LEGISLATIVE COUNCIL.

Thursday, October 25, 1962.

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

ASSENT TO BILLS.

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

Civil Aviation (Carriers' Liability),
Food and Drugs Act Amendment,
Hospitals Act Amendment,
Institute of Medical and Veterinary Science Act Amendment,
Local Courts Act Amendment,
Metropolitan Drainage Works (Investigation),
Motor Vehicles Act Amendment (No. 1),
Registration of Deeds Act Amendment,
Sale of Human Blood,
Unclaimed Moneys Act Amendment,
Mines and Works Inspection Act Amendment,
Education Act Amendment,
Explosives Act Amendment,
Homes Act Amendment,
Housing Loans Redemption Fund,
Impounding Act Amendment,
Loans to Producers Act Amendment,
Mental Health Act Amendment (No. 1),
Mental Health Act Amendment (No. 2).

QUESTIONS.

ROYAL VISIT.

The Hon. K. E. J. BARDOLPH: Can the Chief Secretary say whether it is the intention of the Government to declare a public holiday on the occasion of the visit to Adelaide early next year of Her Majesty the Queen and His Royal Highness the Duke of Edinburgh? The Victorian Government has declared February 25 as a public holiday on the occasion of the Royal visit to that State.

The Hon. Sir LYELL McEWIN: This matter has been considered. It is a question of selecting the appropriate date, which, to a certain extent, will depend upon the programme that has been arranged and the suitability of the day.

The Hon. K. E. J. Bardolph: The Government has not rejected it?

The Hon. Sir LYELL McEWIN: Quite the contrary. It is a question of finding an appropriate date to fit in with the programme which is being arranged for the visit. It is under consideration but no decision has yet been made.

PORT LINCOLN ABATTOIRS.

The Hon. G. J. GILFILLAN: I ask leave to make a short statement prior to asking a question.

Leave granted.

The Hon. G. J. GILFILLAN: In a large area on Eyre Peninsula there are a number of problems associated with the sale of stock and meat, particularly mutton and beef. One is to keep the Port Lincoln abattoirs continually employed. Because of these problems and in view of the introduction of the *Troubridge* service, will the Chief Secretary, representing the Minister of Agriculture, request the Manager of the Government Produce Department (Mr. Dunsford) to investigate the possibility of transporting meat from the Port Lincoln abattoirs in refrigerated vans for distribution in the metropolitan area and report on his findings?

The Hon. Sir LYELL McEWIN: I will certainly refer the honourable member's question to my colleague, the Minister of Agriculture, and obtain the information he has requested.

PUBLIC WORKS COMMITTEE REPORT.

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Stirling and Crafers Water Supply.

LEAVE OF ABSENCE: HON. N. L. JUDE.

The Hon. Sir LYELL McEWIN moved:

That one month's leave of absence be granted to the Hon. N. L. Jude on account of absence from Australia on public business.

Motion carried.

LAND AGENTS ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave to introduce a Bill for an Act to amend the Land Agents Act, 1955-1960.

THE ELECTRICITY TRUST OF SOUTH AUSTRALIA (TORRENS ISLAND POWER STATION) BILL.

Read a third time and passed.

MARINE ACT AMENDMENT BILL.

In Committee.

(Continued from October 24. Page 1666.)

Clause 9—"Amendment of principal Act, s. 107."

The Hon. S. C. BEVAN: I oppose the clause, which deals with the constitution of the Marine Court of Inquiry. At present the court comprises a special magistrate, drawn from a

panel, and two assessors, also drawn from a panel. The qualifications needed by assessors are set out in the Act, and the assessors are experts. Decisions by the court, with their assistance, have given satisfaction. In the second reading debate I said that, although it was good to have uniform legislation in Australia, the needs of each State had to be considered. We must give thought to what is best for South Australia. Victoria has not adopted the uniform legislation because it feels its legislation is especially adapted to Victorian conditions. If the clause is passed the court, as we know it, will not function, because it will comprise only the special magistrate. The assessors will no longer assist it to reach decisions. They will act only in an advisory capacity. It could be said that would not make much difference in coming to decisions, as the special magistrate would be guided by the advice of the assessors, but that might not be so. The special magistrate could be influenced by the legal position and not heed their advice.

Under present circumstances it would not make much difference, because the chairman, who is a special magistrate, has a wide knowledge of marine matters and has had much marine court experience. In previous years he has accepted the advice of the assessors, who have assisted in making the decisions, and I think he would continue to accept it. However, as a result of appointment to another position, or for some other reason, the present special magistrate may be replaced by another chairman. I do not speak derogatorily of anyone, but we could have a special magistrate appointed who had no knowledge of marine matters and the legislation affecting them. He might look at the matter solely from a legal point of view. His opinion of the evidence before him might be such that he might discard it in an effort to bring in a decision in the best interests of all concerned.

The Hon. F. J. Potter: Are you saying that Mr. Johnston is the only magistrate who has this special knowledge?

The Hon. S. C. BEVAN: No, but because of his experience over the years and his conduct of other cases with assessors he would be aware of their qualifications. If the Act is amended as suggested he would probably be guided by the advice of the assessors because of his wide knowledge in these matters. I do not suggest that other magistrates would not have a knowledge of marine affairs, but a magistrate without that knowledge might be appointed.

The Hon. F. J. Potter: You are just saying that a new magistrate would not be as experienced as somebody who had been there a few years. That is not remarkable.

The Hon. S. C. BEVAN: It is a possibility; it could happen.

The Hon. F. J. Potter: That even happens in this Council.

The Hon. S. C. BEVAN: In those circumstances a decision could be reached that would not be in the best interests of justice. None of the people in South Australia who are qualified to speak on this question supports this amendment, and if the clause is passed assessors will not be able to participate in inquiries or examine witnesses. Any questions they may wish to ask or any information they seek will have to be put through the special magistrate. The assessors would have no right to adjudicate on any question before the court. They would act in an advisory capacity only, and that would deprive them of much of their interest in the inquiry. I hope the present provision in the Act remains unaltered, because the court as previously constituted has acted efficiently, and there is no reason for any change. I therefore suggest that the clause be deleted.

The CHAIRMAN: The honourable member will actually vote against the clause.

The Hon. S. C. BEVAN: And if the Committee decides to delete the clause I will vote against clauses 10, 11, 12 and 13 also because the same criticism applies to them.

The Hon. Sir LYELL McEWIN (Chief Secretary): I wish to speak briefly on the comments made by the Hon. Mr. Bevan. I do not know whether he has indicated that the court would be inefficient or not capable of dealing with the matters it is required to deal with if the clause is passed, but if that is the suggestion I point out that although the assessors will not take part in the actual judgment that does not mean that the effectiveness of their presence will be destroyed. They will still sit with the magistrate as they have done in the past, and they will still have the opportunity to question witnesses and gain information for the magistrate by reason of their expert questioning that may be directed to either side. The magistrate becomes the final adjudicator. The assessors in no way lose their position in eliciting information, but this clause makes certain that the magistrate is supreme for the purpose of giving a judgment.

In simple language the judicial part of the inquiry is the responsibilty of the magistrate, but the assessors' part in the court is in no way lessened when it comes to the questioning of witnesses and the eliciting of information. Mr. Bevan said that Victoria still retained the old system, but if there is any advantage to be gained by comparison he is rather lonely because all the other States follow the principle that is common throughout the world. Therefore, I ask the Committee to support the clause as drafted.

The Committee divided on the clause:

Ayes (10).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, A. C. Hookings, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, C. R. Story, and R. R. Wilson.

Noes (4).—The Hons. K. E. J. Bardolph, S. C. Bevan (teller), A. F. Kneebone, and A. J. Shard.

Majority of 6 for the Ayes.

Clause thus passed.

Remaining clauses (10 to 13) and title passed.

Bill reported without amendment. Committee's report adopted.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1664.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this Bill because I believe in the principle of price control as we knew it a few years ago. As I said last year, it is a pity that we must have amending Bills on this subject year after year. Legislation is either good or bad. If it is good enough to be extended year after year since 1948, it should be on the Statute Book permanently. If it is not good legislation, we should not have it at all. I believe that price control is good legislation provided it works and is administered efficiently. Unfortunately, I cannot agree that the Prices Act as administered today is price control as I understand it or as we knew it previously. Perhaps, because of the way it is administered today, it may be better than nothing, and to that extent I give it my blessing.

