LEGISLATIVE COUNCIL.

Tuesday, October 30, 1962.

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

NEW MEMBER FOR MIDLAND DISTRICT.

The Hon. Leslie Rupert Hart, to whom the Oath of Allegiance was administered by the President, took his seat in the Council as member for the Midland District in place of the Hon. A. J. Melrose (deceased).

QUESTIONS.

ADELAIDE OVAL.

The Hon. K. E. J. BARDOLPH: During this session I have repeatedly requested information from the Minister of Local Government and, after his departure for Spain, from the Chief Secretary, about the agreement between the Adelaide City Council and the South Australian Cricket Association. Can the Chief Secretary say whether the Government intends to place it before Parliament for ratification prior to Parliament's proroguing, or to have the matter dealt with by Executive Council?

The Hon. Sir LYELL McEWIN: I understand the agreement has now been finalized and presented to the Acting Minister of Local Government; and I expect it will be dealt with by Executive Council.

The Hon. K. E. J. Bardolph: It will not come before Parliament?

The Hon. Sir LYELL McEWIN: No. It is optional, and I expect it will be dealt with by Executive Council this week.

GAWLER BY-PASS.

The Hon. M. B. DAWKINS: I recently asked the Chief Secretary, representing the Minister of Roads, a question as to the precise date of the opening of the Gawler by-pass. Has he been able to obtain the information?

The Hon. Sir LYELL McEWIN: I have the information, and it is expected that the by-pass will be opened for traffic at the end of March, 1963.

CHAIR OF MARKETING.

The Hon. K. E. J. BARDOLPH: I have directed questions to the Chief Secretary regarding a request by the Federal Convention of the Australian Association of National Advertisers for the establishment of a Chair of business procedure and advertising at the Adelaide University. I prefaced my first question by asking whether this organization would defray the cost of establishing such a Chair and the Chief Secretary said he would have inquiries made and submit a report. Is a report to hand?

The Hon. Sir LYELL McEWIN: Yes, I have an answer. As a matter of fact I attended the conference mentioned, and some statement was made about the establishment of a Chair of Marketing, but the information I have is that the University of Adelaide has had no information about this matter other than the report entitled "Move on Market Research" published in the *Advertiser* on October 18, 1962. The university is not considering the establishment of such a Chair.

SUPREME COURT CAUSE LIST.

The Hon. F. J. POTTER (on notice): How many cases are at present awaiting trial in the Supreme Court in the following categories: (*a*) Civil; (*b*) Defended matrimonial; and (*c*) Undefended matrimonial?

The Hon. C. D. ROWE: The numbers of cases awaiting trial in this court as at October 26, 1962, are as follows: (*a*) Civil, 256; (*b*) Defended matrimonial, 40; (*c*) Undefended matrimonial, 73 (to be heard in November). Since figures were last supplied on July 19, 1962, the hearing of two civil cases occupied 29 sitting days of the court, with the result that the civil list has not been cleared to the extent that might reasonably have been anticipated.

The defended matrimonial list has been substantially reduced, and the undefended matrimonial list is now up to date.

MARINE ACT AMENDMENT BILL.

Read a third time and passed.

BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT BILL.

Read a third time and passed.

FISHERIES ACT AMENDMENT BILL.

Read a third time and passed.

STOCK DISEASES ACT AMENDMENT BILL.

Read a third time and passed.

RED SCALE CONTROL BILL.

Read a third time and passed.

SAN JOSE SCALE CONTROL BILL.

Read a third time and passed.

HARBORS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its object is to amend the Harbors Act, 1936-1955, so as to enable the Harbors Board to give effect to an arrangement it proposes to make with the Commonwealth pursuant to section 71b of the Act for the exchange of certain lands. That section, which was added to the principal Act by the amending Act of 1955, confers power on the board, with the Governor's approval, to enter into an arrangement with the Commonwealth whereby the board will transfer to the Commonwealth certain lands in exchange for the transfer to the board by the Commonwealth of the Dean rifle range and adjacent land at Port Adelaide. For the purposes of giving effect to such an arrangement, the section also empowers the board to acquire land by agreement or compulsory process.

Negotiations have been in progress for certain land at Humbug Scrub to be given to the Commonwealth in exchange for the Dean rifle range but the Crown Solicitor has advised that, while the powers given by section 71b are appropriate for the acquisition by the board of freehold land and for the transfer of that land to the Commonwealth, there are serious difficulties in applying those powers to some of the land at Humbug Scrub which comprises, in addition to freehold land, Crown lands dedicated as a forest reserve and Crown leaseholds. So far as the forest reserve is concerned, there is some doubt as to whether the board can compulsorily acquire Crown lands or whether the process of compulsory acquisition from the Crown is an appropriate one for the purposes of the section. There is no power either in the Harbors Act or in the Crown Lands Act to grant the land to the board for the purposes of the section even if its dedication as a forest reserve were revoked.

So far as the Crown leaseholds are concerned, the position is equally anomalous. Section 71b would probably enable the board to acquire a lessee's interest in a lease by compulsory process in which event the board would acquire the rights and obligations of the lessee and no more and would not be in a position to transfer the fee simple to the Commonwealth. It has therefore become necessary to make specific statutory provision for the acquisition by the board of the types of land concerned to enable it to give effect to its arrangement with the Commonwealth. Clause 3 accordingly adds four subsections to section 71b of the principal Act. New subsection (2a) provides for the resumption of the forest reserve by the Governor and the granting of the fee simple of that land to the board to enable it to give effect to the arrangement on payment by the board of such consideration as the Minister of Lands may fix on the recommendation of the Land Board.

New subsections (2b) and (2c) provide for the surrender or resumption of the Crown leases and the granting of the fee simple of such land to the board to enable it to give effect to the arrangement upon payment by the board of consideration similarly fixed. New subsection (2d) applies the provisions of the Crown Lands Act to any such surrender or resumption and deems any such resumption to be a resumption for a public purpose.

The Hon. A. J. SHARD (Leader of the Opposition): I support the Bill, the object of which is to amend the Act to enable the Harbors Board to give effect to an arrangement, pursuant to section 71b, for certain land in Humbug Scrub to be given to the Commonwealth in exchange for the Dean rifle range. I understand that the negotiations have been going on since 1956. The matter has been fully ventilated and the purpose of the Bill is to make certain that the exchange is carried out in accordance with the Acts and the legal position applying in this State. I understand that the portion of land that will revert to the State is a very valuable piece needed for the rehabilitation of the area in which it is located and for the building of new houses. My Party offers no objection to this Bill, and we support the second reading having no doubt that the Bill will have a speedy passage.

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

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1713.)

The Hon. A. C. HOOKINGS (Southern): I rise briefly to voice my personal protest at the continuance of price control in South Australia. In previous years I have mentioned a few points that convinced me that price control was no longer necessary so many years after the legislation was introduced during the Second World War under unusual circumstances. I believe in competition where it is free, and I certainly think there is ample competition in business today which automatically pulls prices into line and provides people with opportunities to procure goods without being robbed by merchants or industrialists in various fields. I was hopeful that the Government would have agreed to discontinue price control, but it appears to think

that it is necessary to retain this measure although, in the part of the State in which I live, it proves very irksome. In the Mount Gambier, Naracoorte and other areas adjoining the Victorian border there is no evidence that price control in South Australia is providing the people with any advantage. They freely pass from South Australia into Victoria to make purchases, and that surely does not indicate that prices are any lower in this State because of the continuance of this legislation.

During this year a very highly respected firm in Mount Gambier was prosecuted for a breach of the Act, and one of the grounds of the complaint was that its price for an article of woollen clothing not on the exempted list was too high. The manager explained to me that this was due to an error on the part of an employee who had marked the item a little higher than it should have been, and because of that mistake the firm was made to look, in the eyes of the local people, as if it were out to overcharge for its goods. The manager was very disappointed about this prosecution and he pointed out to me that local firms are at a disadvantage compared with the branches of big city firms that are also trading in the district. He said that local businessmen received their supplies direct from warehouses and had to work out their own margins and retail prices, whereas the branches of city firms received the goods already marked up. Consequently, when an officer of the Prices Department checks the prices the local merchants are, as it were, a sitting shot because all their figures are available for production to the examining officer whereas, of course, all the figures in relation to the goods of branches of city firms are in the city.

As I said earlier, I think the Government is doing a very good job, but it is not possible for everyone always to see eye to eye on all matters. I regret that this measure is being continued, and I hope that next year the Government will see fit to repeal this legislation, which is no longer warranted.

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

COMPANIES BILL.

In Committee.

(Continued from October 24. Page 1662.)

Clause 113—"Publication of name"—reconsidered.

The Hon. C. D. ROWE (Attorney-General): At the last meeting of the Committee clause 113 relating to the publication of names and clause 158 relating to annual returns by companies having share capital were postponed. The question asked by the Hon. Sir Arthur Rymill in regard to clause 113 was whether subclause (3) meant that the words "Registered Office" had to be painted on the outside of the building to indicate the situation of the registered office. I have conferred with the Assistant Parliamentary Draftsman and the Registrar of Companies and their interpretation is that the requirement of the clause is that the name shall be outside the office and not necessarily outside the building, and therefore if the words are displayed outside the actual office in the building it will satisfy the Registrar of Companies. Consequently, I do not think any amendment is necessary.

The Hon. Sir ARTHUR RYMILL: I thank the Attorney-General for his explanation and for investigating the matter, which has caused me some concern. The verbiage of subclause (3) is somewhat curious because, as the Attorney-General said, it says, "every company shall paint or affix . . . outside of every office or place in which its business is carried on". Some companies own the building. Others are lessees within the building of part of the building. Some companies which own the building have a very large number of subsidiaries and I had in my mind drawn a distinction between companies which own the building (in which case I thought that the words "placed outside its place of business" might mean on the outside of the building) and the lessee in the building (in which case, of course, the words "outside its office or place of business" would no doubt mean on the wall outside its front door inside the building).

