LEGISLATIVE COUNCIL.

Thursday, October 4, 1962.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

PUBLIC PURPOSES LOAN BILL.

His Excellency the Governor, by message, intimated his assent to the Bill.

QUESTION.

SCHOOL CURRICULA.

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: Frankly, my question is another try at a matter raised by the Hon. Jessie Cooper, I should think a year ago at least. I feel that times are changing and that the importance in school curricula of such subjects as European History (where history is wanted) and French (being the usual language taken for Intermediate or Leaving qualifications) are rather out of vogue with modern thinking as it should affect Australia. Will the Attorney-General take up with the Minister of Education the possibility of a more generalized course in history, rather than looking at it as European or even British history, and, furthermore, the possibility of introducing languages more likely to be used in years to come by people at school now than French, which I believe is by far the most common language taken at either Intermediate or Leaving level?

The Hon. C. D. ROWE: I know that my colleague, the Minister of Education, is very keen to keep the curricula of schools up to date and in the best position possible to meet changing requirements that occur from time to time. I am sure he will be interested in the honourable member's question, and I shall be pleased to refer it to him for his consideration.

PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table the following final reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Salisbury West Primary School,
Strathalbyn Water Supply.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL.

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

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The purpose of this Bill is to enable the Minister to grant licences for slaughtering stock within the metropolitan area. The policy of the Government is to create conditions whereby the interests of all sections of the community are properly observed and it is felt that these interests would be furthered by permission being granted for the establishment of more slaughtering. The Government has for some years had a stated intention of providing killing licences for country abattoirs where these can be established. However, this has not been availed of. The reason is partly due to the ready market to be found in the metropolitan area.

The Metropolitan Abattoirs has been for many years in a favoured position in regard to the Adelaide market as the introduction of meat slaughtered by other interests is strictly controlled. Many of the installations at Gepps Cross are sufficiently large to cater for a population increase in the Adelaide area. It is felt, however, that difficulties of management and operation make it advisable for licences to be granted to other persons for the killing of stock. Any reduction in output has a highly deleterious effect on the interests of primary producers in the first place, the consumer is affected and the State's economy suffers as a result of loss of export killing. All members are aware that at the present time there is a ban on overtime imposed by the union at Gepps Cross. This ban has been placed at a time when it is of the greatest urgency to kill as many stock as are offered. Lambs reach a peak of condition and quickly deteriorate if not slaughtered at the right time. The same applies, though to a lesser extent, to sheep. As a result of the present ban, there has been a serious loss to producers. I do not propose to discuss the merits of the question on which the overtime ban has been imposed. I can briefly outline the position. The union approached the Metropolitan and Export Abattoirs Board seeking an extra week's sick leave in addition to the week already allowed. The board informed the union that this was a matter that should be heard by the Abattoirs Industrial Board.

It is understood that the overtime ban has been imposed by the union until the extra week's sick leave is granted.

In a report brought in by a statutory investigating committee on June 30, 1958, it was pointed out that the Abattoirs Board had made a concession relating to sick leave. These provisions are more generous in some respects than most other sick leave provisions and they provide, amongst other things, that unused sick leave can be accumulated and at retirement or resignation the unused leave can be taken as a cash sum. This is all that I wish to say about the present dispute.

The purpose of this Bill is to make it possible for other persons to slaughter stock in the interests of the community. The operating clauses permit the Minister, if he considers it is expedient in the interests of the public, to grant a licence elsewhere than at the Metropolitan Abattoirs to slaughter any stock for sale for human consumption. Provisions are made whereby the term of the licence can be made of appropriate length and whereby the Minister can set out requirements dealing with branding and inspection. It will most probably be felt necessary to see that all carcasses are branded (clause 3). It is not proposed to provide for other sale yards but authority is provided in the Bill for auction sales to be allowed with the Minister's consent as an alternative to the consent of the Metropolitan and Export Abattoirs Board (clause 4).

Members will recognize that this legislation, in providing competition for the Metropolitan and Export Abattoirs, could embarrass it in some respects. The public investment in the abattoirs is considerable. It is made up in the following way:

	£
Debenture funds (almost entirely Treasury advances)	842,823
Grants (some Commonwealth largely concerning sale yards)	44,433
Internal provisions and reserves reinvested	951,963
Total funds employed in the undertaking	£1,839,219

Whilst this is a considerable sum, it has to be considered in relation to the total value of the State's livestock industry. Moreover, there is no reason to assume that this public investment will be lost. The effect is subject to the extent of killing licences that would be granted. It is proposed that these will be studied carefully in order to safeguard the best interests of the public. This is a matter on which the Minister would naturally take careful advice.

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

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 3. Page 1219.)

The Hon. R. R. WILSON (Northern): It gives me much pleasure to support this Bill. I agree with the Hon. Mr. Shard that there is much interest in this legislation. The estimated expenditure is £96,251,000 and estimated receipts £96,854,000, leaving a deficit of £603,000. This is a tribute to those who prepared the Estimates. I congratulate the various departments responsible and I also congratulate the Chief Secretary on his second reading explanation. I would find it a physical difficulty to stand up and read such a long explanation. It would be much easier for the Government to keep to the estimated expenditure than to the estimated receipts for the year. The season has a great bearing on the revenue. Seasonal conditions have changed greatly since the beginning of July. Many parts of the State will have very little in the way of cereal returns and pastures are the shortest I have known for many years, and therefore we cannot expect so much revenue from primary producers as we would wish and as was indicated early in July. I also believe that the water shortage will be a far greater problem than expected. For instance, there has been no intake into the Tod River reservoir this season. Therefore, this huge section of the State on Eyre Peninsula will have to rely entirely on underground supplies, unless we get a heavy downpour in the near future. Water from the Polda Basin has remained unused, but it will now be tapped. The Public Works Committee has submitted its report and it is expected that this source will produce 1,000,000 gallons a day or 365,000,000 gallons a year. The water will have to be reticulated to Lock, 24½ miles away, in order to supply districts higher up the peninsula. Many of the crops will be grazed by stock because of their poor development and it is therefore expected that the stock carried will not be much lower than in other years. The first essential for stock is water; no matter how much feed there is, if no water is available during the summer months the feed is of no value.

I was interested to hear the Hon. Sir Arthur Rymill's remarks on the State land tax. More land tax was collected last year than was expected. I hope that an impartial committee will be formed to inquire into land tax as has been suggested. It is better to have such a committee than a Party committee. Men on the land are carrying a heavy burden, and it is particularly heavy on those who bought land in recent years. They are being financially embarrassed, and are paying much more than they expected. Perhaps some adjustment will be made when the matter is investigated by the suggested committee, which it is to be hoped will be appointed.