Members of the Opposition have been charged this session with making some extravagant statements and claims, but if there were a blue riband prize for the most extravagant claim, the Chief Secretary would have been an easy winner in view of the reasons he gave in support of the Bill in his second reading speech. Listening to him one would have thought that this legislation was the sole saviour of the State and that everything that was good in South Australia flowed from it. I disagree with that. After outlining the reasons for the Government's decision to retain this measure of price control, the Chief Secretary had a good deal to say about primary producers. I am not an authority on primary producers, but I would say that price control, particularly in respect of petrol, may have been of some assistance to them.

The Hon. Sir Lyell McEwin: Do you think it would have been confined to them?

The Hon. A. J. SHARD: No. That is only a very small ingredient to them.

The Hon. Sir Lyell McEwin: That is what I wanted you to say.

The Hon. A. J. SHARD: The Chief Secretary then went to no end of trouble to tell us what we already knew, namely, that the employment position in this State is the best in Australia. This has been a hardy topic this session, but, again, I fail to see that price control had any effect on the employment position in the last 12 months.

The Hon. G. O'H. Giles: Is not price control part of the economy of this country?

The Hon. A. J. SHARD: Not an important part as administered today. Everyone knows that the cause of unemployment in the last 12 to 15 months was the Commonwealth Government's credit squeeze. When the Commonwealth Government took certain steps in February, which had nothing to do with price control—and at the same time adopted part of the Australian Labor Party's policy—Australia's economy began to improve. The motor vehicle industry was the hardest-hit in this State, yet that is not under price control. Price control plays a very small part in the overall employment position in this State.

The Hon. Sir Lyell McEwin: Are you supporting or opposing this Bill?

The Hon. A. J. SHARD: I am supporting it, because I believe in price control as we knew it. What we have now is better than nothing at all, but one would think that all the benefits which have come to this State in the last 12 months have been due to the way that price control has been administered.

The Hon. G. O'H. Giles: If the price of petrol went up by 1s. a gallon would that affect the unemployment position?

The Hon. A. J. SHARD: Not one little bit. One is at a loss to see how price control affects living costs after considering the items at present under control, with the exception of bread and milk. As I understand the Premier's reply in another place to a member of his own Party, the price of foodstuffs has little effect on the cost of living. I have always believed that the food component is the major part of the living cost, with the possible exception of rent. I cannot see how the Chief Secretary's claim that price control has had such a tremendous effect on living costs in this State is valid. I have no objection to pensioners who are in need of hearing aids getting them at a reduced rate. I refer to the figures quoted by the Chief Secretary in his second reading explanation, as follows:

	Normal price.	Concessional price to pensioners.	Saving to pensioners.
	£ s. d.	£ s. d.	£ s. d.
Model A	67 10 0	44 11 0	22 19 0
Model B	77 10 0	55 10 0	22 0 0
Model C	115 0 0	92 10 0	22 10 0
Model D	92 10 0	74 4 0	18 6 0

It is reasonable to assume that the business people sell these goods to pensioners at a profit. There must be a profit margin in the £44 11s. for Model A. If we assume it is £4 11s., that means that the ordinary buyer would pay something like 46 per cent over the cost price. If price control is working as effectively as the Chief Secretary would have us believe, that appears to be an exorbitant charge and should be examined. If the price is too high the Government is not doing the job as it should be done. If we are to have price control, let us have proper price control. Last year it was stated that price control was assisting the building industry and I wonder what it will be said to be assisting next year. I support the Bill because I believe in price control, but it is not as effective in this State as it should be.

The Hon. C. R. Story: Do you believe in pegging wages?

The Hon. S. C. Bevan: Aren't they pegged?

The Hon. A. J. SHARD: Whether we believe in pegging wages or not, they are pegged. People who do not believe in price control—like the Hon. Mr. Story—and who believe in freedom of choice and competition should realize that the only thing that is fixed under price control is the maximum amount. Whatever figure is fixed as the maximum price always becomes the minimum, and the theory that competition will reduce prices does not bear investigation because that does not happen. There is a greater component in the employment position in this State than price control, and that is the relationship and good feeling that exists between employer and employee.

The Hon. G. O'H. Giles: No-one has doubted that for a minute, except you.

The Hon. A. J. SHARD: If the honourable member does not doubt it, that is all right. It has a great effect. We rarely hear this Government giving credit to the employee organizations which play such a large part in maintaining these relationships. Of course, there are certain organizations which do the wrong thing at times, but little credit is given to those organizations who maintain good relations with the employer organizations in the interests of the community and of the State.

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

BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1645.)

The Hon. A. F. KNEEBONE (Central No. 1): The Chief Secretary pointed out, in explaining the measure, that the main purposes of the Bill are technical, and that it has been forced on us because the Commonwealth Government has entered into the field of marriage legislation. Although the Commonwealth Marriage Act has not yet been proclaimed, it is likely to be done prior to this Parliament meeting next year. I assume that is why clause 2 provides for the measure to come into operation on the date to be fixed by proclamation. I do not believe in uniformity for the sake of uniformity, but I agree it has advantages in many ways especially if it levels up and not down. The Bill

amends the principal Act in a minor degree, which demonstrates that the Act was satisfactory.

The Hon. F. J. Potter: I would not say a minor degree. The Commonwealth legislation makes one major amendment at least.

The Hon. A. F. KNEEBONE: It effects uniformity in the legitimation of children. The Commonwealth Bill was introduced in the Commonwealth Parliament in May, 1960, but did not go beyond the Committee stage. It was not until 1961 that the legislation was proceeded with further. Then the 1960 Bill lapsed. It was said in 1960 that State authorities might want to propose amendments to the measure. That happened, and an amended Bill was introduced in 1961. The Commonwealth Government proposed that the provisions of that Bill would come into operation at the same time as the Commonwealth Matrimonial Causes Act, which, although passed in 1959, did not operate until February, 1961. In 1960 a doubt was expressed whether the Commonwealth Government could legislate in regard to legitimation. The point has now been cleared up, because of a High Court decision, which upheld the Commonwealth Government's views on the matter. A provision has existed in our legislation for many years in regard to legitimation. The matter goes back to 1898 when the legislation was first introduced by Mr. King O'Malley, who represented Encounter Bay in the South Australian Parliament at that time.

Part VI of the Act was last amended in 1936. Clause 4 of the Bill deals with section 37 and includes in the interpretation of legitimated persons those legitimated under the Commonwealth Act. Clause 5 (*a*) amends section 39 and includes those persons legitimated under the Commonwealth Act and those entitled to certain rights in relation to the estates of persons who die intestate. Clause 5 (*b*) also includes those persons legitimated under the Commonwealth Act in provisions regarding relative seniority in the matter of interest in property, etc. Clause 6 (*a*) amends section 45 and provides for the endorsement of legitimation under the principal Act prior to the commencement of the Commonwealth Act. Clause 6 (*b*) provides for the endorsement of legitimations of persons whose births are registered under the State Act but whose legitimation was made under the Commonwealth Act. Clause 6 (*c*) and (*d*) amend subsection (2) by extending the informants in regard to the application for endorsement in certain cases from the mother to one of the said parents. Clause 6 (*e*) amends section 45 (3) in such a way that it requires the principal Registrar, in all cases where he is of the opinion that the matter is one for inquiry by a special magistrate, or in any case other than that provided for in the amended section 45 (2), not to make such endorsement except upon the order of the special magistrate. Clause 6 (*f*) amends section 45 (4) to provide for reference to the new form 3 which clause 7 seeks to include in the thirteenth schedule of the principal Act. This new form is to cover legitimation made in accordance with the provisions of the Commonwealth Marriage Act.

One amendment in the Bill that is not the result of the Commonwealth Act is included in clause 8, which amends the fourteenth schedule. It is an amendment that gives me concern because it is proposed to increase the charge for endorsement of legitimation on registration of birth and re-registration of birth after three months by 100 per cent. I think this charge is out of proportion when compared with other charges in the schedule. The charge for the registration of a death after the expiration of 10 days but within six months is only 2s. 6d., and a similar fee is charged for the late registration of a birth if the birth is registered after 42 days from the date of birth but within six months. Admittedly, the charge in each of those cases after six months is £1, but this charge is to be levied within six months and not after. I do not think the other charges should be brought up to the level of this suggested charge, because I think the increase from 5s. to 10s. is too steep. I do not agree that increased charges will cause people to seek earlier endorsement and re-registration in the case of legitimation. The increase may have some effect, but an increase of 100 per cent in a Bill of this nature is too much. I have no criticism of the other clauses. I support the second reading.

The Hon. F. J. POTTER (Central No. 2): I support the second reading. The Bill is primarily designed to give effect in a State sphere of activity to a 1961 amendment to the law on legitimation contained in the Commonwealth Marriage Act. Very little need be said about the wording of the Bill, but one major alteration made by the Commonwealth Marriage Act was that a child may be legitimated after his parents have been married even if at the time of his birth there was a legal impediment to the marriage

of the parents. That provision is completely opposed to the provision in section 42 of our Act, which states that nothing in that Act shall operate to legitimate a person if at the time of his birth there existed any legal impediment to the marriage of the parents of that child. Therefore, we have that distinct difference in the Commonwealth law.