I assume from the Attorney-General's statement that he is satisfied that, even in the case of an owner of the building, the wording means that the firm can place the words "Registered Office" somewhere in a conspicuous place in its principal office, even if the company owns the whole building. If he would be good enough to assure me on that point I would be happy.

The Hon. C. D. ROWE: I am happy to give the assurance that has been asked for by Sir Arthur Rymill with regard to the matter mentioned in his concluding remarks.

The Hon. K. E. J. BARDOLPH: I move:

In subclause (3) after "legible" to insert "of not less than half an inch in height".

Under the present subclause there is no way of determining what is "legible", what type of lettering shall be used, and there is nothing

to indicate the degree of legibility of the words "Registered Office".

The Hon. C. D. ROWE: The position is adequately covered in the words in the subclause—"in letters easily legible". It is a matter that neither the Registrar nor the courts would have any difficulty in interpreting and I ask the Committee to allow the clause to remain as it is.

The Hon. K. E. J. BARDOLPH: I suggest that it would be no assistance to persons with poor eyesight and that there should be a minimum size of the letters.

The Hon. Sir ARTHUR RYMILL: I thank the Hon. Mr. Bardolph for his gallant attempt to help me out of what he apparently thought was a quandary. I do not think his amendment carries it much further because letters half an inch in height which are nine feet above the ground would be rather difficult to read. I imagine that anything that is not illegible would be legible. The clause would be easy of interpretation. I was worried that perhaps nearly every building in Adelaide would be plastered with the words "Registered Office", but I am happy with the assurance given by the Attorney-General.

Amendment negatived; clause passed.

Clause 158—"Annual return by a company having a share capital"—reconsidered.

The Hon. C. D. ROWE: I move:

After subclause (4) to insert a new subclause as follows:

(4a) The Registrar may, on the application of an exempt proprietary company, or a prescribed proprietary company or a prescribed private company to which section 398 applies, by notice in writing given to such company, fix a day in lieu of the date of the annual general meeting of the company as the date—

(*a*) up to which the return to be made by that company under subsection (2) of this section must be made; and

(*b*) from which the time within which the return must be lodged under subsection (4) of this section is to be calculated,

and when a date has been so fixed, this section shall be construed, so far as it applies to that company, as if the date so fixed were substituted for the date of the annual general meeting referred to in subsections (2) and (4) of this section.

Clause 158 requires every company with a share capital to lodge an annual return with the Registrar. Subclause (2) requires the return to be made up to the date of the annual general meeting of the company or a date not later than the fourteenth day after that date and subclause (4) requires the return to be lodged with the Registrar within one month or, in the case of a company which has a branch register outside the Commonwealth, within two months after the annual general meeting. The requirements of subclauses (2) and (4) present no difficulties to public companies and subsidiaries of public companies whose annual returns are usually prepared by their own officers. Besides, it is important in the public interest that their annual returns should be lodged within a short period of their annual general meetings.

But it has been brought to the notice of the Government that in the case of proprietary and private companies which are not obliged to file their accounts with the Registrar and whose annual and other returns and other documents are prepared for them by outside accountants, considerable difficulties could be experienced in getting their annual returns lodged within the stipulated periods. This amendment is therefore designed to give the Registrar power, in such cases, to fix a day in lieu of the annual general meeting in relation to which those returns are to be made up or the time for lodging them is to be calculated. The amendment will continue, to a limited extent, the principle contained in section 129 (6) of the present Act.

It is obvious that this amendment is something which is necessary from an administration point of view, and I think the explanation makes the position clear. I ask the Committee to accept it.

Amendment carried; clause as amended passed.

Clause 81—"Interests to be issued by companies only"—reconsidered.

The Hon. C. D. ROWE: I move:

To insert a comma after "issue" and a comma after "purchase" first occurring.

The insertion of the two commas makes the provision clear.

The Hon. K. E. J. BARDOLPH: I accept the Attorney-General's explanation and thank him for it.

Clause passed.

Clause 82—"Statement to be issued"—reconsidered.

The Hon. C. D. ROWE: The same point arises in connection with clauses 82 and 83, and the same explanation applies.

The Hon. K. E. J. BARDOLPH: I accept it.

Clause passed.

Clause 83 passed.

Title passed.

Bill reported with amendments.

Bill recommitted.

Clause 62—"Power of company to alter its share capital"—reconsidered.

The Hon. K. E. J. BARDOLPH: During the debate on this clause I raised the matter of share capital and the Attorney-General promised to give me a reply later. Subclause (4) requires a company to lodge a notice with the Registrar when the company increases its share capital beyond the registered capital. The clause deals also with other matters related to alterations in share capital, of which notice has to be given to the Registrar. The result is that the public receives an imperfect and incomplete picture of the share capital structure of a company. Section 61 of the English Act of 1948 requires all alterations in share capital to be passed on to the Registrar. It is suggested that subclause (4) of our clause 62 be deleted and the following inserted:

Where a company has altered its share capital in accordance with subclause (1) and subclause (3) it shall within 14 days after the passing of the resolution authorizing the alteration lodge with the Registrar the prescribed form of alteration.

I will not move an amendment, because I understand the Attorney-General has a sufficient answer.

The Hon. C. D. ROWE: I have looked at the matter and am informed that the position is covered by clause 21 (2), which states:

In addition to observing and, subject to any other provision of this Act, requiring the lodging with the Registrar of any resolution of a company or order of the court or other documents affecting the memorandum of a company, the company shall, within 14 days after the passing of any such resolution or the making of any such order, lodge with the Registrar a copy of such resolution (together with notice thereof in the prescribed form) or an office copy of such order together with a copy of such other documents, if any, and (unless the Registrar dispenses therewith) a printed copy of the memorandum as altered, and if default is made in complying with this subsection, the company and every officer of the company who is in default shall be guilty of an offence against this Act. Penalty: £50. Default penalty.

I am instructed that this covers the matter raised by the honourable member and ensures that the company informs the Registrar of any alteration.

Clause passed.

Committee's report adopted.

Bill read a third time and passed.

ELECTORAL DISTRICTS (REDIVISION) BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1724.)

The Hon. A. J. SHARD (Leader of the Opposition): Before speaking to the Bill, on behalf of the Labor Party I extend a welcome to the Hon. Mr. Hart. I assure him that he will find all members friendly, particularly outside this Council Chamber, even although he may feel at times that we are not as friendly as we might be. We reserve the right to express our views inside the Council, but outside the Council the honourable member will find this to be an interesting place. I wish him success, but I can be pardoned for hoping that his stay here will not be a long one. The Opposition has its eyes on his district. It could do with more members in this place, but I congratulate the Hon. Mr. Hart on his success.

This Bill, which I oppose, provides for the appointment of a commission to report upon the redivision of the State into electoral districts, and for purposes consequent thereon or incidental thereto. I make it quite clear for the benefit of the Council that the Opposition will oppose this Bill from the first letter to the last, and we will fight it tooth and nail. This is a Bill that would not, under any circumstances, be acceptable to the Labor Party in this State.

South Australia had the proud record in the early foundation of the State of being progressive regarding electoral reform. It was the first, in the British Empire, to grant voting franchise to women at Parliamentary elections. Unfortunately, over the years while the Liberal and Country League has been in power the institution of Parliament has been muzzled and prevented from representing the people because of the political dictatorship of the Playford Government. Its manipulation of the electoral boundaries on a previous occasion was an affront to the people of this State, but this Bill is a complete negation of democracy and if carried will entrench the L.C.L. Government for all time.

The Bill reduces the number of rural area districts from the present 26 to 20, yet every Government member has previously said that he would not tolerate a reduction of country seats at any cost. The Bill is supposed to look to the future, it being realized that there will be a big population expansion in various parts of the State. The idea is to get these areas classified as

particular electoral districts, and the number of electors in areas where people are likely to favour Labor built up so that they will have no influence on so-called rural districts. It is easy to show that that is the case.

The Premier said that country quotas would increase and metropolitan quotas would decrease. If we take the total number of electors at the last election (531,000) and the Premier's statement that the metropolitan quota will be about half the quota of the district represented by the member for Enfield, we will have 20 metropolitan seats each with a quota of 17,000. Then we have to allow for at least two country industrial seats with a quota of at least two-thirds that of a metropolitan seat, so they will be districts of 12,000 electors. It has been pointed out that two country industrial seats will not be the limit that can be provided under this Bill. If we allow for 20 metropolitan seats of 17,000 and two country industrial seats of 12,000, there are 166,000 electors left to be distributed among 20 rural seats (assuming that they are all classified as rural seats). That would give a quota of 8,300 for rural seats, but it is more than likely that the metropolitan quota will be 19,000 instead of 17,000, in view of population trends in the city. That would mean that there would be a quota in rural area seats of about 6,000, showing clearly that my analysis is correct.

As the Bill makes no restriction whatever on the total number of electors in country industrial seats, obviously the more electors placed in country industrial seats the lower will be the quota for country rural seats. This Bill simply provides for a large number of country pocket boroughs so that they can dominate this Parliament for a long time; that is obviously the purpose of this Bill.

It is interesting to investigate what could be done in northern towns under this Bill. At the time of the last election, Port Pirie had 6,608 electors and Port Augusta 5,151. In the Port Germein subdivision there were 3,058 electors. The Port Augusta and Port Germein subdivisions are in the Stuart District, which had a total of just over 8,000 electors. A country industrial district visualized under the Bill must have two-thirds of the number of electors that a metropolitan district has so, assuming that a metropolitan district has a quota of 18,000 or 19,000, a country industrial district must have a quota of 12,000 or 13,000. In the last election Whyalla (including Iron Knob and Iron Baron) had 6,773 electors on the roll.