Another great saving that has been mentioned is the reduced expenditure in fighting the fruit fly. Over the years there has been heavy expenditure on eradication and compensation in connection with this menace. I pay a tribute to the Agriculture Department for its excellent work in combating and controlling the fruit fly. While on a recent visit to Mildura and Red Cliffs, we were stopped at a road block near Renmark. The officers were very thorough and did not use half-measures. Their work is of great value, particularly in view of the recent outbreak of fruit fly at Merbein. During the Commonwealth Games in Perth in November and December, many people will be travelling to Western Australia, and the road blocks will assist in keeping this State free of the fruit fly, which was first discovered here some years ago.

The Railways Department is to be commended for the revenue it collected last year. Much of the revenue gained from the carriage of grain last year may not be available to the department during the coming year. The amount of grain stored from last year will be less, and the carriage of it will not bring in the same revenue as it did last year. The Publicity and Tourist Bureau has been allotted the sum of £255,000. Every effort should be made to develop tourist resorts and encourage tourists to visit this State. New Zealand's main source of revenue is from tourists, and in the Flinders Ranges we have the finest scenery of its kind in the world. Not many people visit that area, the main reason being the poor condition of the roads between Quorn and Wilpena Pound.

The Minister of Roads informed me recently that he did not expect any work to be done on these roads in the near future. Today it is possible to travel from Adelaide to Stirling North on a sealed road, which should soon be extended to Quorn. However, from Quorn to Hawker the road is rough. If this portion of the road could be sealed, the Flinders Ranges could become one of the greatest scenic attractions in Australia. The dust nuisance also is one reason why the Flinders Ranges are not patronized as much as they could be.

The Lands Department is allotted the sum of £883,000. I am pleased that the Hon. Sir Cecil Hincks, the Minister of Lands, is making a good recovery after a long absence on account of illness. I know how proud he is of this department, and I realize how much he has missed being at his work. His deputy, the Hon. David Brookman, has done an excellent job during the Minister's absence. The Bill provides for the development and settlement of land, and once again I refer to a large area on Eyre Peninsula; particularly to 100,000 acres there which is not developed. I know how unpopular I may be by making these comments, because this land is held by the Fauna and Flora Board. I believe in protecting wild life in its natural state, but if this is done on good agricultural land in a 14 to 16 inch rainfall area, then further consideration should be given to whether the land is being used wisely. There is a similar area of land on Eyre Peninsula which is not controlled by the Fauna and Flora Board, and I understand that a suggestion will be made to the board whereby this land, which is not good agricultural land, may be exchanged for the better land.

The Hon. K. E. J. Bardolph: Why hasn't your Government done it? It has been in power for years.

The Hon. R. R. WILSON: I know what public opinion is on this matter. I know that the honourable member would try to score a point. Nevertheless, it is my opinion that some of the best agricultural land on Eyre Peninsula is controlled by the Fauna and Flora Board. If nothing can be done to exchange these two areas of land, then the board should fence the area under its control. Adjoining farmers do not produce good crops, because vermin from the area controlled by the board eat off the crops as quickly as they grow. It could be said that the landowner should do his own fencing. He is obliged to fence his property to keep his own stock in, but not to keep vermin out. In these areas, farmers are finding it difficult to make a success of their undertakings.

An amount of £482,000 is allocated to the Department of Agriculture for miscellaneous purposes. The sum of £35,000 is set aside for

the artificial breeding centre. Recently, with other honourable members, I visited this centre at Yatala, and I am sure we gained much knowledge. The structural improvements were well worth seeing. As a result of the establishment of this centre, better stock will be produced than in the past, and in this connection I pay a tribute to the late Jack Sellars. He strongly advocated the practice of artificial breeding when he returned from overseas some years ago, and the lectures he delivered did much to bring about the establishment of this centre, which will be of great value to the State.

Under the Education Department allocation, the sum of £23,500 is allotted to Townsend House School for Deaf and Blind Children and £6,500 to the South Australian Oral School at Gilberton. I commend the work these two societies are doing. They are doing a wonderful job for the unfortunate deaf and dumb people. I know much about the Adult Deaf and Dumb Society because I am a vice-president and have been on the council for a number of years. The superintendent and an office clerk are the only paid employees of that society. The society was established 71 years ago, and has never, to my knowledge, applied for any Government assistance. The public has been very responsive to the society's collectors. The late Mr. Angas, Sir Keith's father, when he was alive made a handsome donation of 240 acres at Parafield. This area has proved of great benefit to the society. Although no tuition is carried out at the society's headquarters at South Terrace, it provides accommodation, employment and recreation facilities for adult deaf and dumb persons. I want this recorded in *Hansard* because so little is known of the work done by societies for people who cannot help themselves. I support the Bill.

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

POLICE OFFENCES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 3. Page 1211.)

The Hon. A. J. SHARD (Leader of the Opposition): I support the Bill, which inserts in the principal Act a new section covering the unlawful making or possession of explosives. It provides that any person making, manufacturing or knowingly having in his possession or control any explosive substance under circumstances giving rise to a reasonable assumption that he did not make or possess it for a lawful purpose shall be guilty of an offence unless he can show that he made it or had it in his possession or control for a lawful purpose. The Bill will assist the Police Force in trying to cope with the growth of offences like breaking and entering and the use of explosives for the purpose of opening safes. It is regrettable that such legislation is necessary in our community, but anything Parliament can do to assist the Police Force in its duties we should do, and so I support the Bill.

The Hon. G. O'H. GILES (Southern): In commenting on this Bill I prefer not to say now whether I shall support it, because one or two features worry me to some extent. I gather that the purpose of the Bill is to fill in a gap not covered by the Explosives Act, which deals with the keeping of explosives and limits the quantity by weight that can be kept at one place by one person. A farmer could have explosives for clearing purposes, or for dealing with tree roots left behind in clearing operations, but this would be covered by the Explosives Act. This Bill fills in a gap on the criminal side of things. In other words, the Police Commissioner feels that there are instances where explosives are made for unlawful purposes. I cannot envisage in a State like South Australia where this might occur. I imagine that in the Police Commissioner's mind it is not a matter of urgency, but in his meticulous way he has found a gap in the legislation and discovered that he has no power to deal with the unlawful making of explosives. In his second reading explanation the Chief Secretary said (beginning in the middle of a sentence):

> . . . for a lawful purpose shall be guilty of an offence unless he can show that he made it or had it in his possession or control for a lawful purpose.

As I see it, the onus is on the person holding supplies of home-made explosives to prove that he is making them for a lawful purpose. In other words, it is a reversal of the normal concept of British justice, as regards the onus of proof. I may be wrong and I would be pleased to hear an opinion on it at a later stage. Whilst dealing with the reversal of onus of proof, I point out that the procedure is adopted in other ways. For instance, it is adopted in connection with the parking fine of 10s. That 10s. fine is hardly consistent in its gravity with the maximum penalty of two years under this Bill. I bring the matter forward for the consideration of members.