I think this provision is justified. At the time it was discussed there was considerable debate in the Commonwealth Parliament on the question, but eventually it was decided that this would become Commonwealth law, and that is the position. Resulting from that it is necessary to provide in South Australia for legitimations to be made under the Commonwealth Act, because where the Commonwealth speaks on a particular subject that law is supreme and over-rides the State law. That is the position here. When the Commonwealth Act is proclaimed, which I understand will be in the near future after the States have paved the way for its operation, it will be possible to legitimate children here in circumstances where it was never possible before. Although it was never possible to legitimate children where there was an impediment to the marriage of the parents at the time of the child's birth, an alternative procedure was available by means of adoption, and many parents who found that they were not able to legitimate a child because of the provisions of section 42 turned to the alternative method of adopting their own child. This provision has been universally availed of. It is probably not as good a procedure as actually legitimating a child because, after all, both the father and the mother are the natural parents even if at the time of its birth they were not the lawful parents of the child. Therefore, I think all honourable members can wholeheartedly support this Bill, which will provide the necessary machinery to enable the speedy operation of the Commonwealth Marriage Act, 1961.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Amendment of Principal Act, Thirteenth Schedule."

The Hon. G. O'H. GILES: Is it necessary to show the legitimation on the copy of a birth certificate when such certificate must be produced for certain purposes, or is it possible for this to be ignored on a copy? Is the Attorney-General able to elaborate on that subject?

The Hon. C. D. ROWE (Attorney-General): I cannot at this stage elaborate on the matter.

The Hon. F. J. POTTER: I think I can answer the honourable member on this point. There is no endorsement of the legitimation. Under clause 7 members will see the form prescribed, which is an order for endorsement on the registration, and at the end these words will be seen "Be re-registered in the manner provided by Part VI of the Births and Deaths Registration Act, 1936-1962," which is the normal birth certificate form prescribed in the second schedule of the principal Act. Under section 45 of the principal Act the Registrar shall re-register the birth with such modifications as he thinks necessary. Therefore, in all respects after legitimation a re-registration will take effect with such alterations as are deemed necessary.

The Hon. G. O'H. Giles: But would it be deemed necessary to register the fact that legitimation had taken place?

The Hon. F. J. POTTER: No. That would not appear on the re-registration, although, naturally, if one looked at the date of birth of the child and compared it with the year of marriage of the parents one would only have to do a little mental arithmetic to discover the position. Re-registration cannot cover everything. For instance, in a birth certificate where an illegitimate child is registered, with the consent of both the father and mother, even though they are not married, the year of marriage is left blank, so one does not need much imagination to know that it must be a registration for an illegitimate child. I am sure that the point raised by the honourable member is effectively covered.

Clause passed.

Clause 8 and title passed.

Bill reported without amendment. Committee's report adopted.

FISHERIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1646.)

The Hon. S. C. BEVAN (Central No. 1): This Bill amends legislation covering an industry which has become very important to the economy of the State. This is borne out by an article in the *Fisheries Newsletter*, which is distributed to all members, in which it is stated that the value of crayfish exported to the United States of America was 13,400,000 dollars. That takes no account of other kinds of fish. The principal Act came into operation in 1917 and has been amended on various

occasions. Clause 3 of this Bill introduces something new in the Act, in the form of a definition of noxious fish. So far South Australia has been fortunate in that its waters have not been invaded by any of the noxious fish described, but we cannot foresee the future and it may be necessary at some time that there should be proclamations in connection with such species, and in that event the Government will have the power to take prompt steps to issue a declaration.

Clause 6 extends the period in which a licence may be renewed after expiry from 14 days to 60 days, and this should be of some advantage to professional fishermen who may be out in open waters and have overlooked the fact that their licence had expired. This will give them a better opportunity to remedy their neglect. Clause 7 amends section 16 of the principal Act, which deals with the registration of boats by providing that no person shall use or manage any boat unless it is registered. The clause deals with the expiration of registration and places a responsibility on boat owners to notify the Chief Inspector within one month of any transfer of ownership. There is nothing in the Act at present dealing with the transfer of a boat from one fisherman to another who is not the owner. If there is no change of ownership then of course there is no onus to notify the Chief Inspector. There have been instances of fishing vessels and their crews being lost, and some difficulty has then been experienced in tracing the owner. This legislation makes it necessary if a transfer is made to notify the Chief Inspector in writing.

Under clause 13 licences will now be issued yearly and expire on November 30. Previously there were administrative problems when fishermen tried to renew their licences at the end of December, perhaps during the holiday period. It is possible to obtain a licence for a six months' period but because of the low cost of the annual licence, most licences will be taken out to cover 12 months. If the licences were more expensive perhaps the six months' period could remain.

Clause 8 deals with offences and penalties. There are a considerable number listed but one of the most important is the taking of undersized fish or crayfish. There have been many instances where this has occurred, especially with crayfish, where the offender has been prosecuted. I remember a case where the Minister ordered the vessel to be confiscated because of this offence. A person knowingly having undersized fish in his possession is committing an offence. This legislation will provide a minimum penalty of £5 for a first offence and £20 for a second and subsequent offence up to the maximum, which remains the same as in the principal Act. This should be a sufficient deterrent and should give added protection to the professional fishermen who abide by the law. They know that by taking undersized fish they are doing harm to the industry, but other people, perhaps amateurs, take large catches, whatever the size, and keep them. If they are caught they are penalized, but what they do is detrimental to the industry. The fixing of a minimum penalty will be a deterrent to them. The Bill improves the Act and I support the second reading.

The Hon. C. R. STORY (Midland): I support this important Bill, which has far-reaching ramifications. As the Hon. Mr. Bevan said, vast changes are proposed. We have new provisions dealing with noxious fish. I do not know much about fish, except perhaps river fish, and I think that the term "noxious fish" is a misnomer. Fish are not noxious to people who eat them, but they may be noxious to other fish. I do not think there has been a good choice of words. Such fish as tench, red fin and carp are carnivorous, and eat other fish. I understood that the red fin has caused concern in the Mildura area. Some people thought they were poisoned through eating the fish. The tench is edible, and in Victoria some people prefer it. I do not think it has been proved that the carp is carnivorous, but it is a turbulent type of fish and is likely to upset the spawn of other fish in weeds. Perhaps it feeds on the weeds and frightens easily, and so disturbs the eggs of other types of fish. I understand there are not many carp in South Australia. I think there are some red fin in the lower parts of the River Murray. We should not be too pedantic about these things.

Another part of the Bill provides that a person shall not have fish on his property without the permission of the Minister. In parts of South Australia ponds are owned by individuals and surely they have the right to put fish in the ponds without first getting the Minister's permission. I realize the Bill deals in the main with commercial people, but other people should be considered also. A wise provision deals with boats. From time to time suggestions have been made to the Joint Committee on Subordinate Legislation for boats to be registered on the payment of a fee. I do not know that we should go as

far as that, but it is disconcerting to have boats rushing around in some parts of South Australia without any form of identification. If there could be a registered number on such a boat, action could be taken against offenders. People interested in speedboat racing and water skiing have formed organizations to conduct their sport in a proper way, but there always seems to be an irresponsible person with a high-powered speedboat racing around to the danger of other people. Before long it may be necessary to register boats and have them numbered.

Under the Bill, when a person wants to transfer his boat to another person he is obliged to inform the department within one month of his intention to do so. That is a wise provision because trouble could result from the transfer of the boat. Sometimes we have unidentified boats washed up on beaches. The position will be improved by the acceptance of the provision.

For some time we have been looking for a provision like the one in clause 8. It allows amateur fishermen to continue fishing as they have done for years, but some people, who will not pay a licence fee, take fish from the sea or the river and sell it. Under the Bill, if they want to sell this fish they must take out a licence. In Upper Murray areas about two years ago we had a difficult position through professional and amateur fishermen being at loggerheads. The trouble had almost reached the shooting stage. People were licensed by the department to fish in the river, but amateurs sold their catch in competition with the licensed men. With the assistance of the former member for Chaffey (Mr. King) I formed the Upper Murray Fishermen's Association. We had the utmost co-operation from Mr. Bogg, who is an excellent departmental officer. He has done a remarkable amount of good, not only on the fishing side but on the game and fauna and flora sides of his department.