In other words, this Bill is designed to either throw Port Augusta and Port Pirie together as one electorate or to throw Port Augusta and Whyalla together as one electorate, and so do away with a Labor member. The same will apply wherever the provisions of this Bill can be made effective in similar areas where an expansion of population is likely or where a similar situation exists. That, of course, is the object of the Bill.

Although the Whyalla population could increase in a relatively few years to 30,000 people, that would not necessitate the electorate's being divided as no limit is provided in the Bill of the number of electors who can be kept within a country industrial district. In other words, the people of Whyalla, Port Pirie and Port Augusta are, from the point of view of their electoral voice, likely to be regarded as second-class or third-class citizens. Their vote will be worth only one-third of the vote of a man living at Cowell or Kimba. What justification can there be for such discrimination?

Obviously, too, this Bill is designed to deal as far as possible with cities that will be held by Labor by a narrow margin. Clearly, under its provisions, the quota for rural areas will make it possible for certain areas to have a small number added to them with a view to destroying the possibility of Labor's holding those particular seats. The whole design of this Bill is in that direction. It is intended to divide the people of this State into two opposing factions; that is what it would develop into.

I deal now with clause 6 and refer to this provision dealing with an area that is declared as being not within the rural areas of the State. It reads as follows:

(1) Subject as hereinafter mentioned, the commission shall—

(*a*) divide the rural areas into 20 approximately equal Assembly districts;

(*b*) divide the remaining area of the State into 20 approximately equal Assembly districts:

Provided that if it appears to the commission that such remaining area of the State comprises any part or parts of the State outside a radius of 30 miles from the General Post Office at Adelaide, the Commission may provide for one or two additional Assembly districts comprising any such area or areas of such district (or, if two, each of such additional Assembly districts) is of sufficient size to enable compliance with subsection (2) of this section; and

It refers to 30 miles from the General Post Office. One has only to look at a map to see the answer to that. Last week we had placed on the table of the Council the report of the Town Planning Committee on the metropolitan area, and at page 280 is a map of Adelaide showing the distribution of the population. A perusal of this map reveals why 30 miles from the General Post Office appears in the clause.

By extending the area to 30 miles from the G.P.O. (it is described not as the metropolitan area but as an area within which metropolitan seats may be determined) we take in Gawler and go to a point beyond Sellick's Beach in the other direction. The obvious intention here is to enable areas in which there are firm Labor strongholds today to be brought in and declared metropolitan electoral districts so that they can have the metropolitan voter.

Gawler is today regarded and classified as a country electorate with well over 20,000 electors on the roll. The drawing of the Bill in this manner will enable the commission to declare the Gawler area a metropolitan electoral district and so bring the quota up to the maximum it can have for a metropolitan seat. Looking south, we see that the area described as the Noarlunga and Willunga area is one of the areas wherein this report on the metropolitan area of Adelaide points out there will be terrific population expansion in the near future. Here again, it is undoubtedly considered that this area will return a Labor member, so the idea is to create another metropolitan electoral district with the metropolitan electorate quota to ensure that it contains the largest number of Labor supporters possible in an area, so that they will not affect a rural area. Clause 7 (2) provides:

> In making the division under this section the commission shall provide for three Legislative Council districts in the rural areas and three in the remaining part of the State: provided that a Legislative Council district in the rural areas may include one whole Assembly district which is comprised in the remaining area of the State.

In my opinion, the object of that provision is that, when a new Legislative Council electoral district is determined, which may include the three northern towns, it will be possible for the commission to include within that Legislative Council area only one of those country industrial Assembly electoral districts. In other words, the boundary would have to be drawn in such a way that, if Whyalla and Port Augusta were one country industrial Assembly electoral district, the commission could not, because of this provision, bring in Port Pirie and the surrounding area, which would be another country industrial Assembly electoral district. That is done for the obvious reason that there is a possibility that, if two country industrial Assembly electoral districts were included in one Legislative Council area, then Labor might win that. So they are spread in between different Legislative Council areas if it is not desired to have them together, but, when it is desired to have them together, it is declared that it shall be a country industrial electoral division for the Assembly. So the Government gets it both ways.

This Bill has absolutely nothing to commend it. It works not for representation of people, not for representation of human beings, but simply for interests which are being artificially opposed one to the other. It must cause an artificial division among the people themselves even in the districts that are classified as being rural, country industrial or metropolitan. It has no basis in logic whatsoever and I hope members supporting the Government will realize the futility of putting up propositions like this that will be only detrimental to the State rather than helpful to its progress. It must be, by virtue of the division it makes by increasing the feeling between the two sets of people. I read recently that the Minister of Education himself when addressing some people deplored the feeling between what are called the people engaged in primary production and those in the metropolitan area. This Bill, if it is given effect, can only make the position in that direction much worse than it is at present. Everything should be done to reduce that feeling.

It is not true that members of the Labor Party have no concern for primary interests in this State. In fact, an examination of what the members of the Labor Party have done and have tried to put forward in legislation over the years shows clearly that they are concerned about decentralization and are just as fair-minded about the people living in the country as those living anywhere else. It is nonsense to try to put up this argument that, because of the difference of feeling of these two sets of people, one has to differentiate and discriminate between people in the metropolitan area and those in the country; and not only discriminate between those sets of people, but discriminate again between people in the country who are regarded as industrialists and those who are regarded as primary producers. I hope that the Bill will

be opposed not only by members on this side but by Government supporters. I and my Party oppose the Bill.

The Hon. C. R. STORY (Midland): I support the second reading of this Bill which represents a very generous act on the part of the Government in bringing it forward at this time. During the election campaign the Premier promised that he would bring down an electoral reform Bill, and gave some indication of what it would contain. That is in complete contrast to the attitude of the Leader of the Opposition in another place who went out of his way on the hustings to tell the people that he would not reduce country representation in any way, but the Bill which he introduced on the very first day—the testing day of this new Parliament—by subterfuge in the guise of a vote of no confidence, did the very thing that he had promised not to do and did it in a very harsh manner. That is my point.

The Hon. K. E. J. Bardolph: You have not yet made a point. All you have made is an accusation that cannot be substantiated.

The Hon. C. R. STORY: I have made the point that this Government has stood up to its obligations as it always does. In his Bill the Leader of the Opposition provided for a House of Assembly of 56 districts, 26 of which were so-called country seats; and we had an instance of so-called country seats in the report of a commission recently submitted to the Commonwealth Parliament. It seems that with the fringe seats the thing to do is to run them into the metropolitan area in order to include a few more electors and make up the quota. The two important seats of Angas and Wakefield afford country people representation in the Commonwealth Parliament, but the commission has run into the middle of Unley, which would be virtually the capital of that large district of Angas, and right down through Tea Tree Gully and Payneham. I believe in adequate representation of the people and I think that is about as clear a definition of democracy as one can get. Everybody is entitled to adequate representation.

The Hon. K. E. J. Bardolph: This Bill will not give that.

The Hon. C. R. STORY: It will, because the person living in the rural areas surely is entitled to access to his member and to be heard equally with a person who is in an area such as Whyalla, which Mr. Shard mentioned, where the member for the district could ride around all of it on his bicycle in a morning and talk with his constituents. I make this point about representation and will go on doing it even if it takes till midnight, because the whole crux of the matter is adquate representation.

The Hon. K. E. J. Bardolph: It sounds like misrepresentation!

The Hon. C. R. STORY: I do not know what the honourable member uses for a yardstick when he talks about one vote one value. I do not know where he is going to find this Utopia, which is a theoretical arrangement cooked up by university professors and appears at first sight to be very good.

The Hon. Sir Arthur Rymill: It is more a parrot cry.

The Hon. C. R. STORY: If the Hon. Mr. Bardolph really believes in one vote one value, why is it that he departed from proportional representation that was on his Party's platform for many years?

The Hon. K. E. J. Bardolph: That is our own concern.

The Hon. C. R. STORY: That appears to me not to be consistent.

The Hon. K. E. J. Bardolph: How consistent is your Party?

The Hon. C. R. STORY: I do not understand the position. If this is what the Labor Party wanted, why did it change its policy, because that was getting nearer Utopia than it is now? Tasmania has tried proportional representation but there is still a large disparity between country and city electorates. I shall quote from the very cradle of democracy—as it is often called—America, where, we are told, things are democratic. This is an extract from *Time* magazine of April 6, 1962.

The Hon. K. E. J. Bardolph: How do you know it is authentic?

The Hon. C. R. STORY: Because it is in *Time* magazine. It states:

> Rural representation—the fascinating ratios of representation in State capitals are highlighted by a University of Virginia study comparing the rural and small town population of each State with its share of the membership in each branch of the legislation.

In Alabama the percentage of rural population to the whole population is 58.9 per cent, and in the Lower House the rural community have 83 per cent of the representation and 85 per cent in the Upper House. I shall not refer to Alaska because there are no large cities in that State. Arizona has 28 per cent of rural population with a 33 per cent representation in the Lower House and 85 per cent in the Upper House. California, as everyone knows, is a State similar to our own with

large cities—San Francisco and others—where the rural population is 7.4 per cent, but in Parliament it has 42.5 per cent of the representation. I mention these figures to indicate to honourable members who speak about one vote one value what happens in other places.

The Hon. S. C. Bevan: Does that make it right?

The Hon. C. R. STORY: It does for my argument because it shows that it is recognized in practically every part of the world where people are allowed to vote that it is impossible and impracticable to have a system of one vote one value.

The Hon. K. E. J. Bardolph: That is what you people think.

