have to be met by dairymen. While they are in trouble with the price they are receiving for their produce they must be protected, and we shall protect them by restricting as far as possible the use of margarine in this State. South Australia does not produce the oils needed in the manufacture of margarine. All the ingredients must come from outside the State. The subsidization of the butter price is on an Australia-wide basis; therefore, we must do our best not to encourage the manufacture and consumption of margarine in this State. I say frankly that I will oppose the Bill.

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

HIGHWAYS ACT AMENDMENT BILL.

The Hon. N. L. JUDE (Minister of Roads) obtained leave and introduced a Bill for an Act to amend the Highways Act, 1926-1955. Read a first time.

COMPANIES ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Companies Act, 1934-1956. Read a first time.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL.

Read a third time and passed.

TOWN PLANNING ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It will effect some administrative and substantive amendments to the Town Planning Act. I shall deal with the administrative and drafting amendments first. Clauses 3 and 6 make consequential amendments to section 2 of the principal Act, which were apparently overlooked when the Act was last amended by the substitution for the word "committee" of the words "Town Planner" in other sections. Clause 7, substituting "public recreation" for "public reserves" in section 12a (1) (*j*), is a drafting amendment. Clause 12 is also of a consequential order. Section 16 of the principal Act requires the Registrar-General to be satisfied that all interested parties have consented to a proposed subdivision and the amendment will extend this requirement to cover proposed re-subdivisions.

Subclauses (1) and (2) of clause 11 likewise apply the provisions relating to easements in section 14a of the principal Act to plans of re-subdivision, and clause 14 extends the regulation-making power concerning minimum sizes for allotments to plans for re-subdivision as well as plans for subdivision. Subclause (3) of clause 11 is of an administrative nature. At present the Act gives the Minister of Works an easement of land for sewerage purposes which becomes registered on the title. If, however, an easement is no longer required, the Registrar-General is unable to remove the easement from the title and this gives rise to difficulties if a registered proprietor wishes to sell or mortgage his land. The amendment is designed to enable the Registrar-General to take appropriate action.

Clause 5 will, in the first place, constitute the Town Planner an officer of the Department of the Attorney-General and not, as heretofore, of the Department of the Registrar-General of Deeds. This change is purely of an administrative order. Under the principal Act, the Town Planner, although an officer of the Registrar-General's Department, is responsible to the Attorney-General, who is the Ministerial head of that, as well as of his own, department. In the second place clause 5 will empower the Attorney-General to appoint an officer of his department to perform the duties of the Town Planner if the latter is unable to carry out his duties, the period of the appointment not to exceed a month in any one instance. From time to time the Town Planner is away for perhaps a matter of a few days or is on leave for a short period and the business of his department cannot proceed unless an acting Town Planner is formally appointed by His Excellency in Council. The object of the amendment is to enable the Attorney-General to depute an officer to carry out the functions of the Town Planner during such short periods and will save considerable time.

Dealing with matters of substance, I now turn to clauses 4 and 15. Clause 15 repeals

sections 30 to 35 which were inserted in the principal Act in 1956 and subsequently amended. The present position under the principal Act is that, broadly speaking, it applies only to plans dividing land into what may be described as urban allotments subject however to the provisions of sections 30 to 35 inclusive. Those sections were designed to cover subdivisions of what I may describe as "broad acres". They cover only plans which divide land into allotments of 20 acres or less or plans showing roads. A different procedure and different provisions apply in relation to those subdivisions of broad acres to which those sections apply. The difference in procedure has led to unnecessary complication, and it is now proposed to repeal those sections so that all subdivisions and re-subdivisions will be dealt with in the same manner and, in general, subject to the same conditions.

But the removal of sections 30 to 35 of the principal Act would leave section 3 of the principal Act as it now stands and would mean that no part of the Act would apply to any plans of subdivision or resubdivision relating to broad acres. Clause 4, therefore, provides for broad acres. Its effect will be that, as at present, plans dividing land into allotments of over 20 acres will not be subject to the Act. But where the allotments are of an area between 10 and 20 acres all of the provisions of the Act will apply except those relating to compulsory road making, the provision of public gardens and reserves and the requirement that the land can be economically sewered and reticulated with water. Where the allotments are of an area of ten acres or less all of the provisions of the Act will apply in the same way as they apply to urban subdivisions.