He was able to assure the association that he would bring down amendments to the Act. Some of them are included in the Bill. Generally speaking, they will be well received in country areas. Professional fishermen in the crayfish industry are keen to observe the law, but amateurs will come in and take all sorts of crayfish irrespective of size, and this places in jeopardy an extremely useful industry that we have developed. The export of crayfish tails to America is big business and it is well known that South Australian crayfish tails command a premium in the American market on both the eastern and western seaboards. Crayfish tails have not only maintained their price, but on a falling market the price has been increased since last year. Therefore, anything we can do to protect this useful industry and the people who risk their necks in it should prove of advantage.

Clause 9 (2) amends section 56, which deals with penalties. I agree that the amendment provides for a substantial increase in penalties since the Act was last amended, but I do not think that is a bad thing. People who contravene this type of legislation usually commit premeditated offences, unlike some other people who may not know they are committing a breach, or may commit one by accident. The people dealt with in this Act take a calculated risk and if the penalty is high enough they are not so likely to take that risk. Generally, I support the Bill, but I am a little worried about the wording of the noxious fish clause and am not fully convinced, in my mind, about the varieties of fish shown as noxious fish. However, we do not have many of those fish here and it is a wise precaution to prohibit the importation of these fish when large hatcheries in other States distribute fish of this type.

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

STOCK DISEASES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1666.)

The Hon. M. B. DAWKINS (Midland): I support the Bill, which makes three amendments to the principal Act. It is pleasing that the Act will be improved in such a manner that stock diseases may be minimized and, what is more vital, so that human health may be safeguarded. The first amendment in clause 3 adds to the definition of "animal product" as follows:

> Honey, bees-wax, and all raw, partially cooked, manufactured, or processed, animal products.

This widens the definition considerably, and the amendment seeks to limit the introduction of manufactured meats such as salami, metwurst, etc., from other States (where swine fever could be present), except where health certificates can be provided.

It is not possible under the present Act to prevent the entry of such goods which cannot produce a health certificate. By controlling their

entry the risk of introducing swine fever is largely minimized, if not entirely prevented. There is no doubt that the minimizing of stock diseases could greatly help the industry in this State and throughout the Commonwealth and greatly improve our overall production of primary products. There is, and there always has been, a considerable loss in total output from primary industries through stock diseases, and anything that can be done to reduce this loss, consistent with the needs of primary producers and which does not interfere unduly with private enterprise, should be done.

I am pleased, therefore, that further steps are to be taken for the control and reduction of foot-rot, which is a most contagious disease that has taken heavy toll of production in the past. In this regard section 8 of the Act is amended by clause 4, which empowers the Minister to require an owner to sell for the purpose of slaughter any sheep that are quarantined by reason of foot-rot, or any sheep that in the opinion of the Chief Inspector have been exposed to infection from foot-rot. This will have the effect of ensuring that measures are taken to eradicate the disease. Properties on which foot-rot occurs can be quarantined, but it is possible that some people who do not care much will do nothing else about it. This provision seeks to remove that possibility. Foot-rot can be and should be eradicated and it is desirable that the Minister should have power to take the necessary action when no effort is made by the owner to get rid of this disease.

Clause 5, which amends section 19 of the principal Act, should ensure that producers will take special pains to endeavour to keep their stock free from disease, or, if that is not possible, to ensure that the matter is reported to the Chief Inspector of Stock. This is something that we must tighten up so as to make sure that people who have disease in their flocks, and particularly in respect of sheep with contagious diseases, will report the matter. It is also essential that these stock be kept isolated from clean animals. The new section provides:

In any proceedings under this section proof that stock are in fact diseased shall be *prima facie* evidence that the owner of that stock knew or suspected that the stock was diseased.

The obligation is on the owner to know, perhaps better than he has in the past in some cases, whether his stock are in good health or diseased. He will have no excuse by saying that he did not know. This new provision will materially assist in the administration of section 19. I am firmly convinced that this Bill provides necessary improvements to the Act and that it will materially contribute towards keeping a higher percentage of clean and disease-free stock. It will therefore be of benefit to the community in general and I have pleasure in supporting the Bill.

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

VERMIN ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It is designed, firstly, to prevent the breeding of rabbits commercially and, secondly, to confer on a vermin board power to dispose of, abandon or remove any fence vested in it if it is no longer necessary for the control of vermin. Section 19 of the Vermin Act, 1931-1960, casts a duty on owners and occupiers of land to destroy all vermin on that land, but section 36 relieves the owner or occupier of the duty, *inter alia*, of destroying rabbits kept in rabbit-proof cages or in rabbit-proof enclosures not exceeding 600 sq. ft. in area. Because the breeding of rabbits on a large scale would be inconsistent with the policy of extermination underlying the Vermin Act, it has been the policy of the department to discourage the commercial breeding of rabbits in this State, but commercial breeding cannot be effectively prevented so long as the Act enables rabbits to be kept on any land in enclosures of 600 sq. ft. and does not limit the number of such enclosures. Besides, the establishment of commercial breeding centres in this State will render the task of extermination more difficult and hamper the efforts being made to bring the rabbit menace under control. Of late, the department has received inquiries from both local and interstate sources which suggest that the prospects of setting up rabbit breeding centres in this State are being examined by commercial interests.

The Government considers that the setting up of such breeding centres would be effectively prevented if persons are divested of the power and duty to destroy rabbits kept in any cage on any land by the owner or occupier thereof only so long as the cage is rabbit-proof and does not exceed 36 sq. ft. in area and no more than one such cage is on that land, provided that provision is also made for rabbits to be kept for scientific, educational and other beneficial purposes subject to Government control.

Clause 3 of the Bill accordingly re-enacts section 36 of the principal Act so as to produce that effect. The clause, among other things, would enable rabbits to be kept where the Governor grants permission to keep them. In this connection the officer in charge of the vermin branch of the Lands Department has reported to this effect:

It is an anomaly that on the one hand the Government is encouraging district councils to vigorously enforce rabbit destruction by landholders and yet the Act at present permits the keeping of rabbits for commercial purposes. This is a matter of concern to councils. Victoria, Tasmania and Western Australia have all recently passed legislation heavily curtailing or prohibiting the commercial keeping of rabbits, and it is known that representations have been made urging similar action in New South Wales. Considerable success in rabbit control has been achieved in New Zealand. Part of that success is attributed to decommercialization of the rabbit, which includes total prohibition of keeping of rabbits for any purpose.

The domestic rabbit is of precisely the same species as the wild rabbit. Myxomatosis has been of considerable assistance in reducing wild rabbit populations. Shope's fibroma (which is a live virus) is used to give rabbits immunity against myxomatosis. There is nothing to prevent stud rabbits already inoculated with Shope's fibroma being introduced into South Australia from New South Wales. It is a definite possibility that this virus could be transmitted from commercially kept rabbits to wild rabbits. Always there is the danger that rabbits kept in enclosures may escape and breed in the wild, a factor not to be overlooked in endeavouring to achieve a high level of control. A considerable amount of hardship can be caused to individuals if legislation such as this is left until an industry has become firmly established. This has occurred in at least one State.

On the general question of rabbit control and eradication, some time ago the Lands Department augmented its staff by the addition of a vermin advisory officer who is highly qualified, particularly in rabbit destruction work. He has been making a survey of the rabbit problem within the State. That survey is not yet complete but it will make an assessment of the general problem and the measures most needed to control rabbits. This officer is well aware of all the most up-to-date methods of rabbit control; he has studied the work going on in other States as well. When he has finished his survey the position will be reviewed in order to organize a properly concerted attack by councils and landholders upon the rabbit pest. This matter is very much the concern of councils, and they will be contacted and given all possible assistance to encourage the destruction of rabbits within their areas.

While the principal Act contains provisions for the disposal of fences vested in a board only after the board is abolished or its powers and functions are suspended under the Act, no provision exists for a board itself to dispose of or abandon a fence which it considers no longer necessary for the control of vermin. Clause 4 of the Bill is designed to rectify that omission. The clause provides that where the Minister concurs with a board that a fence is no longer necessary for the control of vermin and publishes a notice to that effect in the *Gazette*, the board may dispose of the fence subject to such terms and conditions as the Minister may prescribe.

The Hon. G. O'H. GILES (Southern): In 1788 the first rabbits were landed in Australia. In 1859 occurred something of great moment to Australia in view of the far-reaching effects of the problem of vermin and rabbits. At Barwon Park opposite Geelong the Austin family landed a shipment of rabbits which within three years created a menace in that section of Victoria. It is on record that by 1880 rabbits had spread to South Australia and Victoria, and in New South Wales up to the Queensland border. The sheep population of New South Wales were badly affected over a period by certain factors and, it has been suggested that this was due to rabbits. I do not accept that because I think it was due to many factors, including the eating out of saltbushes and grasses, over-stocking, and poor managerial practices. But there was a vast increase in the rabbit population because of the lack of facilities to properly tackle the problem. Rabbits and livestock—particularly sheep—were competing for existence.