I suggest that the Police Commissioner is right and proper in drawing, through his Minister, the attention of Parliament to this matter. In drawing attention to the state of affairs, I point out my personal admiration for the job that the Police Commissioner is doing and has done in South Australia. He was not known to me until the last year or two. I must admit that my respect for him increases with every meeting. I would think that the State owes a tremendous amount to Brigadier McKinna's keenness to portray the Police Force as an asset and a trusted force in the community. I would rank his efforts in public relations between the people of the State and the Police Force as something of a high order, mainly due to his enthusiasm to put his Police Force into this particular high light.

The Hon. K. E. J. Bardolph: Hear, hear!

The Hon. G. O'H. GILES: I was glad to hear the honourable member say "Hear, hear!" because I feel that one or two members in their private capacity have not helped the police in their difficult work of maintaining order and respect in the community.

The Hon. A. J. Shard: Don't bring politics into it.

The Hon. G. O'H. GILES: In reply to the honourable member I say I have not the slightest reason to bring politics into this. I am delighted to know that in this Council members of the Opposition have not proceeded to adopt a policy of perhaps trying to win votes or generally harangue the Police Force, which is trying to do the best it can for the community. I am sure that every member agrees with me. With that small amount of doubt about the definition of whether a person is holding home-made explosive for lawful purposes, especially as the onus is on him to prove that he is holding it for a lawful purpose, I will support the Bill if that matter is explained to my satisfaction.

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

SUPREME COURT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 3. Page 1211.)

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the second reading and preface my remarks by eulogizing the judiciary in South Australia. It is true that South Australia is indeed fortunate in having judges and court officers of such integrity and probity in the administration of justice in our courts. This is amply shown by the fact that from time to time there have been requests from the Commonwealth and State Governments for the loan of members of our judiciary to carry out most important commissions on vital issues. I consider, and I believe every honourable member considers, that that is a great tribute not only to the judiciary of this State but to the State generally and it reflects the esteem in which our judiciary is held throughout Australia. By virtue of section 82 of the Supreme Court Act the court now has a Master and a Deputy Master. The Attorney-General said appointments to these offices are made by the Governor on the recommendation of the Public Service Commissioner, and they are concurred in by the Chief Justice. No person may be appointed a Master or a Deputy Master unless he is a practitioner of the court of at least six years' standing. The qualification required of a judge is that he shall be a practitioner of not less than 10 years' standing, but no such qualification is required of a special magistrate although, for many years, the magistrates that have been appointed have been legal practitioners.

Section 83 of the Supreme Court Act provides that orders and decisions of the Master sitting in chambers are as valid and binding as orders and decisions made by a Judge in chambers, and they may be enforced in the same way as a Judge's order or decision. However, a right of appeal to a Judge is provided under the Act against a Master's order or decision. The function of the Master, as part of the organization of the court is, therefore, important. In other words, his position becomes part of the court. Under Rules of Court made in 1929, the Judges conferred on the Masters the jurisdiction of the Judges in chambers in certain matters and since that time the Masters have exercised the chamber jurisdiction of the Judges. Later I shall digress and refer to recent legislation passed by the Commonwealth Parliament in connection with divorce jurisdiction.

In the main, the Judges hear proceedings in open court; the Masters hear certain proceedings in chambers, and in this way they relieve the Judges of work that would otherwise be done by them in chambers. The Attorney-General pointed out that a Deputy Master was first appointed in 1921, and since that time the State's population has doubled and the business of the court has increased substantially and additional work has been placed on the Judges and Masters. The number of Judges has been increased from four to six, but the

number of Masters remains the same. The appointment of a second Deputy Master will assist in the dispatch of the business of the court. Much of the work performed by Masters today has been brought about by the recent uniform divorce law passed by the Commonwealth Parliament. Under the present circumstances, unless the Government in its wisdom sees fit to appoint a second Deputy Master of the Supreme Court or Assistant Masters under the Supreme Court Act with the issue of a commission to hold a circuit commission, undefended divorce actions now dealt with quickly by Masters must go to the Judges. The Governor may at any time issue a commission directing any Judge to hold circuit sessions of the court at a time and place named in the commission: provided that it shall be lawful for the Governor upon the recommendation of the Judges of the court to issue the commission to a practitioner of the court of at least seven year's standing; and every practitioner so assigned shall, for the purposes of the commission, have all the power, authority and jurisdiction of a Judge of the court. The English practice has been to appoint commissioners in divorce, who sit on undefended divorce cases of this kind and can deal with them with dispatch, without holding up the court's business.

The Hon. F. J. Potter: Not only undefended cases.

The Hon. K. E. J. BARDOLPH: That is so, but in my opinion the power still exists under the existing Supreme Court legislation for the appointment of commissioners. Therefore, a position has arisen where there is need for the appointment of other Judges of the Supreme Court and much of the varied work, particularly in the office I am discussing, could be coped with if commissioners were appointed. The present Judges would then not have to do much of the detail work. In England divorce commissioners are appointed. I suggest that the Masters of the Supreme Court should be endowed from time to time by the Judges under this Statute with these powers and should even be able to perform Supreme Court work which would enable the Judges to do more important work which is cluttering up the courts and placing the Judges in an impossible position.

When this matter was raised in another place the Premier indicated that it would not be possible for these commissioners or Masters to deal with divorce cases and he indicated that if they were required to do that work when the uniform divorce laws were passed and the courts were cluttered up with work, it was the responsibility of the Commonwealth Government to pay for extra Judges that had to be appointed. The Premier gave as his reason on that occasion that any Commonwealth law required to be determined in any jurisdiction must be presided over by a Judge. Even with my limited legal knowledge I believe that that matter could be overcome by invoking the present Supreme Court Act, which gives the right to the Governor to appoint commissioners as I have indicated. I have much pleasure in supporting the second reading.

The Hon. F. J. POTTER (Central No. 2): I rise to support the second reading of this Bill and I am sure that this provision for a second Deputy Master in the Supreme Court will be greatly welcomed by the legal practitioners in this State. After all, they are the people who are initially affected although we must never forget that the clients are the people directly concerned in the work done by the Masters. The Hon. Mr. Bardolph illustrated the excellent work done by the Master and Deputy Master and he showed how they fitted in with the machinery of the Supreme Court. May I also add that it would be the unanimous feeling of the members of the legal profession in this State that the two present occupants of those positions are held in the highest esteem, and I am sure their status is without question.