A further amendment of a substantive character is effected by clauses 8 and 9. These clauses will provide for an appeal committee to hear appeals against refusals of approval of plans, the committee to consist of a legal practitioner of not less than seven year's standing and the members of the Town Planning Committee other than the Town Planner. At present the appeal is to the Town Planning Committee of which the Town Planner is not only a member but the chairman and thus where the appeal is against the decision of the Town Planner he is a member of the committee and is thus frequently participating in hearing appeals against his own decisions. An additional amendment effected by clause 8 (*b*) will enable an appeal to be brought against a condition subject to which the Town Planner has indicated that his approval will be forthcoming. There seems to be no reason why a person should not have a right of appeal where the Town Planner has imposed a condition.

Clause 10 amends section 14 of the principal Act. That section now provides that on the deposit of any plan of subdivision or resubdivision all roads or other open spaces shown on the plan are to vest in the council of the area concerned without compensation. The Government has been faced with several cases of hardship arising from the operation of this section and in fact decided some time ago that compensation should be paid in such cases. In view, however, of the very definite provision in section 14, such payments cannot be made and the present amendment is designed to enable compensation to be paid in a limited class of case. The amendment will in the first place cover only plans of resubdivision which is the type of case where hardship can and does occur. The amendment will provide in effect that the Government, or the council of the area concerned, will be liable for compensation for any land required for road-widening purposes to the extent of the excess over 50ft. or, where what I may term a "corner cut-off" is required at a junction or intersection for the purpose of rounding off a corner, for the excess over 50 sq. ft. of land taken. Where the road is being widened to only 50ft. or less the present provision will apply; that is to say, no compensation will be payable. Where also the piece required for a corner cut-off is of 50 sq. ft. in area or less, no compensation will be payable. The figure of 50 sq. ft. is based on the area of a triangular piece of land extending 10ft. along each side of a corner allotment. The reference is to an area because in not all cases is the land required for a corner cut-off regular in shape—it might be desirable for one side to run, say, 20ft. along the alignment and the other a shorter distance or the area to be taken might be designed for rounding off. The general basis is however that of a cut-off existing the same distance of 10ft. down either side.

Clause 13 will remove from section 18 of the principal Act the provision that a person is deemed to divide an allotment if he builds on it or on part of it in such a way that any part becomes obviously adapted for separate occupation. This means that construction of what I believe to be called "home units" without approval is a technical offence. These buildings are notoriously being erected in

increasing numbers and the position is anomalous. Clause 13a will remove the anomaly while subclause (*b*) of the same clause will enable transfers to be made of portions of allotments on which buildings had already been erected prior to the Town Planning Act of 1920. There are such cases. For example, the Commonwealth War Service Homes Division and the State Bank have been faced with the difficulty of not being able to transfer separately-occupied premises to tenants who entered into agreements to buy many years ago and have since paid their purchase money. There may be other cases and the safeguard is that the Minister must certify his satisfaction that the allotment had been built on before 1920.

Clause 16 is designed to get over a difficulty concerning the sale of allotments before a plan of subdivision has been approved by the Town Planner. Section 101 of the Real Property Act as it was enacted many years before the earlier town planning legislation required any registered proprietor subdividing land for the purpose of selling it in allotments to deposit a plan of the subdivision with the Registrar-General. In 1919 additional subsections were inserted in the original section making it an offence for a registered proprietor so subdividing land to fail to deposit the plan or to sell or transfer any allotments before deposit of the plan or, in effect, to alter the plan. A further amendment was made by the Town Planning Act of 1929 applying all the provisions of section 101 to any person subdividing land for the purpose of selling it in allotments whether he was the registered proprietor or not.

The Town Planning Act provides that, except as allowed by it, no plan of subdivision shall be deposited in the Lands Titles Office until it has been approved. It is, however, not an offence under the Town Planning Act if a person does not comply with these provisions. It has been recently held that no offence is committed at all by a person who offers land for sale in allotments before the final approval under the Town Planning Act to the subdivision has been obtained. It is accordingly provided by the proposed new section 10a that failure to comply with any provision of the Town Planning Act by a person subdividing land for the purpose of selling it in allotments, or the sale or transfer of land in allotments before final approval shall be an offence with the same penalty as that prescribed in section 101 of the Real Property Act, that is to say, £100. The object of the new section, which clause 16 will insert in the Act, is thus to close a gap and to bring about the result which was originally intended.

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

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 20. Page 996.)

The Hon. G. O'H. GILES (Southern)—I support the second reading of this Bill and I am glad to have this chance to put my views before the Chamber. I intend to comment on the Bill and also on an amendment that I may move in the Committee stage. I, and other members, appreciate the fact that the provisions of this Bill are based on the principle that all animals should be properly and sensibly looked after. I agree with much that has been said, particularly by the Leader of the Opposition and the Hon. Mrs. Cooper. I agree with Mrs. Cooper's comments on large breeds of dogs and maintain that, if they are reasonably exercised, they constitute no problem in our society. However, I do not agree with her that there is much thoughtless cruelty in keeping small birds in small cages when the birds have been kept in the cages all their lives. I think that is carrying the control of cruelty too far. Many members have had occasion to keep small birds in cages. I keep a budgerigar in a small cage and the door is always kept open but the bird remains in the cage for 99 per cent of the time. I do not, by any stretch of imagination, regard that as cruelty.