The words "extermination" and "eradication" have been used extensively in this legislation. My own feeling is that this is not possible at this stage. Short of some magical cure such as myxomatosis which can, by a clean sweep, exterminate the rabbit population in a certain area, there seems to be no method that can effect a complete eradication. The problem seems to be one of control in the various localities. On hard ground perhaps strychnine and arsenical poisons administered in grain and apples may be the answer, whereas other areas are more easily and effectively tackled by mechanical means. Tractors with three-way linkage have been used extensively in agricultural areas. Myxomatosis was the most revolutionary method known for tackling the rabbit problem.

The Hon. A. F. Kneebone: Is it still effective?

The Hon. G. O'H. GILES: It worked in certain environments and localities better than it did in others. At Mount Compass, an area with which I am familiar, myxomatosis did not help much. The mechanical method is the normal means used today with "1080", which when mixed with oats is a good means of poisoning rabbits. I hope that in future "1080" will become more readily available, because when impregnated into carrots much better results are obtained under the dry conditions of this State than when mixed with oats.

In his second reading explanation, the Attorney-General mentioned that the domestic-type rabbits envisaged by this Bill to be kept for commercial purposes were the same species as the wild rabbit in the country areas of this State. I accept that, basically, they are from the same stock. Nevertheless, these rabbits have changed very much through selection over a long period. No doubt the obvious answer is that probably the same thing could work in reverse. The domesticated strain of rabbits might acclimatize itself to wilder conditions and become a wild rabbit. That is possible, but in a recent experiment in New South Wales a number of New Zealand white rabbits were released in the vicinity of warrens. However, within five days they were dead. Certain strains of these rabbits being kept for commercial purposes have not the ability to acclimatize themselves immediately to the life of a wild rabbit. Someone told me a short while ago "All you need are a buck and a doe and you're in business", but I do not know that it is as simple as that. I know of two young people, for whom I have a high regard, who have displayed what I regard as proper initiative and a will to get on in life. Both are single men, not long out of their teens, and each wants to buy a small block of land. They have imported rabbits from New South Wales. I am not aware of the exact price paid, but I suggest that it is in the region of £8 8s. or £9 9s., or even higher, a pair. They have done this with good common sense, and are within the law as we know it. They hope that for three reasons they will be able to make much money during the next few years. Firstly, they will get fur from the Angora and Chinchilla types of rabbits. Secondly, the gestation period for rabbits is about five to six weeks, and it is hoped to have litters four or five times during the year for meat production. In their early stage in the industry there is the demand for surplus breeding stock. For anyone breeding these specialized types of rabbit there is obviously available to them, prior to the Government's action, the ability to sell their surplus stock for breeding purposes. They hope that it will be for them a No. 1 moneymaking matter.

Members of the Council might think I am taking up the cudgels too much on behalf of people who want to breed rabbits, and that might well be so. On the other hand, I remind Government members that the Party we stand behind believes in the right of young people to make their own way in life and to use their own initiative. We do not believe in too much Government restriction and dictation. I seriously move on from this to my other thoughts on the subject. What alternatives has the Government in this matter? This little industry is in its infancy, so the Government could let it get started, and go on. I would not favour that. It is the attitude that the New South Wales Government took some years ago. It allowed the industry to get established. I am not debating particularly whether it is right or wrong, but I want to make the comment that, in these days when so many people in the world are short of food, here is one food-making industry. It is highly efficient, and we must think twice before penalizing it out of existence. The conversion rate in rabbits is high. The propagation of litters is high, and it is a cheap method of producing meat. On the other hand, we must consider the fact that we live in a meat-producing country. Today five out of six fat lambs produced are used for home consumption. I am dealing with whether the Government should allow this embryonic industry to be continued or not. The Bill makes plain the fact that the Government's attitude is that the industry should not be allowed to become too established. I think that is fair comment. In another place the member for Barossa had inserted in the measure an amendment making it possible for licensed commercial rabbit establishments to continue in existence.

The Hon. Sir Lyell McEwin: You say the industry is permitted in New South Wales?

The Hon. G. O'H. GILES: Yes.

The Hon. Sir Lyell McEwin: They allow margarine there, too.

The Hon. G. O'H. GILES: Yes, and it is interesting to see how much they allow. I would say that the amount produced is out of proportion to the amount allowed to be produced, but here tight regulations are properly administered by the Cabinet in this

State. Be that as it may, there are three alternatives. First, the Government could allow this little industry to go on its own sweet way and expand. Secondly, the Government could clamp down in the sort of way the amendment mentioned proposes. It allows licensed commercial people to continue in existence for some time. The fact that they are licensed means that the stud side of the business is lost. In other words, they are unable to sell surplus breeding stock to people wanting to do the same thing, but are confined to producing meat as their only source of income. I thought that the third alternative open to the Government would have been the best. It would have suited me.

This alternative is to eliminate the industry and apply a proper degree of compensation to these people who, acting within the law, invested, and in some cases borrowed, money to buy foundation stock. I would have thought that was the proper way to satisfy both sections in this matter. Evidently the Government does not agree with me, but that is not unusual. The Government agreed to the amendment moved by the member for Barossa in another place. I think it isolates the position and will not allow the industry to increase in size. It envisages the cessation of the industry. It is evidently the way the Government sees fit to meet the position. It is a difficult situation. We all agree that we should try to eradicate rabbits, but I think a proper consideration is necessary for people who have acted within the law, purchased foundation stock, and kept the industry highly competitive. I make no apologies for my action in the matter.

Another section of the Bill deals with the removal or disposal of vermin fencing. As this is a matter that probably affects the members for the districts of Midland and Northern rather than the members for Southern, I will ignore the second part of the Bill, and merely finish by pointing out the core of the problem. Rabbits could come from New South Wales already inoculated with the live Shope's virus fibroma. Protagonists say on the one side that these rabbits could escape and enter the wild rabbit community, and Dr. Shope says that immunity to myxomatosis could be passed on through crossbred and hybrid rabbits to the wild variety.

The Hon. S. C. Bevan: The honourable member said the rabbits would not live in the wild state.

The Hon. G. O'H. GILES: Perhaps some of the wild rabbits could become domesticated. We must look at all the alternatives. There are two danger points. Can we continue to reduce the present rabbit population if escaping New South Wales rabbits were to breed? Secondly, does this constitute grave competition for the farming community? I do not entirely discard the latter, but we are becoming very far fetched in our ideas if we think backyard farmers can make inroads into fat lamb or mutton as a table commodity. I do not intend to say more about my ideas on this, but I think the Government would have been well advised to stop the commercial production of rabbits and compensate people who have invested capital or borrowed money to set themselves up in this line of production. In the meantime, I certainly support the Bill.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

ABORIGINAL AFFAIRS BILL.

Second reading.

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

That this Bill be now read a second time.

It repeals the present Aborigines Act, 1934, and the Aborigines Act Amendment Act, 1939. In considering new legislation, it was considered desirable to introduce a new Bill rather than attempt to amend the old Act and the main feature of the new Bill is that it leaves out many of the old provisions which are not considered to be any longer of value. This is neither a condemnation of the old Act nor a criticism of those who so faithfully administered it—it is a recognition of the fact that time marches on, and that circumstances and concepts change. Also, it may well indicate the progress made over the years —progress in development toward normal standards of living by Aborigines, and progress, too, towards an enlightened public mind which has come to an awareness of our individual responsibilities towards Aborigines as our fellow citizens.

The difficulties to be overcome are ours as much as theirs. They result from the impact of a highly organized European community life upon the scattered, nomadic, stringent and harsh conditions of existence of a primitive people. It is for us to remember that it is they who are called upon to make the changes, to learn our language, our ways, our food, our laws, our customs and our sophistications. In their tribal days Aborigines were a well-ordered and strictly governed society. Their rules regarding

blood relationship, hygiene, settlement of disputes, care of the aged, unselfishness and realism, were all highly developed and rigorously enforced, and their attitude towards promiscuity and dishonesty we would do well to emulate.

The problem of assimilation is one that we have inflicted upon them. They were a scattered, nomadic people moving about in small groups where the indigenous game and limited natural herbage and water supplies could sustain them. They had none of our domestic animals for food and none of our cultivated crops or vegetables or fruits. As our forefathers pushed out our frontiers, living areas for Aborigines were correspondingly restricted and they were forced back gradually into the desert regions. The resultant concentration in poor country denuded it of game, and starvation and extinction threatened them. Churches and States established missions in strategic areas and handed out food, blankets, clothing and medical supplies. Naturally the Aborigines congregated at these centres and this congregation established a series of fixed communities. These fixed communities were the beginning of the problem, because Aborigines' customs and habits were not designed for community living. The passing years accentuated this process, and today's disparities between their natural standards of life and ours must, in all fairness, be viewed against this background.