Undoubtedly, the work of the Supreme Court has increased. I tried to make this point in 1961 when I was speaking on the Estimates for that year, and I then drew the Council's attention to the big change that had occurred in the population of this State. I pointed out that it was found necessary to increase the number of Judges by one when our population had increased over a period of 26 years by 207,645. I also pointed out that because of the further rise in the population some consideration should be given to the appointment of a seventh Judge, as our population had increased again by about 220,000. It is beyond argument that this question of the work of our Supreme Court or indeed of any of our courts is directly related to an increase in the population. If we had an increase of 250,000 those additional people would be no more virtuous than the previous population, and proportionately they would have just as many accidents and just as many divorces and just as many civil actions. In other words, they are no more virtuous and no less negligent than the existing people. Perhaps most

important of all, they commit proportionately just as many crimes as the previous population. I suggest that it goes without saying that when our population increases we must consider an increase in the number of Judges of the Supreme Court or, alternatively, have another look at the jurisdiction of our Supreme Court and local courts.

This perhaps is another subject that needs thought and perhaps will be given some in the very near future. If it is considered that it is undesirable to increase to a large extent the number of Judges in the Supreme Court, then we must not forget that there is a very big gap at the moment between the jurisdiction of the local courts and the Supreme Court. Perhaps some consideration should be given, as in the other States, to limiting that gap by an increase in the jurisdiction of local courts. These are all debatable questions. I do not put forward any dogmatic ideas, but it is a subject that will have to be considered in the near future. My own immediate feeling is that we could probably get better value out of the appointment of a further Supreme Court Judge rather than in any way attempting to increase the jurisdiction of the local court. One of the big factors contributing to the increase in the work of the Supreme Court has been the increase in the criminal work. We must not forget that except for minor indictable offences all other indictable offences in South Australia are dealt with by the Supreme Court. Figures show that there has been a tremendous increase in this jurisdiction in the last 10 or 20 years, something of the order of 300 per cent. In other States this to some extent is relieved by the fact that the circuit and district courts, as they are called in the Eastern States, have criminal jurisdiction. It may be that here is a method whereby the pressure of Supreme Court work could be relieved.

In the matter referred to by the Hon. Mr. Bardolph—the work being put on the Supreme Court by the passing of the Commonwealth Matrimonial Causes Bill—we would be in a far worse position today in South Australia if it were not for the work of the Master and the Deputy Master in this court because of the delegation of powers by the Supreme Court Judges. They are to a large extent unseen by the public and they deal almost entirely with questions of the maintenance of wives and children, the enforcement of maintenance orders, the question of access by parents to the children of the marriage and questions of costs—nearly all the ancillary questions that can arise under the Matrimonial Causes Act. They are numerous today. There is no doubt that the figures I put before the Council in 1961, *prima facie*, support the need for a seventh Supreme Court Judge. They even more reinforce the need for this particular legislation for the appointing of an additional Deputy Master.

I listened with interest to what Mr. Bardolph had to say about the possible appointment of a Master or Masters as commissioners in the divorce jurisdiction. I do not think that under the existing legislation of both the Commonwealth and the State that could in fact be done. Not even the State legislation, in the section referred to by Mr. Bardolph (the section referring to the appointment of commissioners) will help. It is limited to the holding of a circuit court. That particular power has been in the Act for a long time, but seldom used. I think it was last used last year or the year before, and that was the first time for many years. It may very well be that the appointment of a second Deputy Master could open the way for the appointment of the Master as a commissioner for circuit courts and this might prove to be a way to relieve the pressure of business. There is no question that the holding of a circuit court, which I regard as most necessary, takes a considerable slice out of the time available to the court. Such courts operate at Port Augusta and Mount Gambier. Whether the Master appointed as a commissioner could preside without interfering with delicate questions of status between individuals, I do not know. Speaking for the legal profession generally I can say that practitioners hold the present occupants of the positions of Master and Deputy Master in the highest esteem. Of course, it is recognized that appointment as a commissioner by a Judge or by His Excellency the Governor-in-Council would not relate only to the office of Master but also to the person who for the time being occupies that office.

I have much pleasure in supporting the Bill, and in doing so I trust that the Government will urgently consider the appointment of a seventh Supreme Court Judge. Apart from the increase in population, which of itself would warrant it, there is the awkward fact that Judges from time to time become sick, and also take long service leave prior to retirement.

The Hon. K. E. J. Bardolph: They work into the early hours of the morning on their judgments.

The Hon. F. J. POTTER: They must have time to prepare their judgments. Another point is that from time to time they get bogged down with other matters. For instance, we all know that some time ago there was a Royal Commission in the Stuart Case. That took a tremendous amount of time, and it has taken almost until now to get rid of the bank-up of work as a result of the time taken for that inquiry. Recently a Supreme Court Judge was engaged for 21 sitting days on one case. These instances occur from time to time and make considerable inroads into the time that Judges have available for the work they have to do.

The position in the Supreme Court at present is much better than it was when I referred to the situation about two or three months ago. However, I think there are still grounds for saying that the Supreme Court list is longer than it should be, and is longer than that of courts in England where the population is so much greater. The appointment of a second Deputy Master will help considerably to relieve the present Master and Deputy Master of the onerous work they have been doing. I suggest that the Government request the Public Service Commissioner to ensure that applications for the position of second Deputy Master are called for amongst the profession generally. There is no absolute obligation on the Commissioner to do this.

The Hon. K. E. J. Bardolph: He usually does it.

The Hon. F. J. POTTER: It has not always been done in the past. This is an important appointment because it has to be agreed to by the Chief Justice; the person appointed has to be a practitioner of at least six years' standing; and it is an office which should not be regarded as being available, as it were without further investigation, to any member of the Public Service. I know that owing to the provisions of the Public Service Act any qualified member of the Public Service, while not having exactly a prior right to an office, is hard to defeat for any particular position. A certificate has to be given by the Public Service Board that applicants from outside the service are in fact better men in all respects. This sort of provision is appropriate for the normal run of Public Service positions, but it is not for any job which is of a judicial nature. There are arguments for the appointment outside of the provisions of the Public Service Act of a judicial officer at least as far as original appointment is concerned, but that is of course another matter. This particular appointment is more important than the appointment of a special magistrate as the statutory requirements for this appointment are so much higher. I urge the Government to ensure that the Public Service Commissioner advertises generally amongst the profession as well as within the Public Service for applicants for this particular position.

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

ORIENTAL FRUIT MOTH CONTROL BILL.

Adjourned debate on second reading.

(Continued from October 3. Page 1220.)

The Hon. C. R. STORY (Midland): This is a unique Bill as far as the horticultural areas are concerned. Similar legislation has been enacted for the appointment of pest boards for the eradication and control of other types of pests and vermin. The oriental peach moth was first discovered in Australia in the Sydney area in 1909, and became thoroughly established in Victoria and New South Wales in that period. One could say that it is a most serious pest, particularly to the fruit and peach canning industries.