The Hon. C. R. STORY: It has been proved, not only by us, but by many other people. If we consider other States of Australia in which there is a Labor Government we shall find a vast disparity. In New South Wales the largest Commonwealth district is Mitchell with 75,400 electors and the smallest is West Sydney with 35,000 electors. In Victoria, Bruce has 87,000 and Scullin 34,000. Petrie in Queensland has 57,000 while Dawson has 38,000. In South Australia, Kingston has 60,000 and Adelaide, held by the Labor Party, has 36,000 electors.

The Hon. A. J. Shard: Are they the figures under the proposed new boundaries or are they the old figures?

The Hon. C. R. STORY: They are the boundaries existing at present.

The Hon. A. J. Shard: That is why they have been altered; they are out of plumb.

The Hon. C. R. STORY: They will be worse under the proposal which has gone before Parliament and which, I think, Parliament will not accept. In Tasmania the Franklin electorate has 39,000 electors while Wilmot has 35,000. Dealing with State legislatures, in New South Wales Eastwood has 29,000 electors and Sturt has 15,000. In Victoria, Mulgrave has 46,000 and Melbourne 15,000, which shows a fair disparity. In Queensland, Toowoomba West has 14,000 and Mulgrave 7,000.

The Hon. A. J. Shard: These would be the worst instances you could choose?

The Hon. C. R. STORY: They are the greatest of the lot. I could not get a better yardstick and it is still a two to one ratio. The honourable member objects to two to one in the present Bill.

The Hon. A. J. Shard: Some districts will have three to one.

The Hon. C. R. STORY: That is not so. The honourable member has fiddled up his speech or someone has fiddled it up for him, because it was not worthy of him. It appeared to me that it was written by someone else because he is usually more logical.

The Hon. A. J. Shard: Who writes your speeches?

The Hon. C. R. STORY: I get mine right off the hook.

The Hon. A. J. Shard: You will finish up under this Bill nearer three to one than two to one.

The Hon. C. R. STORY: The District of Enfield in this State has come in for special mention by honourable members, and it is districts like that that this Bill is designed to reduce to a reasonable size so that the member for the district can properly represent the electorate.

The Hon. A. J. Shard: And to make sure that the present Government is in office for all time.

The Hon. C. R. STORY: If the Labor Party had a policy I am sure people would support it; they always support the Party with a policy.

The Hon. A. J. Shard: Of course they do. We have won the odd Senate seat four times out of five, and nothing can be a better indication than that.

The Hon. C. R. STORY: It was not so long ago that the Senate was discussed fully in this place and I am sure the honourable member would have known that there was a great difference in the feeling towards Senators of this State.

The Hon. A. J. Shard: I am talking about the whole of the people of this State. The Labor Party won the odd Senate seat four times out of five, and you cannot deny that. More people in this State vote for the Labor Party than vote for the Liberal Party on an over-all basis.

The Hon. C. R. STORY: The measure before us will give a 20-20 basis, that is, 20 representing rural areas and 20 the metropolitan area. If the commission considers it necessary two further seats may be introduced to eliminate obvious anomalies which may be caused under the provisions of this legislation. I do not think that there is anything unfair about that. This is an enlightened Bill and I cannot see why it is opposed by the Labor Party. Surely it must be better than what we have now.

The Hon. A. J. Shard: This Bill would not be before us unless the old one had caught up with you.

The Hon. C. R. STORY: In that case the Labor Party members are not sincere in not trying to get a better Bill for the people. They are interested only in repeating the old parrot cry about a gerrymander every time they can. They are not sincere about doing something when they think the Bill is better than the present system.

The Hon. A. J. Shard: We do not admit that.

The Hon. C. R. STORY: Various members have said it.

The Hon. A. J. Shard: I challenge you to show where any Labor member has said this Bill is better than what we have now. You are on your old stalking horse again.

The Hon. C. R. STORY: The honourable member is very vocal. Let us carry on.

The Hon. A. J. Shard: I challenge you to prove it, and you cannot.

The ACTING PRESIDENT (Sir Arthur Rymill): Order!

The Hon. A. J. Shard: He cannot prove the statement.

The Hon. C. R. STORY: I do not know that I am asked to prove anything. I said that the position would be better. I do not have to listen to this parrot stuff that I get here. I talk to many members and get much pleasure from it. I have talked to Opposition members and they said that this Bill is better than what we have now. When they come into this Chamber they do not say that, and condemn the very thing which is obvious to anybody—

The Hon. K. E. J. BARDOLPH: On a point of order, Mr. Acting President. The honourable member has intimated that members of the Labor Party have said that this Bill is infinitely better than the present system, and that when they come in here they say something different. It implies that the Labor Party agreed to this Bill being introduced. Does he mean members of the Labor Party here or in another place?

The ACTING PRESIDENT: I do not think there is any point of order.

The Hon. C. R. STORY: I will carry on.

The Hon. A. J. Shard: Why not answer the question?

The Hon. C. R. STORY: I am labouring under a slight difficulty in that I do not possess the finer points of the English language to the same degree as my honourable friend. I was perhaps wrong if I implied that members of the Labor Party came into this Council. I should have said into Parliament. I have heard the words "pocket boroughs" and "rotten boroughs" used. These things do not enhance the chances of the Labor Party ever gaining the Treasury benches. The country people particularly are not a bit impressed with the barn storming and the gerrymander talk of the Labor Party. They know that they need adequate representation.

The Hon. K. E. J. Bardolph: And we desire to give it to them.

The Hon. C. R. STORY: We know all about that.

The Hon. A. J. Shard: You are taking it away from them.

The Hon. C. R. STORY: Under the Opposition's Bill the country people were to be represented by 25 seats within 10 miles of the metropolitan area.

The Hon. A. J. Shard: Thirty-five.

The Hon. C. R. STORY: Even if it is 35, to get to a country electorate we must go 35 miles. The Labor Party visualizes a circle about 35 miles from the G.P.O. That is about as far as their thinking goes. This Bill improves the present franchise and I cannot see why the Labor Party does not support a Bill that effects an improvement. If they were sincere they would support it. We have heard a great deal about the Legislative Council. I read and listened to speeches on this Bill in another place. I may be challenged by Opposition members and I hope I am, but it is my understanding that the Labor Party desires to abolish the Legislative Council.

The Hon. A. J. Shard: You need not have any doubts about that. It is a fact. It is our policy.

The Hon. C. R. STORY: That point has been made clear. In another place the Leader of the Opposition suggested 30 seats that would be more or less Labor seats in the metropolitan area, and that the Legislative Council should be abolished. The proposal would not be fair for country people. I cannot see how it could be worked out. My friends opposite talk about one vote one value. What about talking about honest representation for all classes of people? If we got what the Opposition wants, and will continue to try to get, under one vote one value we should have 35 seats close to the metropolitan area. There would be a rush of trade union secretaries to get these seats, and I believe they would get them because of the card vote system to prop them up. Would it be proper representation for South Australia that 25 union secretaries or people of that type should be brought in under the card vote system and representing only one class of electors?

The Hon. A. J. Shard: What has that to do with the Bill?

The Hon. C. R. STORY: I am trying to tell the people exactly where we are.

The Hon. K. E. J. BARDOLPH: On a point of order, Mr. Acting President, the Hon. Mr. Story has brought into the debate the selection of Labor Party candidates by the card system. Is the card system of the Labor Party mentioned in this Bill, and is the honourable member in order?

The ACTING PRESIDENT: What is the point of order? Which Standing Order?

The Hon. K. E. J, BARDOLPH: I do not need to quote Standing Orders because it is the weight of numbers that applies here, and there is no privilege for members to raise a point of order.

The ACTING PRESIDENT: There is no point of order.

The Hon. C. R. STORY: When the point of order was taken I was referring to the Legislative Council. I want now to explain another matter which the Labor Party endeavoured to have accepted under its Bill. I refer to the deadlock provisions. They were put in the Act for the special purpose of making the bi-cameral system work. Unfortunately the Opposition has attempted to take the teeth out of the Council's power, if it cannot abolish it. They will first take the teeth out of it and then abolish it. Fortunately, that Bill did not succeed, but it should indicate to the country people the motives espoused by the Labor Party and how they would fare if the Labor Party got its way and occupied the Treasury benches.

Under the deadlock provisions an opportunity is given to this Council to reject, to amend or to send back a Bill to the House of Assembly, but under the proposed amendment of the Labor Party a few months ago, if we rejected a Bill and sent it back to the Assembly the Labor Party would not go to the people on an election, but would send the Bill back to the Council and if the Council again rejected that Bill both Houses would be dissolved and a general election would result. I cannot see any good purpose in that provision; it is detrimental to the whole of our bi-cameral system. The other proposal was for a common roll for both Houses. The only Councils or Houses of Review that have ever been successful (and many of them have been successful in both the old and the new world) have owed their success to their members being elected on a different franchise from that used by the popular Houses. It is essential that this position should remain.

If this Council were to become a rubber stamp for the other place I would say, "Save the taxpayers the money and get rid of it." However, the Council has played a useful part here for over 100 years, and has acted as a brake on the Lower House, in which there may be a large majority which has decided to become radical and push legislation through.

The Hon. A. J. Shard: When has it done what you suggest?

The Hon. C. R. STORY: The records of this Council show that it has on many occasions rejected or held up legislation of a radical nature, and it would do the honourable member good to study the history of the bi-cameral system because it makes good reading and would improve his knowledge.

The Hon. A. J. Shard: Where does the Bill state exactly what you say?

The Hon. C. R. STORY: If the honourable member wants the treatment I will give it to him. In the year 1938, 55 Bills were discussed; five originated in the Legislative Council, 29 were amended, four were sent back to the other place for further consideration, 48 were passed and three were rejected in the Legislative Council. In 1939 three were rejected by the Legislative Council.