Repeal of the old Act naturally brings up the question, "Why consider another Act?" The answer is found in the fact that there are approximately 2,000 primitive and semi-primitive Aborigines in South Australia and that their number is increasing. There are over 4,000 people of Aboriginal blood of various mixtures who are in various stages of development. It is necessary to provide special facilities and assistance toward their development, and therefore there must be machinery for the administration of this activity. The present Bill abolishes all restrictions and restraints on Aboriginals as citizens, except for some primitive full-blood people in certain areas to be defined. It provides the machinery for rendering special assistance to Aboriginals during their developmental years and to promote their assimilation. It places all Aboriginals under the same legal provisions as other South Australian citizens, with the same opportunities and the same responsibilities.

It is obviously necessary to define the people to whom the Bill applies. This involves no opprobrium or singling out in the derogatory sense any more than is the case in such Acts as the Payment of Members of Parliament Act, the Police Pensions Act, the Land Agents Act, or any other Act on our Statute Book relating to a defined group of persons. The term "Aboriginal" in the Bill refers only to the full-blood descendants of the original inhabitants of Australia. Persons of less than full-blood who are of Aboriginal descent are defined in the Bill as persons of Aboriginal blood. It is most important to recognize these definitions in considering the Bill, otherwise serious misconceptions will occur. The word "Aboriginal", wherever appearing in the Act, commences with a capital letter "A". The purpose of this apparently small matter is to recognize the status of the Aboriginal inhabitants of this country in the same manner as the like courtesy and recognition are extended to the native populations of other countries, *e.g.*, Maoris, Papuans, Americans, Danes, Spaniards, etc.

The numerical strength of the Aboriginal Affairs Board will remain the same as that of the present board, but its composition will vary slightly and its function will be advisory. The Minister in charge of Aboriginal Affairs will no longer be Chairman of the board but will be charged with the function of administering the Act directly, although he will of course be able to delegate his powers and functions to the Department of Aboriginal Affairs. The present statutory requirement that two members of the board shall be women has been deleted. This amendment, of course, neither debars women from membership of the board nor limits the number. The Bill has been designed to provide that there will be no restrictions of any kind on persons of Aboriginal blood. On the other hand the assistance that may be granted to such persons will be of a nature calculated to assist the development and assimilation as, for example, in the provision of land, housing, fostering and education of children, and special assistance to enable their establishment in primary, mechanical or business pursuits.

Several sections of the Aborigines Act are now unnecessary or relate to matters in respect of which provision is already made in other legislation applying to the community at large. It is considered that the stage of development has been reached when such special provisions are no longer necessary within the framework of the Aboriginal Affairs Act and, for this reason, they have been omitted from the Bill. Those sections of the Aborigines Act as to presumption of an Aboriginal status have also been replaced by clauses which provide for the

calling of expert witnesses from the Department of Aboriginal Affairs to assist a court to determine whether a person is an Aboriginal or not.

The section of the present Act whereby the board is appointed the legal guardian of all Aboriginal children up to the age of twenty-one years has been omitted and a new concept in relation to the care and maintenance of Aboriginal children envisaged. By co-operation and liaison with the Children's Welfare and Public Relief Department, all cases of neglected, uncontrolled or destitute children whose parents are Aborigines or persons of Aboriginal blood, will be dealt with in the same manner as are all other children in the State—that is, through the normal processes of law as provided in the Maintenance Act.

Provision has been included in the Bill for maintenance of a Register of Aborigines (i.e., full-bloods) for record and legal purposes, and provision has also been included for the removal from the Register of the names of those Aborigines who, in the opinion of the board, are capable of accepting full responsibilities as do other citizens.

Aboriginal Reserves are envisaged as being training centres for Aborigines: persons of Aboriginal blood may also qualify for residence on a reserve if they so desire, but it will be necessary for such persons to obtain the written permission of the Minister for them to reside thereon. Having obtained this permission of their own volition, they will be required to comply with the regulations laid down for the administration of such reserves during their period of residence. As this Bill is a new Bill and not merely an amending Bill, I have not thought it necessary to refer to individual clauses. The purpose of each is clear. Because of its nature, perhaps I should refer briefly to clause 31 which affects the sections of the Licensing Act relating to Aborigines and makes new provisions on the matter of intoxicating liquor. The sections concerned are sections 172 and 173 which prohibit the supply and consumption of liquor to and by Aboriginals or half-castes. Subclauses (1) and (2) bring the provisions of sections 172 and 173 of that Act into line with the definitions of "Aboriginal" and "persons of Aboriginal blood". Subclauses (3) and (4) will enable the Governor to proclaim specified areas in the State in which those sections will not apply. There will thus be no restriction on Aborigines or persons of Aboriginal blood in any part of the State so proclaimed. The question of Aborigines and alcohol is a vexed one and largely becomes a matter of individual opinion. It is believed, however, that—on balance—the time has come to remove progressively the restrictions and in turn place upon Aborigines generally and persons of Aboriginal descent the responsibility for their own conduct and the observance of the ordinary law. This principle in this clause is therefore consistent with the policy set out in the Bill as a whole.

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

ELECTORAL DISTRICTS (REDIVISION) BILL.

Received from 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 Bill is to provide for the appointment of an Electoral Commission to divide the State into House of Assembly and Legislative Council districts. As stated by the Premier on many occasions, the rapid growth in population in the State has led the Government to consider the question of redistribution of electoral boundaries and, following the precedent of 1954, has introduced this Bill to establish a commission similar to that which was established in that year. The machinery clauses of the Bill—clauses 1 to 5 inclusive and clauses 9, 10 and 11 are on the same lines as those of the 1954 Act. Clause 3 empowers the Governor to appoint an Electoral Commission comprising three commissioners, one to be a Supreme Court judge who is to be the chairman, the other two members being the Surveyor-General and the Assistant Returning Officer for the State respectively.

Clause 4 provides for the procedure at meetings of the commission and clause 5 gives the commission the powers of a Royal Commission under the Royal Commissions Act, 1917. Clause 9 requires the commission to invite representations from individuals and organizations and to consider written representations made to it—at the same time the commission is empowered to hear and consider oral evidence. Clause 10 provides that copies of the commission's report shall be presented to the Governor, the President of the Legislative Council and the Speaker of the House of Assembly who are respectively to lay a copy of the report before each House. Clause 11 contains the usual financial provision. These are the machinery clauses of the Bill.

Clauses 6, 7 and 8 set out the duties of the commission. The commission is required to divide the State into Assembly and Legislative Council districts. For the Assembly there are to be 20 approximately equal districts in the rural areas which are defined in clause 2, and 20 in the remaining area of the State with the proviso that if it appears to the commission that the remaining area of the State comprises any part or parts of the State more than 30 miles from Adelaide and such parts are of a size to be mentioned, the commission may provide for one or two additional Assembly districts. The condition regarding size previously referred to is that any additional Assembly districts which the commission may provide must contain a number of electors equal to at least two-thirds of the average number of electors in the remaining 20 non-rural areas of the State. For the purposes of the Bill Assembly districts are to be regarded as approximately equal if the number of electors in each is within ten per cent above or below the average. The matters to be considered in connection with Assembly districts are referred to in clause 8. These are the common interests of electors in each district and, subject to that and so far as is compatible with the general requirements, each Assembly district should retain as far as possible existing boundaries and be of convenient shape with reasonable means of access between the main centres of population.

Clause 7 concerns the division of the State into Legislative Council districts. Provision is to be made for six such districts, three in the rural areas and three in the remaining part of the State but it is provided that a district in the rural areas may include a whole Assembly district from the remaining area of the State. The commission is to have regard to the criteria of convenience of shape, reasonable means of access and retention of existing boundaries.

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

RED SCALE CONTROL 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 almost identical in form with an earlier Bill passed by this Chamber dealing with the control of oriental fruit moth, and it is similar to another Bill to be introduced relating to San José scale. These Bills have originated from a deputation from growers' organizations asking for legislation to enable committees to be set up to control and eradicate certain diseases, and to enable the growers to organize contributions and the spending of money in the fight against the diseases.