The moth made its first appearance in the Renmark area in 1959. This fruit moth, *cydia molesta*, is known as the peach tip moth or the oriental peach moth. It is a small greyish moth, not unlike the codling moth. The larvae causes damage by tunnelling into the fruit after the eggs have been deposited on the wood or in the neck, so to speak, of the fruit. The pest can infest a wide range of trees, including apple, pear, nectarine, plum and almond, and particularly ornamentals such as japonica and cotoneaster and others of that type. The moth has a special liking for the wood of the almond tree, and it tunnels into the tips. That is how it gets portion of its name—the tip moth. It lays its eggs and winters in the wood of the tree. That makes it particularly difficult to get at with the spray, because it is well covered by the wood coating. The moth is about ½in. across and ¼in. long. It can be identified by the whitish band on the wings. The female moth lays anything from 100 to 200 eggs, and only about two-fifths of them fail to hatch into the grub that does the damage.

The Hon. Sir Arthur Rymill: Are there any predators?

The Hon. C. R. STORY: Not at the moment. Great care is taken to see that D.D.T. is not used extensively in the district, in an attempt not to destroy any predators that may exist.

The Hon. R. R. Wilson: Over what period do the eggs hatch?

The Hon. C. R. STORY: The actual cycle is 35 days. In that time there can be anything up to the sixth generation. The spread of the moth is by flight and there it differs somewhat from the more commonly known fruit fly in South Australia. The oriental peach moth will fly long distances, particularly at night. It was probably introduced into the area through the movement of fruit cannery boxes that were not properly fumigated at the other end.

The Hon. K. E. J. Bardolph: When did the moth reach here?

The Hon. C. R. STORY: It was discovered in South Australia in 1959. Immediate efforts were made to eradicate the pest. A Fruit Fly Vigilance Committee had been established in the Renmark area some time previously, and it immediately went into action. With the assistance of Mr. Wishart, the local horticultural officer, the moth was identified and steps were taken to eradicate it on the spot. The difficulty was that it was confined in the early stages to a small area, but with a very heavy infestation. Probably a handful of growers had the pest on their properties. It needs only one grower not to be fully co-operative in the matter of spraying to allow the pest to get out of control. It is hard that a small group of people should be asked to take eradication measures, involving a considerable sum of money, for the common good of the whole industry in South Australia. That is precisely what happened. A group of 10 to 12 growers had to carry the burden of eradication and containment of the pest in the locality where it was first discovered.

In 1960 I introduced a deputation to the Minister of Agriculture. It represented practically all growers' organizations in South Australia. All that was asked for then was that legislation be introduced to force the rest of the industry to come in and make a contribution in the drive to eradicate the pest. Although the Minister agreed that some legislation was necessary he was not in favour of complete pest control legislation, because it would cover all pests found in fruit and vegetables. The previous member for Chaffey and I went to the Minister again with the Chairman of the Oriental Peach Moth Committee from Renmark and asked for legislation specifically to do the job, and to enable the committee to collect levies from all growers in the area. Attempts were made at the time to interest other fruit-growing people in the problem, but I am afraid there was not much success. Like all human beings, as they did not have the pest in their districts they did not look ahead. We were once again in difficulty.

It was stressed earlier that it was necessary for legislation to be introduced and implemented quickly, because unless that were done the position would be out of control. Eventually Mr. H. W. King and I persuaded the Minister to take the matter to Cabinet, because we were unable to organize all the growers in the matter of a levy through lack of statutory powers. The Government showed a good deal of generosity by giving £12,000 to assist the campaign by means of an intermediate spray. In other words, every other spray was paid for by the Government. The spray put on by the grower was sufficient for commercial control, but the intermediate spray was an attempt at eradication. I have said that it was necessary to get the legislation through quickly if we were to get the spray programme going this season. We are now in October and the moth is in flight. We are still trying to get the legislation through. I do not think that, with the best will in the world, the legislation can be implemented before Christmas, and that will give the moth a start of several months on the full spray programme.

Three things can be done. We can eradicate or attempt to eradicate the moth, contain it within the area where it is now (which is the Renmark area only), or go in for commercial control. If we go in for the latter it will mean that the growers will spray their orchards in the same way as they spray for codling moth at present. If we do not eradicate or contain it in the Renmark area the whole State will become involved. If the pest gets out of control in Renmark it will soon spread to the Adelaide Hills. From a commercial grower's point of view it is almost as serious as the fruit fly. In the Murrumbidgee irrigation area the incidence is up to 80 per cent loss in the canning fruit. Much will depend, even if the legislation goes through quickly, upon the regulations made under the Act, because the areas are not defined in the Bill. Power is given to define the polls of growers and to deal with the registration of growers where necessary. Should a district be defined from Cadell to the border I am not sure that all growers in that area would be keenly

interested in this problem, because the infestation might be 60 to 70 miles away. However, I am particularly interested to know whether the Government, or the Minister of Agriculture, has in mind that these districts will be located on a small scale, for example in the Renmark district alone. If that were so the growers there would support this legislation. The problem is that money cannot be borrowed by the committee, because these facts are not known. They do not know the size of the area or whether the legislation will be acceptable to the growers. Individual growers cannot be levied, because no power exists to make levies until a poll of growers signifies their willingness to contribute.

I make a final plea to the Government in this matter that pending the passing and implementation of this legislation the gap should be stopped by the advancement of sufficient money to the Renmark committee even if the money has to be repaid. Funds must be made available to hold and contain this menace within the Renmark area. I take a serious view of this question and believe that if we have another satisfactory spray year we shall finally save the industry and State millions of pounds in years to come. I have seen the result of codling moth infestation, and we have here a Heaven-sent opportunity to fight this new pest in a small area. The burning question is whether the finance will arrive in time. I appeal to the Government and to the Minister concerned to negotiate with the Oriental Peach Moth Committee to see whether some solution cannot be reached.

A certain amount of criticism has been voiced at the action of the Chairman because he stated publicly that he intended to liquidate his Oriental Peach Moth Committee because of lack of funds and legislation. If we could offer something to that committee, which has worked extremely well and carried the work out on a voluntary basis last year by giving its time and energy to it, I think we shall not only contain the moth in this area, but a fillip will be given to the people who have helped themselves. I am not necessarily asking for a hand-out in this matter, but for funds to be made available. Such funds could be levied when this Bill was passed, because I believe the growers will back up this legislation if there is a chance of eradicating the pest. I support the legislation because I wish to see it work, but I must stress that it is very late and we must have some assistance to make it work.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Declaration of districts."