The Hon. A. J. Shard: Do you say that all of those Bills were radical?

The Hon. C. R. STORY: They were radical in the opinion of the people elected to this place and, after all, members of this Council are mature persons over 30 years of age who have some stake in the country, and if that is not a sufficient qualification with which to reject Bills I do not know what is sufficient.

The Hon. K. E. J. Bardolph: What has that to do with the Bill?

The Hon. C. R. STORY: I am answering the Hon. Mr. Shard's question. In 1939 three Bills were rejected and in the following years Bills were rejected as under:

1940	1
1945	2
1946	3
1947	3
1948	1
1950	1
1951	1
1952	1
1953	1
1954	1
1955	1
1956-7	2

If the honourable member wants more information on that point he will have to seek it

himself. I have merely pointed this out to show that the Council has played an important part in this State's legislation. I think what the honourable member tried to do was to establish a case to show that this Council was really not a council at all. The Council has played a beneficial part in this State's legislation. Because of the number of questions asked in another place members do not possibly have time to discuss legislation adequately in many cases and it is, therefore, a good thing that members in this Council have a little more time to think about various measures so that they can act as a brake on legislation that may otherwise be pushed through hurriedly. I find it extremely difficult to see why the Labor Party objects so strongly to the second House.

The Hon. C. D. Rowe: The Labor Party did not get on too well in New South Wales.

The Hon. C. R. STORY: It did not get on too well at all there, but it thought it had the authority of the people to act for the abolition of the Upper House.

The Hon. K. E. J. BARDOLPH: On a point of order, Mr. Acting President, I refer to Standing Order 190. It states:

> The President may call attention to the conduct of a member who persists in continued irrelevance, prolixity, or tedious repetition, and may direct such member to discontinue his speech. The member so directed shall resume his seat and not be heard again during the same debate.

I ask now whether the abolition of the Legislative Council is dealt with in this Bill and whether the policy of the Labor Party at the last election is contained in this Bill?

The ACTING PRESIDENT: I rule that it is relevant to the issue in the Bill.

The Hon. C. R. STORY: I thank you for your ruling, Mr. Acting President, which gives me heart to carry on.

The Hon. K. E. J. Bardolph: You need a lot of boosting upon this argument.

The Hon. C. R. STORY: We have had some eminent people in this State, and I think the honourable member would agree that the late Hon. C. C. Kingston was a gentleman of much learning who did much for democracy. He at one time strongly advocated the abolition of the Legislative Council, but towards the end of his Parliamentary career he said, "While the Legislative Council is in existence democracy has nothing to fear and much to be thankful for." If we had the late C. C. Kingston in his aging years thinking along those lines, there may yet be hope for the Hon. Mr. Bardolph and other people. If we could only keep them here long enough they might find that this is a useful place. The honourable member is very proud of the Legislative Council at heart, but it is unfortunate that his Party has become snared up in the type of legislation that was introduced in another place a few months ago.

I support the Bill and regard it as an improvement on the present Act. It will increase the number of members of this Council. Earlier today the Hon. Mr. Shard said that he thought there should be a few more members of his Party in this place. That, too, is a matter of opinion but, under the provisions of this Bill, we are providing an opportunity for the honourable member to have more members here. I believe that Mr. Shard realizes and would agree that there is a distinct possibility under the provisions of this Bill of his Party's winning perhaps an additional district or part of an additional district. So, if for no other reason, I think Mr. Shard at least should support this legislation.

The Hon. A. J. Shard: You would still have a majority here of 16 to eight if we won the whole four seats.

The Hon. C. R. STORY: I thought the honourable member was over-worked. I do not know why he wants more members here, but whatever his motives he has this opportunity and he should support this Bill in order to get additional supporters in the Legislative Council. The final provisions of the Bill deal with the commission itself and I will not weary members by going through them in detail, because various clauses can be more properly debated in the Committee stage. The Bill has been adequately discussed in another place and Mr. Shard has put the views of his Party before us today. I think it should suffice for me to say that this is a good Bill, that it will be passed, that the commission will bring in a report and, what is more, that it will be accepted in both Houses of Parliament within 12 months.

The Hon. K. E. J. BARDOLPH (Central No. 1): I had not proposed speaking to this Bill after the Hon. Mr. Shard had stated the Labor Party's views, but I am prompted to reply to some of the wild assertions made by the Hon. Mr. Story. His attitude appeared rather like that of a doctor prescribing for a man who died yesterday. His case was so weak that he attempted to bring within the firmament of his arguments the attitude of the Labor Party. He went to America for support. I also will quote responsible American authorities whose views are in contrast with

what the Hon. Mr. Story said as to activities in the United States and I pray that he will pay rapt attention to what I am about to say:

Drawn up by 15 political scientists, scholars and commentators from various parts of the country, a statement of basic principles for legislative apportionment concludes that there is no justification or logic in the American democratic heritage for utilizing any other basis than population for representation.

The Hon. C. R. Story: We have those same people here, but we call them Communists.

The Hon. K. E. J. BARDOLPH: That is unfair. The honourable member knows that the pinning of labels on people is unjust unless strict proof can be produced. This is not from a Communist source and I and my Party resent the implication. It continues:

"A recent survey by Charles S. Rhyne, past-president of the American Bar Association and counsel in the case, indicates that 48 court cases are now pending in 30 States to force reluctant, rural-dominated legislatures to redistrict in one of the biggest changes in United States political history. . . . In the year 1962 no basis of representation other than population is defensible if candidly stated and examined for what it is. "But acres do not vote, nor do trees. When a sparsely settled area is given as many representatives as one much more populous, it simply means that the people in the sparse area have more representation. No matter how stated, it is people who chose the representatives," according to the statement.

My friend has gone to great pains in an attempt to indicate that the Australian Labor Party is opposed to fair country representation in the Parliament of this State, but I give him the most emphatic denial because, right down through the years up to 1931, when we had a Labor Government, it was Labor that helped my friend, and perhaps his forebears, to remain upon the land; that cannot be denied. It was Labor policy which laid the very basis of security for people on the land who were suffering from drought and bush fire and other natural calamaties and made it possible for them to remain on their holdings. This political eyewashing by the honourable member is simply an attempt to justify the proposals submitted by the L.C.L. Government which will have for all time the effect of placing the people of this State in political bondage and maintaining the dictatorship in operation today. The honourable member went further and still clung to America when he referred to the word "gerrymander". He said that during the last electoral campaign we went through the country and used the word with reckless abandon, but let us see just what this frightful word means.

The Hon. C. R. Story: We know what it means and we do not use it.

The Hon. K. E. J. BARDOLPH: This word had an interesting origin in America, and is coined from happenings in the U.S.A. close on a century-and-a-half ago. The word is accepted as a joining of the name "Gerry" and the word "salamander". In 1812 when Gerry was Governor of the State of Massachusetts, the Legislature redistributed certain districts to form a single electorate which had a dragon-like contour. An artist added wings, a beak, and claws to the map of the new district, and described it as a salamander. An editor with a smart sense of epigram provided a more appropriate title of "Gerrymander". The modern dictionary definition of the term is "the act of dividing a State into election districts or other civil divisions in an unnatural and unfair way, with a view to giving a political party an advantage over its opponents". That is what my friend supports by the mere fact of criticizing the proposals put up by the members of the A.L.P. in another place. Mr. Shard indicated that South Australia could proudly claim the honour of being the first in any part of the British Empire to have electoral reform. After that we had a gradual process of development of the electoral system.

We did not have compulsory voting but we had a multiplicity of candidates and three-member districts. Then that system was abolished and we had single electorates with non-compulsory voting for the House of Assembly. Following that we had the single electorates with compulsory voting for the House of Assembly. That was the state of affairs after 1931. Then the Butler Government came into office and altered the districts, and Sir Thomas Playford followed under the present electoral set-up, and now we have proposals submitted that will still further entrench the L.C.L. in control of the Parliament of this State. Mr. Story mentioned Labor's policy on constitutional and electoral reform. Unlike the L.C.L. we print our proposals and policy in booklet form that everyone may read and I suggest that Mr. Story purchase one of these.

The Hon. C. R. Story: They are not a free issue?

The Hon. K. E. J. BARDOLPH: I do not mind presenting a copy to my honourable friend if he will promise to read, learn and inwardly digest the policy of the Labor Party.

At the last State elections the Leader of the Australian Labor Party faced the electors with an electoral reform proposal for a House of Assembly of 56 members representing single electorates, elected with a simple majority by the cross system of voting; an independent electoral boundaries commission to provide approximately equal voting strength on the principle of one vote one value in electorates subject to a margin of one-tenth over or under the average; periodical redivision of electorates to provide for movement of population; and, pending the abolition of the Legislative Council, provision for adult franchise for this Chamber and limiting its power to delaying for 12 months legislation insisted on by the House of Assembly.

This is the policy which we, as members of the Labor Party, subscribe to. I would like to know to whom Mr. Story referred when he said that there were members of my Party who agreed with the proposals under the Bill before us, because all our members have signed a pledge and endorsed the policy of the Party. My Party desires the appointment of a commission; it desires the question to be submitted to the commission so that the electorates would be divided, not on the basis that the Government desires, but on one which would give the country full representation and the metropolitan area similar representation. We would then have a proper democratically controlled Parliament where the views of electors could be expressed. After the commission had brought in its report it should be for Parliament—not the Government—to determine whether it would be accepted or rejected. I leave it at that, but know full well that, because we do not have the numbers in this Chamber, this Bill will be carried by the adherents of the Liberal and Country League policy.

The Council divided on the second reading:

Ayes (13).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 9 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1—"Short title."

The Hon. A. J. SHARD: I oppose the clause.

The Committee divided on the clause:

Ayes (12).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 8 for the Ayes.

Clause thus passed.