I do not intend to give much detail about the Bill because from its drafting it is clear and easy to understand and because much of what was said in the second reading explanation of the Oriental Fruit Moth Control Bill applies to this measure. However, it may be wise for me to mention the difference between these pests. Oriental fruit moth is a comparatively new pest, whereas red scale, a pest of citrus trees, has been in South Australia for many years. It has not become firmly established but it has infested trees in widely spread areas of the State. Perhaps it has not become firmly established because great attention has been paid to it by the Horticultural Branch of the Agriculture Department and energetic efforts have been made by growers to control and eradicate it. The Murray Citrus Growers' Co-operative Association (Australia) Limited has actually levied its members to pay for eradication measures. However, not all citrus growers are members of that association, and it is considered advisable, as requested by the association, to introduce legislation that will enable areas to be gazetted and polls to be taken to enable growers to bring into effect red scale eradication measures.

The provisions for the establishment of a committee include the gazetting of an area by the Governor in Executive Council and the carrying of a poll of growers in the area. At least 30 per cent of growers must vote to carry the poll and at least 60 per cent of those who vote must favour it. In other respects, the Bill is similar to the measure relating to oriental fruit moth. Members will notice a difference in the definition of "host tree". In this Bill the definition relates particularly to citrus trees and to others known to be possible hosts of red scale.

The Hon. C. R. STORY (Midland): I support the Bill, the introduction of which follows upon a deputation which I led of the Murray Citrus Growers' Co-operative Association (Aust.) Ltd. some time ago. This organization has a fine record for looking after its own affairs and over the years has received a voluntary levy from its members to finance the eradication of red scale. This has been no mean task, because this is a persistent and pernicious disease. Much less effort was made at Mildura to eradicate this pest, with the result that it

is now at the stage where it is merely commercially controlled. In South Australia, by the efforts of the department and the association, it has been kept fairly well at bay. However, as in most organizations, there were a few weak reeds who were prepared to sell their produce to the itinerant hawker coming into the area, who then put a few tons of fruit into secondhand cases and hawked them around the country. He is a menace, but unfortunately some of the growers sell to him. It is completely unfair to those growers who are trying to do their best for the industry that this should happen.

The main purpose of this Bill is to make possible the control and eradication of red scale. I hope the department will put the scheme into operation at the earliest possible time. It is necessary for the association to have the necessary money and power, both of which will be possible with the implementation of this legislation. I have much pleasure in supporting the Bill.

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

SAN JOSE SCALE CONTROL 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.

This is the third Bill introduced this session enabling committees to be set up to control and eradicate a disease. San José scale, a disease of deciduous trees, is known as a pernicious scale. It is a sap-sucking insect and is probably the worst disease of deciduous trees. It has not become established in South Australia, although occurrences have been found in limited areas over the past two years. In some areas the disease has been completely wiped out and in others it is expected that it will be wiped out. However, it is easily transmissible by the introduction of plants and cuttings so that, despite careful eradication methods, there is always a danger of re-infestation.

Up to the present the Government has spent considerable sums in eradicating or assisting growers to eradicate this pest because, in accordance with Government policy, no action has been spared to attack a pest that it is believed can be eradicated. This has been successful in the case of San José scale. However, it is still present in some areas, although it is expected that it will be eradicated fairly soon. On the other hand, the danger of re-infestation makes it advisable to have in existence legislation that will enable committees to be set up at much shorter notice than would be possible otherwise. In view of the acceptance by Parliament of other Bills relating to diseases of horticultural trees, this Bill, which I believe will be supported by both sides, is now offered.

The Hon. C. R. STORY (Midland): I support the Bill. This is a sap-sucking scale. Its presence in South Australia was noticed only recently, but it is known practically throughout the world and some countries impose a limit on the amount of fruit that can be imported from places where the scale is known to exist and others have at total ban. Up to the present we have been fortunate because when the department has learned of the existence of the scale in South Australia it has taken action. In the Mypolonga area it has cut down and burned trees, and carried out a heavy spraying campaign. The same position existed at Renmark, and recently at Waikerie. The Government has a policy in this matter. If it feels that the new disease can be eradicated it will spare no money in order to achieve that, but if it is a matter of commercial control the Government feels that the industry is responsible for the eradication. At present the Government feels that the scale is in an eradicable state and is therefore prepared to subscribe generously to help in its eradication. If everybody plays his part in this matter the scale can be eradicated from South Australia before it gets a good hold. The Bill will be helpful to the department in its work, but I hope the provision dealing with levies will not be brought into operation. If everybody plays his part San José scale will probably be cleaned up and there will be no necessity for the type of expenditure necessary to combat red scale and oriental peach moth. I have much pleasure in supporting the second reading.

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

CATTLE COMPENSATION 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 makes three amendments to the principal Act. The first amendment is made by clauses

3 and 4 which empower the proclamation of any diseases affecting cattle to be diseases for the purposes of the Act. Honourable members will remember that the Swine Compensation Act was amended last year in a similar way, the purpose being to enable the addition of new diseases without amending the Act from time to time. Clause 5 (to which clause 6 (*a*) is consequential) is designed to provide for approved stock agents to pay cattle compensation duty directly to the Minister in bulk instead of attaching stamps of various denominations to statements sent out to purchasers. Under the principal Act every owner of cattle or his agent is required to make out a statement of the number of any cattle sold by him, the date of selling, and amount of the purchase money per head; to this statement he is required to affix cattle duty stamps to cover the duty payable and he is to give or send by registered letter the statement to the buyer within seven days. It will be seen that stock agents who are constantly selling large numbers of cattle are required to perform a considerable amount of clerical and administrative work in connection with each sale.

Under the new provisions, agents or persons or companies whose business includes the sale of cattle on behalf of various owners will be able to obtain from the Minister a permit exempting them from compilation and stamping of individual statements and authorizing them to pay the Minister the full amount of duty in respect of the purchase money in periodical returns. This will save a considerable amount of administrative, clerical and book work, it will be unnecessary for individual stamps to be obtained and placed on separate statements in respect of each sale and will greatly facilitate the payment of the required duty. The Minister is to be satisfied before issuing any particular permit that economy in the administration of the Act will result and he may include such conditions as he thinks fit. He has a discretion to alter any conditions or cancel a permit. There are other machinery provisions covering discharge to agents, recovery of any unpaid amounts and other machinery provisions. I refer in particular to clause 7, which empowers the Minister or his authorized agent to inspect books and accounts and make full inquiries to ensure compliance with the Act. The new provisions are based on corresponding provisions in Western Australia.

The third amendment made by the Bill is a simplification of the scale of cattle duty. At present the rates are ½d. for each £1 of the purchase price, with a maximum of 1s. 3d. a head; under the amendments effected by clause 6 (*b*), (*c*) and (*d*) the scale will be 3d. a £100 with a maximum of 1s. a head. The amendment will effect administrative savings to the persons liable and to the Government.

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

SWINE COMPENSATION 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 makes four amendments to the principal Act. The Act as it stands provides for duty to be payable on pigs sold at auction or for slaughter. The rate of duty at present is a relatively small amount and it is not proposed to substantially alter this, but the Bill provides for simplification of the scale. The present rate is 1½d. for every £1 of the purchase price, with a maximum of 3s. 9d. a pig. The amendment now provides for a duty of 6d. for every £5, with a maximum of 3s. 6d. a pig. This is enacted by clause 6 (2) of the Bill. The fund stood at £110,000 at June 30, 1962. This amount, though substantial, could be heavily drawn upon should there be a serious outbreak of a proclaimed disease. It stands as a secure insurance fund for the industry.

Clause 3 amends an anomaly in the present system. As the Act now stands, it is provided that no compensation is payable to an owner who has not paid all the duty payable by him on any pigs. The normal method of paying duty is for the agents to deduct stamp duty on the account sales. However, in some cases, operators do not deduct duty. Should an operator purchase a pig and fail to deduct duty, he is still entitled to claim compensation should the carcass be condemned at slaughter. The amendment in clause 3 will provide that the operator is not eligible to receive compensation unless the person who sold the pig to him has paid duty in respect of that sale.

Clause 4 amends section 12 of the principal Act, which provides that the Swine Compensation Fund can be expended only in payment of claims for compensation. The Chief of the Division of Animal Industry of the Agriculture Department has reported to the Government that, with a view to the prevention and control of pig diseases, further

intensive research work should be undertaken. This would involve at least one and possibly two officers and the purchase of certain equipment. A suggestion has been made that an amount of £2,500 per annum should be set aside from the fund for the purpose. The Government has investigated the proposal and agrees that the expenditure of an annual sum of this order would do much in the way of improvement in the general health of pigs throughout the State. The fund is in a satisfactory financial position and the Government has accordingly introduced the amendment to authorize the expenditure. It goes without saying that investigations of this sort would be of immense benefit to the pig industry generally.