The Hon. C. R. STORY: The clause provides that the Governor may by proclamation declare any area in the State to be a district for the purposes of this Act. The Governor may at any time amend or revoke any such proclamation. The whole essence of this legislation revolves around this clause and the areas to be declared. When the Minister examines this angle, I would like him to consider the practical work involved in the districts, because, if the districts are too large, the whole purpose of the legislation will be lost. In other words, the districts should be defined to ensure the best support from the affected areas. After all, this is only the forerunner of several Bills of this nature, relating to pest control, that will come before the Council. I stress the importance of these areas being not too large, particularly where the area is affected by oriental fruit moth. If half of South Australia is to be in one district the whole attempt at control will founder.

The Hon. Sir LYELL McEWIN (Chief Secretary): I will bring the honourable member's representation to the notice of the Minister. I can see that it is impossible to define anything at present. I do not know whether the honourable member is able to indicate what work is involved in a district. If it involves much expensive equipment some problem will be associated with a district that is too small. I do not know what is involved, but I am sure the Minister will adopt a practical view of the question when applying the provisions of the Act.

Clause passed.

Remaining clauses (5 to 16) and title passed.

Bill reported without amendment. Committee's report adopted.

LOANS TO PRODUCERS ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

It has been the practice to supply from Loan Fund the whole of the money required by the State Bank of South Australia for

advances under the Loans to Producers Act. In order, now, to relieve the Loan Fund, at least in part, from that obligation, it is proposed to give the State Bank authority to borrow for that purpose from ordinary lending institutions. This will enable Government Loan funds to a comparable extent to be diverted to other necessary works and developmental purposes. This Bill accordingly makes the necessary provision.

Members will be aware that the Australian Loan Council, which consists of the Commonwealth Treasurer and the Premiers of each State, from year to year determines the extent and conditions of borrowing by semi-governmental authorities and statutory bodies. This is done under a "gentleman's agreement" by which the amounts to be so borrowed within each State are determined and the determination implemented through the statutory authority of each State over its own semi-governmental bodies. South Australia has relatively few semi-governmental bodies as compared with other States. The Electricity Trust, the Housing Trust, and some half a dozen of the larger local government bodies constitute the group borrowing in excess of £100,000, and latterly there is no specific quota limitation applying to authorities seeking to borrow less than £100,000 a year. The South Australian allocation for semi-governmental borrowing is likewise relatively small. On the other hand we have a relatively favourable proportionate share of the governmental programme—the proportion is favourable, although because of the overall limitation to funds available, the amount itself is inadequate to meet all the expenditures which the Government considers desirable.

Out of the State's semi-governmental borrowing allocation, after meeting the reasonable requirements of present borrowers, the Government believes that, because of some increase in its recent quota, a small proportion can be allocated to the State Bank for the purpose of loans to producers. This, I can assure members, will not in any way react to the detriment of local authorities, whose necessary requirements will continue to be met. Of the £5,820,000 total semi-governmental borrowing allocation, I believe that £200,000 can be reasonably allotted and raised for this particular purpose, and perhaps somewhat more later. The amendments in the Bill are simple. A new section 3a to be inserted in the principal Act by clause 3 gives the authority to borrow with the approval of the Treasurer, whose agreement as to amount, terms and conditions is required, and an amendment to section 4 of the principal Act (clause 4 of the Bill) authorizes the bank to use the borrowed moneys, together with any amounts voted by Parliament, for the purposes of the Act.

The amendment to section 9 of the principal Act made by clause 5 provides, in effect, that the interest rate charged by the bank for advances shall be declared at a rate not less than the rate at which the relevant funds may have been borrowed. Ordinarily, of course, the lending rate will be declared sufficiently higher to cover costs of administration. The present lending rate for loans under this Act is six per cent, whereas semi-governmental borrowing from institutions will ordinarily cost 5⅝ to 5½ per cent. The proposed new section 13a (inserted by clause 6) provides for the meeting of interest and repayment obligations undertaken by the bank, and for the manner of holding or disposal of repayments and moneys temporarily in excess of requirements. The ordinary practice will be that interest received by the bank upon loans, whether out of moneys provided by Parliament or out of moneys otherwise borrowed, will be credited to revenue, and the interest payable by the bank or borrowings for this purpose will be met out of funds voted on the annual Revenue Estimates. Further, any necessary repayment of borrowed funds by the bank will, to the extent that the bank may not hold funds immediately available or secure new borrowing, be met by vote from the State Loan Fund.

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

EXPLOSIVES ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The object of this short Bill is to add to the present regulation-making power under the principal Act three additional subjects: first, the regulation and control of the sale of explosives, the licensing of sellers, the conditions on which explosives may be sold and the persons to whom they may be sold; secondly, the control of the storage and display of explosives; and thirdly, regulation and control of the import of explosives into the State.

Legislation regulating the sale and import of explosives exists in other Australian States

and in New Zealand. The Explosives Act in this State does not contain provisions on these matters and the power to make regulations does not appear to be wide enough to cover such matters as the prevention of the obtaining of explosives for unlawful purposes, the licensing of sellers, the display and storage of explosives or any control over the importation of explosives. One particular matter, apart from the more serious aspect of the holding of explosives for unlawful purposes, concerns the control of the storage and handling of fireworks. There is at present no restriction on the sale of fireworks to young children nor does there appear to be power to regulate the handling, or, more particularly, the display, of fireworks in shop windows where, I understand, there is a serious fire risk. The amendments proposed in the Bill will permit regulations to be made controlling these matters and the new powers proposed will I believe be welcomed by members of this Chamber in the interests of public safety.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

HOUSING LOANS REDEMPTION FUND BILL.

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

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

That this Bill be now read a second time.

It provides for a scheme by which a young married couple who borrow from approved institutions to provide for a home may also provide at low cost for redemption of the loan in case of death of the breadwinner. A fund, which will be held at the Treasury and credited with the periodical contributions by the eligible borrowers desiring to take advantage of the scheme, will be subject to Government guarantee and will be given an immediate advance of £50,000 against its early liabilities. Any person obtaining an advance from an approved authority (and I anticipate that these will include the State Bank, the Savings Bank of South Australia, the Housing Trust and the South Australian Superannuation Fund) will be eligible to participate provided he is under 36 years of age, is in good health, and the borrowed moneys are repayable over a period expiring before the borrower would reach the age of 66.

In order to keep the rates of contribution to a reasonable minimum it is necessary, of course, to ensure that the contributors are in good health. Any significant proportion of "bad risks" would mean a higher rate of contribution on those in good health, and make the scheme too costly to meet the needs of many borrowers who will already have heavily committed their incomes on the purchase and setting up of a home. In the first place it was contemplated that the scheme should apply only to young married people, say up to 25 years or 30 years of age at the most. The risk of death and therefore necessary rate of contribution increases rapidly with increasing age. However, further examination has indicated that it is possible, without unreasonably great increases in contribution rates, to accept contributors in good health up to the age of 35, and therefore to make eligible practically all people setting up a home for the first time. Beyond the age of 35 the rate of contribution would be considered too heavy to have any appeal, and it is obviously impracticable to require much heavier contributions from younger people to subsidize the older ones. It is necessary, too, for the same reason to restrict the scheme to persons taking loans which will be repaid by the time they are 65. Beyond this age the death risk very rapidly increases, calling for much heavier contributions. At the same time most people over the age of 65 are retiring and have a much reduced ability to meet the financial obligations involved.