Clause 2—"Interpretation."

The Hon. A. J. SHARD: I oppose this clause.

The Committee divided on the clause:

Ayes (12).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 8 for the Ayes.

Clause thus passed.

Clause 3.

The Hon. A. J. SHARD: I oppose the clause.

The Committee divided on the clause:

Ayes (12).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 8 for the Ayes.

Clause thus passed.

Clause 4—"Procedure at meetings."

The Hon. A. J. SHARD: I oppose the clause.

The Committee divided on the clause:

Ayes (12).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 8 for the Ayes.

Clause thus passed.

Clause 5—"Application of Royal Commissions Act."

The Hon. A. J. SHARD: I oppose the clause.

The Committee divided on the clause:

Ayes (13).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 9 for the Ayes.

Clause thus passed.

Clause 6—"Redistribution."

The Hon. A. J. SHARD: I oppose the clause.

The Committee divided on the clause:

Ayes (13).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 9 for the Ayes.

Clause thus passed.

Clause 7—"Redivision of Council districts."

The Hon. A. J. SHARD: I oppose the clause.

The Committee divided on the clause:

Ayes (13).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 9 for the Ayes.

Clause thus passed.

Clause 8—"Matters to be considered."

The Hon. A. J. SHARD: I oppose the clause.

The Committee divided on the clause:

Ayes (12).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 8 for the Ayes.

Clause thus passed.

Clause 9—"Representations to Commission."

The Hon. A. J. SHARD: I oppose this clause.

The Committee divided on the clause:

Ayes (12).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 8 for the Ayes.

Clause thus passed.

Clause 10—"Report."

The Hon. A. J. SHARD: I oppose this clause.

The Committee divided on the clause:

Ayes (12).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 8 for the Ayes.

Clause thus passed.

Clause 11—"Financial provision."

The Hon. A. J. SHARD: I oppose this clause.

The Committee divided on the clause:

Ayes (12).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 8 for the Ayes.

Clause thus passed.

Title.

The Committee divided on the title.

Ayes (12).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 8 for the Ayes.

Title thus passed.

Bill reported without amendment.

The Council divided on the question "That the Committee's report be adopted":

Ayes (12).—The Hons. M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. C. Hookings, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 8 for the Ayes.

Committee's report thus adopted.

DEATH OF MR. R. F. RALSTON.

The Hon. Sir LYELL McEWIN (Chief Secretary): I have received the sad news that the member for Mount Gambier (Mr. R. F. Ralston) passed away this afternoon. He represented the district since July, 1958, when he succeeded the late Mr. J. Fletcher. Mr. Ralston was a popular member of his district, and popular amongst the members of this Parliament, irrespective of their political views. He had not been well for some time and this morning I was informed that he was very sick, and the news came suddenly that he had passed on. I move:

That the sitting of the Council be suspended until 7.45 p.m., as a token of respect to the late honourable member.

The Hon. A. J. SHARD (Leader of the Opposition): I second the motion. I did not know Mr. Ralston very well prior to his coming to this Parliament. I endorse the sentiments expressed by the Chief Secretary. The late honourable member was a popular figure in his district, and was a well-liked member of this Parliament. From the time he became a member in July, 1958, until the general election in 1959 he used all his endeavours for the people he represented and paid much attention to his Parliamentary duties, so much so that at the general election he increased his majority by almost 1,000 votes. This showed how his work was valued in the district. For the short time I had the pleasure of assisting him in that campaign I lived with Mr. Ralston and his wife in their home. I came to know them very well, and it was with much sorrow that I heard of his passing. I join with the Chief Secretary and every member in extending to Mrs. Ralston and family our sincere regret at the passing of the honourable member. May Mrs. Ralston be given strength to bear her sad and irreparable loss.

The Hon. C. R. STORY (Midland): On behalf of the members of my Party and myself I support the motion. We all agree that the late honourable member was a person with a cheerful disposition. He quickly fitted into the work of this Parliament and made good contributions to debates in another place. If I can put it this way, he became a part of the institution. We all admired his courage through his long and painful illness. I join with other members in expressing to Mrs. Ralston and the sons our deepest sympathy. I hope that God may assist her to bear her cross, because at a comparatively early age her husband has been taken from her.

The Hon. A. C. HOOKINGS (Southern): As a member for the Southern District who was closely associated with the late honourable member I want to make a few remarks. I worked in close association with him in the Lower South-East and always found him to be a good companion and a tireless worker. Although at times we did not agree on certain matters, he always came up smiling. I join with previous speakers in expressing regret at his passing and in expressing to his wife and family my sincere sympathy.

The PRESIDENT: The late Mr. Ralston was a tireless worker in Parliament and in his district, and although he was a great sufferer he was always ready to help other members in their districts. It was unfortunate that the late honourable member had to suffer so long and so painfully, but he never complained and did a remarkably good job for his district. I am sure that all members and the electors in the Mount Gambier District will regret his passing. I ask members to stand as a mark of respect to him.

Motion carried by members standing in their places in silence.

[*Sitting suspended from* 5.07 *to* 7.45 *p.m.*]

LAND AGENTS ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) introduced a Bill for an Act to amend the Land Agents Act, 1955-1960. Read a first time.

The Hon. C. D. ROWE: I move:

That this Bill be now read a second time.

It makes a number of necessary amendments, most of them of an administrative nature, to the principal Act and I deal with the clauses

of the Bill in their order. Clause 3 will amend section 5 of the principal Act in three respects. Subclause (*a*) will include in the definition of "land" any exclusive right deriving from the ownership of a share in a company or partnership to the occupation of any part of a building to be used as a place of residence and is designed to cover the practice of selling unit homes under systems whereby a purchaser buys a share in a company. In this State we have not yet made any provision for strata titles and the extension of the definition of "land" in the manner indicated would bring persons selling unit homes by way of sales of shares within the general provisions of the Act. Subclause (*b*) is designed to clear up some doubts as to the meaning of the present definition of "land agent" so far as it relates to the business of selling land in allotments. It is not considered to be clear whether this means selling land in subdivisions comprising a number of allotments, or whether it also includes the sale of single allotments from different subdivisions—there is also some doubt whether the expression "land in allotments" means only vacant land.

It is proposed, therefore, to strike out the words "in allotments" and to insert in their place the words "whether with or without improvements thereon", thus leaving the definition to include persons whose business is the selling as owner or otherwise of land whether with or without improvements. Subclause (*c*) of clause 3 is consequential upon the amendment made by subclause (*b*) in that, without the provision of clause (*c*), a person carrying on the business of selling his own land through a licensed land agent would himself come within the definition of a land agent and be required to hold a licence.

Clauses 4 and 12 relate to the qualifications of land agents and managers. Under sections 27 and 56 respectively of the principal Act the Land Agents Board has to be satisfied that applicants have sufficient knowledge and commercial experience to be licensed or registered and it has been the practice of the board to test them by conducting oral examinations. A yearly course in real estate is, however, conducted at the South Australian Institute of Technology and an examination is held at the end of each year. The passing of this examination could be made a qualification for the grant of an agent's licence or manager's registration subject to the board having power in special cases to dispense with this requirement. Accordingly, clauses 4 and 12 of the Bill provide in general terms that applicants shall be required to prove to the satisfaction of the board that they have complied with such qualifications or passed such examinations as may be prescribed so that in due course appropriate regulations could be made. However, the new requirements will not operate until after January 1, 1965, in any event—this will enable applicants to take the necessary steps to qualify themselves before making any application after that date.

Clause 5 will alter the licensing date. At present land agents' licences expire at the end of March at which stage they are renewable. As honourable members know, land agents are required to keep and have audited trust accounts. Under the regulations such accounts are audited up to the end of December in each year and the auditor's report must be lodged with the Attorney-General by March 31. This means in practice that the audited accounts can reach the Attorney-General on March 31 and no opportunity is given to consider them before an application for renewal which runs from the next day. By providing for licences to expire on April 30, there will be one month between the furnishing of the audited accounts and the renewal date.

Clause 6 makes the necessary consequential amendments with regard to applications for renewals. Additionally subclause (*c*) of that clause will enable the board to extend the time for applying for renewals. Clauses 9 and 10 make similar amendments in regard to land salesmen—it is considered desirable from an administrative point of view to have the duration of registration of land salesmen the same as that for land agents' licences.

Clause 7 will enable a registered manager with the approval of the board to surrender his registration at any time and be granted a land agent's licence—the qualifications are the same in both cases and it not infrequently happens that a manager wishes to become a land agent or a land agent wishes to become a manager. As the Act now stands, in either case the applicant has to go through all the formalities including advertising as on a first application for a licence. Clause 7 inserts a new section 36a into the principal Act to enable a manager to become a land agent without the necessity of compliance with all the requirements of an original application. Clause 13 inserts a similar provision to enable a licensed land agent to become a manager while clause 11 will enable either a licensed land agent or registered manager to become a land salesman.

Clause 8 inserts a new section into the principal Act to preclude a land salesman from being employed by more than one land agent at the same time, and prohibiting a land agent from knowingly employing a land salesman employed by another land agent or paying commission or remuneration to a land salesman not employed by him. The Land Agents Board regards the practice of a land salesman being in the employ of two land agents at the same time as very undesirable and the proposed new section will prevent this.

Clause 14 provides for registered branch offices. Section 58 of the principal Act requires every licensed land agent to have a registered office and the address of that office must, by section 64, be stated in every advertisement relating to the sale or disposal of land. Some agents wish to have branch offices and in their advertising to give the address of the branch office instead of the registered office. The board considers that branch offices are unobjectionable if they are properly supervised. Clause 14 accordingly inserts a new section in the principal Act which will enable any land agent to register a branch office but every such registered branch office must have at all times a registered manager in charge thereof. Provision is made preventing the person nominated as manager of a branch office from being at the same time the registered manager of the land agent concerned or any other land agent or of being the nominated manager of any other registered branch office whether of his principal or of any other licensed land agent. Clause 15 amends section 64 so as to enable advertisements to state the address of a registered branch office.