The third and fourth amendments are similar to those that are the subject of the Cattle Compensation Act Amendment Bill, which is also before the House. Clauses 5, 6 (1) and 7 of the Bill provide for the payment, with the Minister's approval, of swine compensation duty in bulk by agents at stated periods rather than by way of stamps on separate invoices. I have explained the amendments in more detail in connection with the other Bill and will not repeat them here.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

WATERWORKS ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

Its object is to amend the Waterworks Act to provide for the payment of costs of alterations to waterworks where local and other authorities perform works in streets and roads. Section 51 of the Waterworks Act provides that no municipal or district council shall plough or dig the surface of any road or street without giving 14 days' written notice of its intention to the Engineer-in-Chief; if any council does not give any such notice and proceeds to do the work thereby injuring any fittings, it is conclusively deemed to have injured the fittings carelessly and is liable to a penalty and for any damage caused. As in the Sewerage Act (which contains not dissimilar provisions), in the case where a council creates a risk of damage the cost of any necessary works is not covered. The practice of the department in these matters has in the past been to ask the council concerned to give an order for any necessary works to be done thereby undertaking to pay the cost. The practice has worked generally in the past, but recently at least one council has refused to give such an order claiming on legal advice that it is not entitled to do so.

Clause 4 of the Bill accordingly repeals the present section 51 of the principal Act and inserts a new section in its place which will require 14 days' notice to the Minister with 14 days within which the Minister must advise the person proposing the works of any new waterworks proposed or of any interference with existing waterworks. If the work involves any alterations to any existing mains, service or waterworks, the council is liable to pay one-half the actual cost (except where it is of a nature for which a specific charge is fixed by regulation) and one-half of any damage. If, however, notice of the proposed works has not been given, the council is liable for the whole of the cost and resultant damage. There is a special provision that where the Minister is of opinion that any waterworks should be replaced, he is to meet the cost of necessary materials. Clause 3 will empower the making of regulations fixing specified charges for certain alterations, the cost of which does not vary greatly from case to case. The Bill in its present form has been agreed to as acceptable to the local government authorities following several conferences with the Minister of Works.

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

SEWERAGE ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

It makes two amendments to the principal Act. Clause 3 inserts into section 5 a new subsection (4) empowering the Minister to take and acquire either compulsorily or by agreement any land for the purposes of the Act or the undertaking, a provision commonly found in Statutes where a power of compulsory acquisition is necessary for the purpose of a public authority. (For example, the Waterworks Act by section 5 empowers the Minister to acquire property for the purposes of that Act). However, subclause (2) of clause 3 of the Bill provides that the new subsection shall be deemed to have come into operation at the time of the passing of the Sewerage Act Amendment Act, 1946, and further provides that any notice

to treat which has been given since that time shall be deemed to have been valid and effectual for all purposes. Thus the enactment of the new subsection is made retrospective.

In the ordinary course a retrospective enactment of this kind would not be made, but there are special technical reasons for the provision in this Bill which I now explain. By section 11 of the Sewerage Act, 1929-1936, the Commissioner of Sewers was incorporated and among other things was given power to purchase, take, hold or dispose of land or other property for the purposes of the undertaking. In 1944, by the Ministers' Titles Act, the body corporate known as the Commissioner of Sewers was abolished and all his rights, powers and functions were transferred to the Minister of Works. The general powers of the Minister as successor to the Commissioner are set out in the Commissioner of Public Works Incorporation Act, 1917, and include power to purchase, hold and alienate land but not power to take land. However, as I have stated, the Commissioner, prior to 1946, was vested with power to take land by section 11 of the Sewerage Act.

In 1946, the Sewerage Act was amended in several respects, and among other amendments was the repeal of section 11 of the Act presumably as being redundant, since it was apparently considered by the draftsman that the powers conferred by that section were the same as those already vested in the Minister of Works by the Ministers' Titles Act.

It was apparently overlooked that the word "take" was included in section 11 and when this point was for the first time raised in argument before the Supreme Court this year some doubt arose as to whether, by the repeal of section 11, the Minister retained his power of compulsory acquisition. It is, of course, arguable that all the powers under section 11, including the power to take, which were already vested in the Commissioner of Sewers were transferred to the Minister of Works in 1944 by the Ministers' Titles Act but a judgment of the Supreme Court only last week decided that the power was not retained. It is quite clear that if the power of compulsory acquisition under the Sewerage Act was taken away in 1946 it was taken away by accident and through a slip. Either the word "take" in section 11 was overlooked or the draftsman considered that the transfer of the Commissioner's powers to the Minister in 1944 included the power of acquisition. This decision of a Supreme Court Judge does, however, illustrate the necessity for an amendment which will declare what has always been the obvious will of Parliament.

The matter is, as members will see, one of considerable importance. For nearly 70 years before 1946 the Minister has had the power to take and since 1946 he has acted on the assumption that the power of compulsory acquisition remained vested in him. Many cases have been heard and settlements effected on the assumption that the power existed. There are also certain acquisitions now in process in relation to the Bolivar sewerage works. The Government believed that the law, as accepted for so many years, should be declared beyond doubt. I should perhaps add that in relation to the current acquisitions, if the Minister has no power to acquire compulsorily under the Sewerage Act, he could achieve a similar result by proceeding under the Lands for Public Purposes Acquisition Act, 1934-1935, under which the Governor can, by proclamation, declare any work or undertaking which the Government is empowered to carry out, but for which there is no other power to acquire land, to be a public purpose.

Upon the making of such a proclamation the purpose is deemed to be an undertaking within the meaning of the Compulsory Acquisition of Land Act and the Minister the promoter of the undertaking, whereupon the Compulsory Acquisition of Land Act applies in the same way as it applies to compulsory acquisitions under any other Act. In other words, the Minister could still acquire land compulsorily for the purposes of the Sewerage Act, but this would entail a proclamation and commencement of fresh proceedings to determine compensation, which would result in considerable confusion and waste of time and money. Meanwhile, owners who have received part compensation, or whose land has been acquired following a payment into court to await the court's assessment of proper compensation, would be left in complex legal difficulties. These are the circumstances under which the present provisions of clause 3 are introduced.

Clauses 4 and 5 deal with the other amendment. Section 53 of the Sewerage Act requires any person—which includes, of course, councils—to give the Minister 14 days' written notice before beginning to lay or re-lay the pavement or hard surface of a street together with appropriate plans upon which the Minister may within seven days require alterations to be made. There are other provisions in the Act covering the destruction of sewers and fittings or interference with them. Similar

provisions exist in the Waterworks Act. It has been the practice of the department in the past, on receiving such a notice, whether relating to sewerage or waterworks, to ask the council concerned to give an order for any necessary sewerage works to be done, which means that after the department has done the work the council pays the costs. This practice has worked reasonably well in the past but recently at least one council has refused to give such an order which it considers, on legal advice, that it is not entitled in any event to give.

If, of course, a council damages the fittings of the department it is clearly liable, while if it so affects the level of a street or road so as to leave any of the fittings protruding it runs the risk of damages to any third party who collides with the obstruction. There is, however, another type of case where, while not actually causing damage, the council by lowering the surface of the road in the course of laying or re-laying the street leaves the department's works in a position where there is a risk of damage—for example, where a pipe is left too close to the surface and a heavy vehicle passing along the street falls through it and damages it. Clause 5 accordingly repeals the existing section 53 of the Sewerage Act and inserts a new section in its place. This section will require 14 days' notice with necessary plans, etc., but requires the Minister within 14 days to advise the person proposing the works of any conflict with the works of the Minister.

Subsection (3) of the new section imposes a liability on the council to pay to the Minister one-half the actual cost of the alteration and of any damage, except where the cost is of a nature for which a specific charge is prescribed. If notice has not been given, the council will pay the whole of the cost and damage. But where replacements are concerned, the Minister will meet the cost of materials. Clause 4 will empower the making of regulations for fixing scales of charges for certain specified alterations and its object is to avoid considerable amounts of unnecessary work in connection with estimating, costing, invoicing, and book entries, where the department is in a position in the light of its experience over the years to estimate very closely the cost of certain specified works. To recapitulate, the effect of clauses 4 and 5 will be to place upon councils a liability for any necessary alterations to sewerage works which are necessitated by road works on the part of the local authorities. Liability will be for one-half actual cost if notice has been given, but in the case of certain costs which are readily ascertainable these will be fixed by regulation. A Bill making similar amendments to the Waterworks Act is already before the Council. Both Bills have been agreed with and are acceptable to local governing bodies.

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

HARBORS ACT AMENDMENT BILL.

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

ADJOURNMENT.

At 5.37 p.m. the Council adjourned until Tuesday, October 30, at 2.15 p.m.