Participation is provided for, also, when the home loan is secured jointly, which is often the case with husband and wife. In such a case the contribution will be based on the age and health of the breadwinner, and the loan redeemed on his death and not on the death of the wife. It will be expected generally that a borrower will contribute in respect of the whole of his housing advance. However, the scheme is not compulsory and he may be allowed to contribute in respect of only a proportion of the advance if he considers that he does not want or cannot afford full cover. Then, of course, if he should die, his widow would receive the benefit of only the appropriate proportion of loan covered.

I would stress that an essential feature of the scheme is the exercise of the utmost economy in administration costs. The rates of contribution are set very considerably below those which are ordinarily offered by insurance companies and this is only possible because of the elimination of many of the administrative costs and detail falling upon insurance companies. The administration will be

arranged almost entirely by the approved lending authorities under simplified procedures. The collections of contributions will be made at the same time as the interest and other commitments on the loan. Duplication of records between the approved lending authority and the Treasury will be reduced to a minimum. In fact the records kept by the authorities will be simple and, as they will be subject to audit in the ordinary course, they will be accepted as the Treasury's record for these purposes. The small extra costs falling upon the lending authorities, all of which will be governmental instrumentalities, could, I think, be reasonably met by them without recoup or commission, as a small contribution to the community. The lending authorities will, of course, get some minor benefit by the increased security for repayment of advances.

I have endeavoured to outline in rather brief terms the general object and purpose of the Bill. I now deal with the clauses of the Bill in detail. Clause 3 deals with interpretation. It will be seen that a borrower is defined as a person obtaining or becoming liable to repay an advance from an approved authority upon the security of a home used for himself and his dependants—only borrowers in this sense can become contributors to the scheme, which is designed to enable young people to set themselves up in a home with some measure of security, and not to assist buyers of houses not intended as family homes for themselves. The other point which I mention in connection with clause 3 is that the scheme is designed to cover not only money borrowed on mortgage, but also purchase money for a home under an agreement for sale and purchase where the balance of the purchase money is equated to an advance for the purposes of the Bill. This provision is made so as to include particularly houses provided on such a basis by the Housing Trust under the plan recently announced and being implemented this financial year.

Clause 4 establishes the Housing Loans Redemption Fund to which is immediately appropriated an advance of £50,000 to come from the Home Purchase Guarantee Fund. In addition to this sum and any other moneys that Parliament may provide from time to time, the fund of course receives all contributions received by approved authorities. Clauses 5 and 6 deal with the conditions under which borrowers may participate in the scheme. In the case of a sole borrower, he must be less than 36 years of age and satisfy the Treasurer and the lending authority of his good health and the advance must be repayable in full by periodical instalments ending before he would reach 66: there is a proviso that in no case must the term of the loan exceed 40 years. Joint borrowers are dealt with by clause 6 where the conditions are the same except that the conditions as to age and health apply only to that borrower who is designated and accepted as the family breadwinner. In the case of both single and joint borrowers the Treasurer or the lending authority has an absolute discretion to refuse participation in cases considered inappropriate, though of course this discretion will not be used without good reason.

Clause 7 provides for contributions. Subclause (1) refers to the rates set out in the Schedule which may, however, be varied by regulation. Contributions are generally to be paid to the lending authority which in turn pays them to the Treasurer. The object of clause 11 (2) is to enable contributions and instalments of purchase money to be paid at the same time and to the same authority thereby making for greater convenience to the contributor and economy in the administration.

An important provision of clause 7 is contained in subclause (2) which enables a contributor at any time to elect to reduce the amount of the advance for which he wishes to contribute. The consent of the lending authority is required except where the borrower reduces his outstanding liability by payment of a sum of money over and above his ordinary periodical instalments. A person might, for example, after a few years, wish to pay off an amount of, say, £500, over and above his normal instalments—in such a case he can reduce his contributions proportionately without the consent of the lending authority with the proviso of course that the reduction is not insubstantial—a proportion of one-tenth is set out in the Bill.

Subclause (4) of clause 7 provides that if contributions are in arrears for six months the person concerned ceases to be a contributor and thus forfeits all his rights with the proviso that the Treasurer can recover the contributions as a debt. This is proper, for the contributor will have been kept insured for the six months even though in arrears, and had he died during that period the fund would have repaid his advance. Contributors in arrears for more than six months can be reinstated with the consent of the Treasurer and the lending authority. Furthermore, the lending authority may at its discretion pay any arrears of contributions from time to time within the period

of six months. This last provision is not obligatory but may facilitate greater simplicity and economy in the lending authorities' administration of the scheme.

Subclause (5) enables contributors to withdraw from the scheme at any time on giving three months' notice. This provision is, however, not to affect the contractual relations between the borrower and the lending authority. For example, if a borrower has obtained an advance on the condition that he will participate in the scheme and continue to do so until the amount is repaid in full, he is not obliged by this Act in such a case to continue contributing, but it could well be that by withdrawing from the scheme he would be in default with the lending authority, which might then be entitled to call up the whole of the principal moneys at once because of that default.

Subclause (6) provides that if an advance is paid off in full before the due date the contributor immediately ceases to be a contributor. Otherwise, a person could pay off his loan early and thus obtain an ordinary life insurance at very low rates. Similarly, if the borrower ceases to have any interest in the house, for example, if he sells it to someone else, he ceases to participate in the scheme.

Clause 8 provides for the liability of the fund. On the death of a contributor the outstanding balance of his advance (excluding any arrears of instalments but including any amounts which he may have paid off over and above periodical payments and including up to one month's interest) is payable to the lending authority. In the case of joint contributors a similar amount is payable on the death of the nominated contributor, the breadwinner. If the amount paid over from the fund to the lending authority exceeds the amount actually due, the excess is payable to the estate of the deceased contributor, or, in the case of joint contributors, to the survivor. This will provide for any excess where part of the loan has been paid off before the due date. No payment is to be paid from the fund where the borrower or nominated borrower dies by his own hand within one year and 30 days after first becoming a contributor. This is a provision which is, I understand, in accordance with normal life assurance law and practice. Furthermore, if there has been any misrepresentation in connection with an application to become a contributor (for example, misrepresentation as to age or health) the fund is not liable. If a borrower has ceased to be a contributor then of course all obligations of the fund automatically cease. Subclause (3) of clause 8 provides that any deficiency in the fund shall be met out of general revenue. I would expect the fund to be self-supporting, but this clause is necessary to give contributors complete assurance.