Clause 16 inserts a new section into the principal Act which will prohibit a registered manager or land salesman from publishing advertisements otherwise than in the name of the land agent by whom he is employed. Section 64 of the Act prohibits a land agent from publishing an advertisement unless his name and address are included therein. There is, however, nothing to prevent a registered manager or salesman publishing an advertisement merely giving a telephone number and not stating any name or address. The new section 64b will prevent this practice. Clause 17 will confer upon courts the power to reprimand—at present courts have power to order cancellation of a licence or registration. It is proposed that the courts should be given also the power to reprimand, a power which the Board itself has. Clause 18 will extend the time limit for prosecutions from the general period of six months to a period of two years. It has been found that offences against the Act cannot in many cases be detected and fully investigated within a period of six months.

The Bill is designed to improve the administration and effectiveness of the Act and to improve the powers of the Land Agents Board.

The Hon. S. C. BEVAN (Central No. 1): I support the Bill as I understand various anomalies have cropped up which ought to be remedied. It is quite understandable that over the years practices may creep in, which, although technically not infringements of the Act, may not be in the best interests of the people concerned. I understand that conferences have been held which have resulted in the approval of these amendments. Clause 3 amends section 5 of the principal Act, dealing with interpretation, to which will be added a completely new definition of "land". "Land" includes any interest in land and I cannot understand how that should be interpreted. A practice has arisen of purchasing home units and the suggested amendment will control any exploitation which has become apparent in this matter. It will give the board the power to bring land agents and others within the ramifications of the Act with regard to the sale of home units. There have been a number of cases of exploitation whereby the purchaser has been persuaded—if I may use that word—to invest in or purchase shares in a unit. This amendment is a considerable improvement and will clarify the position.

Clause 14 amends section 27 of the Act by the alteration of a proviso. Section 27 sets out various qualifications required for a land agent's licence but does not mention anything about education. The proposed proviso states that the applicant shall prove to the satisfaction of the board that he has complied with such educational qualifications or passed such examinations as shall be prescribed. The Attorney-General in his second reading explanation said that the School of Technology conducted a class in an effort to raise the educational standard of students so that they may obtain a land agent's licence. It seems to me that under the proviso the board determines what educational standards an applicant must have. The amendment does not mention anything about a minimum standard of education that is required to obtain a licence. The board itself is the sole adjudicator of what educational standards an applicant will need. I hope the Attorney-General will enlighten me further on this clause.

Clause 6 deals with the renewal of licences, and as it effects only an alteration in the date from February to March it seems to me to be satisfactory. Clause 18 deals with offences under the Act, and it is proposed to amend section 89 of the Act by adding that proceedings in respect of offences against the Act may be commenced at any time within two years from the time that the matter of the complaint arose. At present the period is six months and perhaps the Attorney-General may explain why the period has been extended to two years. Apart from the few points I have mentioned, I think the Bill meets requirements and I support the second reading.

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

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

That the debate be adjourned on motion.

The Hon. K. E. J. BARDOLPH: I object, Mr. President, to the debate being adjourned on motion.

The PRESIDENT: The matter cannot be debated. The honourable member can vote against the motion.

Motion carried.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1665.)

The Hon. C. R. STORY (Midland): I support the Bill, which deals with a superannuation scheme that is in line with most superannuation schemes. The first amendment relates to a guarantee that a member, his wife, or his family, shall at least receive back in pension or otherwise the actual amount of his contributions. This is an important amendment. It rectifies an anomaly where a member serving more than 18 years continues to make his contributions without any increase in prospective annual pension. Also, there is the decreased expectation as to aggregate pension, because obviously a member's life expectation upon retirement decreases the longer he serves before retirement. The member who served for 18 years and received the normal amount of pension, and then served for another 10 to 15 years, must surely be entitled to a little more pension than the member who paid in only for the bare period before retirement. This is a good amendment.

The Minister said that the amendments to section 13 of the principal Act, by clause 2, provide, in effect, that the increase in pension entitlement, which at present applies as a member's service increases beyond 10 and up to 18 years, shall continue beyond 18 years up to 30 years, but the increased pension for the added service beyond 18 years shall apply for each extra three years rather than for each extra year of service. This is advisable, and the fund, which could be heavily taxed, will have the opportunity to build up. I think that the fund can stand the cost of the amendments. The present cost will be slightly under £1,400 a year but the cost may ultimately rise to about £2,000 a year. Members who contribute for an additional amount and serve Parliament for 30 years should receive adequate recognition.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Incorporation."

The Hon. F. J. POTTER: When considering this Bill I looked through the Statutes to see how the amendments fitted in, and it seemed to me that here was one measure at least that should be reprinted at an early date. I know that it is not a measure of great public importance, and that there will not be much demand for it, but it would be helpful if a loose copy were made available in the Parliamentary Library where members could easily see the latest position of the Act. The present volume in the library contains many amendments and that makes the Act difficult to follow.

Clause passed.

Remaining clauses (3 to 6) and title passed.

Bill reported without amendment. Committee's report adopted.

ABORIGINAL AFFAIRS BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1723.)

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the second reading. The Bill repeals the present Aborigines Act, 1934, and the Aborigines Act Amendment Act, 1939. This Bill is a counter to the Bill which was introduced in another place by the Labor Party, but which was ruled out of order by the Speaker under Standing Orders. It was said that the Labor Party Bill conflicted with the Standing Orders on the question of expenditure of money. A similar Bill introduced by the Government was ruled out of order, also, because it had not been properly founded in Committee. This Bill was introduced to conform with the Standing Orders and was passed with some amendments moved by members of

the Labor Party. It has now come to this place for consideration. It is hoped that when it becomes law it will not have set-backs similar to those I have mentioned in the matter of procedure, but will work smoothly in the interests of those whom it is designed to protect. As the Attorney-General said, this Bill is a recognition of the fact that time marches on and circumstances and concepts change. This expression applies not only to Aborigines, but to all people in this State. This phase is further demonstrated by the report of the Commonwealth Immigration and Advisory Council on the progress and assimilation of migrant children in Australia. I shall quote from that report. Whilst we are exhibiting a laudable effort regarding Aborigines, some time ago the Commonwealth Government set up a committee of inquiry on new arrivals from overseas and I give the Government much credit for that. The report, from which I shall quote, gives the result of some of the matters discussed and decisions arrived at and I believe that they are applicable to the Aborigines. The report states:

Factors contributing most to the successful progress and assimilation of young migrants in the Australian community are—

- the adaptability of children to new environments—most settle down more quickly and, apparently, more easily, than we expected;
- a satisfactory family background, particularly in relation to the use of English in the home, parents' interest in education and vocational training, and parental guidance and affection;
- mutual acceptance by migrant and Australian youngsters at school, and at work;
- the large number of "old" migrants in Australia who know from personal experience the inevitable problems of the newcomers, and who can help them during their early months here, both at school and at work;
- educational research and the work of teachers, particularly in assisting young migrants to obtain an adequate knowledge of English in a comparatively brief period of time;
- the positive measures taken by health authorities, voluntary organizations, and others, to recognize and meet the special needs of migrants;

The report proceeds further as follows:

The committee's investigations have covered education, police, child welfare and health authorities, employers' and trade associations, trade unions, pre-school, social, sporting and other voluntary associations throughout the Commonwealth.

As far as possible, members of the committee personally interviewed those concerned. Individual members visited all States in the course of the investigations and, in particular, had long and helpful discussions with education, police and child welfare authorities. Where personal interviews were not practicable, the committee wrote seeking co-operation. The response was most generous. Some organizations voluntarily made extensive analyses of their records, and others conducted special surveys of their members.

In addition, the committee undertook special surveys of pre-school centres and schools and also the incidence of delinquency among migrants. These would not have been possible without the wholehearted support of the various authorities involved.

I mention that tonight to indicate that whilst we are doing that for migrants similar circumstances obtain regarding Aborigines and their children, because they are just as human as the migrants. Whilst the Commonwealth has set out to assimilate European migrants, whom we welcome here, that should be the basis for the assimilation of Aborigines in South Australia and throughout the Commonwealth. A policy should be formulated along the lines I have suggested, and I have quoted paragraphs in that report because problems of assimilation are not singular to our Aborigines, but the provisions I have cited that are adequate for those people from overseas who are making this country their future place of abode and for the rearing of their families in accordance with the customs, laws and way of life of Australia should be available to Aborigines.

We have been somewhat prone to regard Aborigines as the submerged tenth. Were it not for many religious missions and the missionaries who over the years by their sacrifice and charity have done much for the lepers in the far-flung parts of the north, and building of private hospitals and educational facilities little would have been done for these people. The missionaries have worked without pay or reward. They have gone into the far-flung parts of Australia and New Guinea, and the Chief Secretary knows that one of his relatives, for whom I have much respect, was one of the missionaries. They have attempted to help these people in Australia and New Guinea. They have provided hospitals and have given the natives food, clothing and shelter. The work of these people has been subsidized in some cases by the Commonwealth Government, but the subsidy is not sufficient to meet the cost of running these establishments. However, they are doing wonderful work and have laid the foundation for the assimilation of Aborigines and natives outside Australia.