There are several lines of thought on what does and what does not constitute cruelty in this matter. People who keep pets often become unduly fond of them and the pets become too well looked after and are perhaps even spoilt in a way contrary to the practice of the man on the land, whose job it is to manage herds and animals properly. I think the true comparison is that between the child who is spoilt and the child who has been properly disciplined. It is a matter of which of the two examples produces the happiest individual. The same principle applies to animals in particular.

As an instance of relative cruelty I think of the tailing of lambs, and to the man on the land there is no cruelty in this. The man who lives in a flat with a dog or a kitten probably thinks that tailing lambs is horrifying. Members have to sort out what is worthy

of the attention of this Chamber and what is not. Now let us consider poultry batteries as a means of egg production. I have seen the batteries in many countries of the world and I believe they do not cause cruelty at all. The birds are well looked after and are extremely healthy, and their production is high. They are trained early to become used to that type of egg production. Furthermore, as long as poultry breeders maintain that one year's useful life is all that can be expected of a bird, where is the cruelty? Is it cruel to kill off a bird in the prime of its life or is it cruel to keep it in a healthy condition? However, poultry is exempt from the provisions of this Bill and I only quote that as an example of what may be considered to constitute cruelty by some people.

Many farmers are caught by a cold snap when their sheep have just had their winter coats taken off. The farmers cannot always foresee a cold snap. These are things that we cannot avoid. The practical thing to do is to regard that as an unavoidable accident and as long as reasonable methods are adopted to protect sheep that cannot be considered cruelty. At the worst it is accidental cruelty.

I run dairy cattle, and some bull calves that are dropped are of little value to me and I have to knock them on the head or suitably dispose of them in some other way because a one-day old calf is not marketable. All these examples are things that the practical man on the land becomes accustomed to living with and doing. On the one hand there is the person who lives at close quarters with pets and thinks keenly over matters appertaining to cruelty and on the other the more practical person who is used to managing animals and getting over these difficulties by a realistic attitude to the problem. There is also a fine body named the Royal Society for the Prevention of Cruelty to Animals. The Bill is a matter of great interest to the society because it has the unenviable job of bridging the gap between the two lines of thought that I have tried to place before honourable members. In many cases where the society can confine its actions to practical matters it does a good job.

To give members a practical illustration of what the society can do I refer to the recent killings of sheep in the Tea Tree Gully area. The society acted in that matter and brought to bear pressure on various district councils, including the Tea Tree Gully Council, to get dog catchers working where necessary to impound dogs. Figures that I have may be of interest to honourable members. A total of 116 owners were prosecuted, more than 90 abandoned dogs were caught and killed and more than 400 dogs were found without registration discs. I call that a good example of the work done by the society. It has helped in a practical way in overcoming a problem. Overnight that problem became non-existent. No further sheep were killed. This resulted in sheep, which may be the only means of livelihood of people in that area, being spared the cruel death of being hounded by useless animals.

During two periods each year abandoned dogs become a real problem in these areas. The first is about Christmas time, when many people go away on holiday and their dogs are left, and the second is in July, when registrations become due. There is every reason why councils should take this matter seriously. Many dogs are abandoned in some areas and therefore become a problem. In the last 12 months district councils have collected about £87,000 from dog registration fees. Clause 4, dealing with the protection of captive birds, provides:—

If any person keeps or confines any bird whatsoever in any cage or other receptacle which is not sufficient in height length and breadth to permit the bird to stretch its wings freely, he shall be guilty of an offence . . .

There is the thought that this should not apply to the keeping of poultry, but there is doubt as to the interpretation. I have it on good authority that poultry are not subject to the provision of paragraph (*b*), and in Committee I will move to make the position more clear. This paragraph provides that:—

While that bird is being shown for the purposes of any public exhibition or competition if the time during which the bird is kept or confined for those purposes does not in the aggregate exceed 72 hours;

Unless this is amended it could create an anomaly in that exhibitors would be unable to show some birds at the Royal Agricultural Society's Show for its full term. I commend the Government for providing for increased penalties and support the Bill.

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

ADJOURNMENT.

At 3.30 p.m. the Council adjourned until Tuesday, October 11, at 2.15 p.m.