Clause 9 will enable a person who repays the whole or part of an advance before the due date to renew his participation in the fund on the same terms if he obtains a further advance from the same lending authority to the extent of the amount repaid, with the Treasurer's approval. This is to meet the special case occurring occasionally where a borrower is obliged to change his place of living and transfers the security for his financial obligations to the new house.

Clause 10 will enable a borrower to participate in the fund with regard to an advance on second mortgage whether he is already a contributor under a first mortgage or not; if the contributor is already a contributor in respect of a first mortgage he can arrange to become a contributor for a second mortgage from another authority by paying both contributions to the first lending authority. The Housing Trust will be concerned most in this connection as it has in a number of cases provided second mortgage funds where the State Bank or Savings Bank has provided funds on first mortgage.

Clause 11 provides for the approval of institutions, corporations or bodies as "approved authorities" by the Treasurer on such terms and conditions as the Treasurer thinks fit. Clause 12 is in general form enabling the Governor to make any necessary regulations for the purposes of the Bill.

I believe that this Bill will do a great deal towards assisting young people to establish themselves in houses upon conditions which will relieve them of the risk of members of their families becoming suddenly faced with a liability in respect of their houses, but without the financial contributions from the principal wage-earner who has died. I commend the Bill for the consideration of members.

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

HOMES ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

It amends the Homes Act, 1941-1958, by increasing the maximum period over which the

Treasurer may guarantee repayment of loans or payment of purchase money on dwelling houses from 30 to 50 years. Subsection (1) of section 7 of the principal Act now limits the power of the Treasurer to guarantee the repayment of loans or payment of purchase money in respect of dwelling houses to cases where the full amount due is payable within 30 years from the date of mortgage or contract for sale and purchase. When the Act was first passed in 1941 it provided for guarantees by the Treasurer to an amount of £1,000 with a maximum interest rate of 5 per cent. At that time a five-room house could be purchased with land for about £1,000 and finance was available at 4½ per cent or less. The Act now authorizes guarantee of a maximum loan of £3,000 where the loan does not exceed 95 per cent of the value of the house, and £3,500 where the loan does not exceed 85 per cent of that value. The maximum interest rate is now 6 per cent.

At present the price of a five-roomed house with land will range to £4,000 and upwards, while interest rates charged by Government banks range up to 5⅝ per cent. Purchasers of houses from the Housing Trust usually find it necessary to borrow £3,000 on first mortgage and sometimes this amount has to be supplemented by second mortgage. Weekly payments on account of principal and interest on a loan of £3,000 range from £3 18s. 11d. to £4 0s. 1d. on a 30-year term, £3 11s. 6d. to £3 12s. 8d. on a 40-year term, and proportionately lower on a 50-year term. To these must be added about 12s. to 14s. a week for water, sewerage and local government rates plus insurance and maintenance. In many cases there are additional payments under a second mortgage.

Weekly commitments can bear very heavily on a house purchaser of moderate means and if the maximum term for loans which can be guaranteed under the Act is extended from 30 to 40 or 50 years the weekly commitments of purchasers would be reduced by at least 7s. or 8s. a week. Such a reduction would facilitate house ownership very appreciably, and the Bill amends the principal Act by providing that mortgage loans or payments under agreements for sale repayable or payable over a period of up to 50 years may be guaranteed by the Treasurer. Subclause (a) of clause 3 accordingly strikes out the present limitation of 30 years and inserts 50 years. The provision will give the authority of the Treasurer to guarantee loans a greater measure of flexibility.

As a corollary to the foregoing provision, subclause (*b*) of clause 3 provides for the automatic extension of existing guarantees where the guaranteed institution, with the consent of the Treasurer, agrees to extend the period for repayment up to a maximum of 50 years from the date of the original mortgage or agreement for sale.

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

IMPOUNDING ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

It is designed to make certain amendments to the Impounding Act, 1920-1947, which, upon representations made to the Government by various local government associations, have been recommended by the Local Government Advisory Committee. The major amendment proposed by this Bill will increase the penalties, fees, charges and rates for damage by trespassing cattle, prescribed by the Act, so as to bring them more into line with current money values. The Bill also seeks to make certain amendments, which will facilitate the carrying out of the objects of the principal Act.

Under section 15 (3) of the principal Act, a person who impounds trespassing cattle on his own land shall not keep the cattle so impounded longer than three days. Considerable difficulty has however been experienced by such persons in tracing the owners of trespassing cattle within that short period and the Local Government Advisory Committee has recommended that this period be enlarged to seven days. Clause 3 accordingly gives effect to this recommendation. Sections 14 and 15 of the principal Act provide that trespassing cattle may be impounded in the nearest public pound or elsewhere in certain cases. Clause 4 of the Bill inserts a new section 15a in the Act, which will enable such cattle to be driven or led to the pound or place where the cattle are to be impounded or to be conveyed there by suitable means of transport. A number of existing public pounds are long distances apart and it is therefore often not practicable to drive or lead cattle from the place of trespass to the nearest public pound. Provision for enabling them to be conveyed by suitable means of transport would enable persons impounding cattle to despatch them to the nearest public pound without loss of time or undue inconvenience.

Section 25 of the principal Act provides, *inter alia*, that if cattle impounded in any public pound are not claimed by the owner within 24 hours of being impounded, the poundkeeper shall give notice of impounding to the owner of the cattle. If the owner is known to the poundkeeper the notice must within 48 hours of the impounding be given to the owner by personal delivery or left at his usual or last known place of residence in the State. But if the owner resides more than 10 miles away from the pound the notice may be sent by the earliest post after the expiration of 24 hours after the impounding. The Local Government Advisory Committee has recommended that the giving of notice by post will suffice in all circumstances. Clause 5 of the Bill accordingly substitutes for subsections (2) and (3) of the section two subsections which will enable the notice to be delivered personally or sent by post in all circumstances.

Clause 6 will increase the penalties for allowing a bull or entire horse to stray from £5 to £25 and for any ram from £2 to £10. Similarly, clause 7 will increase the penalty for allowing any cattle to stray in any street or public place from £5 to £25. The fourth, fifth and sixth schedules of the principal Act prescribe the scales of fees chargeable by a ranger for the impounding of cattle and for poundage and the rates for damage by trespassing cattle. These scales and rates have been unaltered since the principal Act was enacted in 1920, and are very much out of line with current values. They have accordingly been revised following upon a recommendation of the Local Government Advisory Committee, and clause 8 re-enacts the schedules as so revised. I submit the Bill for consideration by honourable members.

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

ADJOURNMENT.

At 4.21 p.m. the Council adjourned until Tuesday, October 9, at 2.15 p.m.