Every honourable member will agree with me that we owe a great debt of gratitude to those noble men and women of the missions. They

do not require any eulogy from me or from Parliament because that is their vocation. They have done it out of a spirit of charity, and we should all recognize what they have done. It is true, as the Attorney-General said, that there are about 2,000 primitive and semi-primitive Aborigines in South Australia, and their numbers are increasing. There are over 4,000 people of Aboriginal blood of various mixtures in various stages of development and, therefore, it is the responsibility of those charged with the administration of this Act to meet circumstances as they arise. The Bill gives citizen rights to all Aborigines by removing all restraints except for some primitive and full-blood people in areas to be defined. The Bill provides that the areas shall be defined before they enjoy those rights. This is a wise precaution, because it takes in the drinking of alcohol and other matters relating to our way of life.

It is pleasing that the Bill provides the necessary administration machinery for assistance to Aborigines during their developmental years and for assistance in promoting their assimilation. It places all Aborigines under the same legal provisions as other South Australian citizens and gives them the same opportunities and responsibilities. In other words, they are free from discrimination. The Aborigines Affairs Board which was previously an administrative board is now to become an advisory board. There has been much conjecture as to whether it has been wise to take from that board the authority it has held, but we in Parliament have always advocated that the Minister in charge of the department should be responsible to Parliament. The Minister in charge of Aboriginal affairs will have the responsibility of administering the Act. Provision is made for him to delegate his powers and functions to the Department of Aboriginal Affairs. That does not mean he abrogates those responsibilities. It means that as far as the department is concerned he can delegate, as other Ministers do, the power of administration to heads of the department and they are responsible to him, and in turn the Minister is responsible to Parliament.

An important change is that relating to Aboriginal children. Previously these children, up to the age of 21 years, were under the control of the Aborigines Board. Now they will come under the Children's Welfare and Public Relief Department. 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, through the normal provisions of the Maintenance Act. In conclusion, my summary of the Bill is that, in order for it to have its fullest effect it is essential to be ahead of the rapidly awakening and increasingly insistent desire of the Aborigines for material progress. Secondly, it is necessary to equip these people with education and religious training to take a leading share, and not merely a subordinate part, in the management of their own affairs. I and my Party are convinced that there should be no delay in pressing on to achieve the purposes I have mentioned. I support the second reading.

The Hon. C. R. STORY (Midland): I likewise support the Bill. It repeals the present Aborigines Act, 1934, and the amendments of the 1939 Act. At the outset I would like to congratulate all those responsible for having brought this measure before Parliament. Particularly would I like to congratulate the Minister and his officers, as well as the members of the Opposition in another place who played quite a big part in treating the debate on the Bill on non-Party lines. That is a very good thing, because this is social legislation, and I welcome the fact that members of the Opposition have been extremely helpful in this matter. I also wish to pay a compliment to the social welfare workers who assisted in moulding this measure, as well as the various religious bodies who, as the Hon. Mr. Bardolph has said, have played quite a big part in assisting, over a period of 100 years, in the various categories of missionary work and in other ways in looking after the Aborigines. I think it fair to say that this Bill abolishes many of the restrictions and restraints on Aborigines as citizens, except in respect of a few full-blooded Aborigines living in remote areas that are defined. I will deal with this aspect in relation to the appropriate clause which, in the main, is clause 30, which relates to an amendment of the Licensing Act. That is one of the very contentious parts of this measure. I think, too, that the proposed register which is required to be kept is a contentious matter.

This Bill represents the boldest piece of legislation to come before the South Australian Parliament in this century. It provides an opportunity for our indigenous peoples and their descendants to rise to the limits of their attainments. The history of this country in relation to its Aborigines is very similar to the history of most countries, whether ancient or modern, and the circumstances are well known, I think, to most members, when we look at the colour distinctions that are observed

in most countries today. We consider ourselves an enlightened people and therefore we should take a lead in designing legislation which gives equality to people of different colours. Such legislation can work only if the more enlightened members of both sections of our community—the people of Aboriginal blood and our white community—play their part in a mutual spirit of tolerance and understanding. The processes of adjustment may be slow and tedious, but ultimately history will record that this measure was the beginning of this State's rise to real nationhood. I believe that to be perfectly true. Until a country can adjust itself, without religious, without colour and without other bars, it will be a restricted nation, but by the action proposed under this Bill this State will begin to move to full understanding and nationhood. It is my earnest hope that before long all States in Australia will fall in line with this legislation.

Parliament, and this Council in particular, is composed of members from all walks of life and from far-flung parts of the State, and it is my opinion that we need the experience of people from all parts of South Australia and from different walks of life to make a contribution to this debate so that we may formulate a blue print for the ultimate complete assimilation of the Aboriginal people into this community. It is therefore important that the views of all members be expressed according to their conscience and that the Bill be treated as a social question above Party politics. I understand that there are approximately 2,000 primitive Aboriginal people in South Australia and some 4,000-odd people of Aboriginal blood of various mixtures who are at different stages of development. The machinery necessary to step up the processes of that development is contained in the clauses of this Bill.

I wish to deal with one part of the State specifically and to explain that about one-tenth of the total number of Aborigines in South Australia are located in the Upper Murray areas. It is this locality that I know particularly and therefore feel that I should bring before the Council some knowledge at least of what is happening in regard to the welfare of these people. Approximately 100 families live at the Gerard Reserve near Winkie, which is located near Berri and consists of a property of 4,000 acres which was bequeathed to the community for that purpose specifically by Mr. Gerard, an Adelaide business man. For many years the property was under the supervision of the United Aborigines Mission, but passed into the care of the Aborigines Board several years ago following discussions between representatives of the Government, the Upper Murray Aborigines Welfare Association and the United Aborigines Mission. The Government undertook to provide finance to implement plans formulated by the Upper Murray Aborigines Welfare Association for the purpose of developing this fine area of 4,000 acres which had been provided by Mr. Gerard as a gift to the Aborigines of this State.

This area was not given just as somewhere for the Aboriginal people to live, but the founder visualized when he made this bequest that it would be a training centre to enable these people to be trained for their ultimate assimilation into the community. The work is now being carried out probably more closely than ever to the wishes of the donor. The work, in my opinion, is a tribute to all those who have shown goodwill in making this project work in the way the donor visualized so many years ago. There are 100 families living at the Gerard Mission and there are in all about 350 Aboriginal people living in the Upper Murray area. The remainder of these people are accommodated in comfortable houses built by the Housing Trust and owned by the department. These people have been accepted, and I say, accepted very freely, in the towns of Berri, Barmera, Glossop, Cobdogla, Monash and Renmark, and we have not had as much difficulty in this regard as in some other parts of the State.

About 25 Aboriginal children regularly attend the Winkie Primary School. Some four years ago certain difficulties existed regarding the attendance of these children at the school because of certain diseases, and because the children were not always clean and in a proper condition to attend school. Since the reserve has passed to the control of the Upper Murray Aborigines Welfare Association, these problems have been resolved and at Winkie the children are now accepted into the ordinary school community and are very happy in their relations with the white children there. The progress at the Gerard Reserve, as it is now called, has been phenomenal over the last four or five years, and has given fresh hope and an improved outlook to the people in the reserve. Electric power has been brought to the reserve and the houses have been wired for electricity. A water supply has been provided and an ambitious project is in hand to provide employment and training in horticulture, sheep raising, dairying, pig and poultry breeding and the pastoral industry.

Instead of becoming a refuge as it was in days gone by, the Gerard Reserve is now a dynamic centre for the training and assimilation of Aborigines. Aboriginal folk have been given positions of responsibility at the reserve. Co-operation from the Upper Murray Adult Education Centre has broken new ground, and with its assistance, most successful welding classes for Aborigines have been established. Already the training has enabled many of the people on the reserve to build or fabricate the buildings and the machinery used on the reserve. Other training has been undertaken by the education service. Most of these people are highly intelligent and take full advantage of the training they are given. Over the years the Aboriginal has not been given nearly enough credit for his intelligence, and normally he has not been able to exploit his native intelligence. Sewing classes have been established at Berri where the people have their own meeting hall, and at this hall the normal church services are conducted each Sunday. Many of the families on the reserve attend church services in Berri as well as their own.

One activity which I think is worthy of mention is the work which has been done by Mrs. Olive Pearson, of Berri, the widow of a former Clerk of the Berri District Council. Mrs. Pearson some five years ago gathered together a few toys given by friends and supporters and at her own expense established a pre-school kindergarten in the area. Children from 2½ to 5 years of age attend the kindergarten, and it is worthy of note that she travels 20 miles a day to train these children. Her tuition includes hygiene, and this is about the first thing the average Aboriginal child needs to be taught, whether on a reserve or not. With the assistance of the Government a trained sister has been appointed who inspects the children each day to make sure that their teeth and noses are clean, and that the other things necessary to be done are done before they go into the kindergarten. It is perhaps a little strange for some of us to learn that these children need training in feeding. The children have not had the advantage of being shown by example the proper method of feeding, but under Mrs. Pearson's supervision they are taught to eat in the way accepted by the normal person.

Organized games are conducted by this lady as well as singing and fingerpainting and things of that nature. Her work has earned the highest commendation from inspectors of the Kindergarten Union. I have been present and have had the amazing experience, for me, of seeing a number of these children being trained in various things. It is really a wonderful effort on the part of this lady. The point I want to make, however, is that those children between the ages of 2½ and 5 years are able to start at the Winkie School at the same age and learn as quickly as other children brought up in normal Australian homes, whereas in the past it took from two to three years for a teacher to get these children quietened down and trained to enter into the normal classroom work. This is a great achievement, and it is an achievement that is worthy of the highest commendation. It illustrates, to me, anyway, that if there are people who are prepared to persevere with teaching these young children, it makes for a better organization within the reserves. The Government has provided £350 for the establishment of a toilet block adjacent to the kindergarten, and it is now under construction. This work is a necessary part of the training. Mrs. Pearson deserves commendation and the highest recognition that can be given her. She does not seek it, but she has done a remarkable job within 3½ years in bringing youngsters at the Gerard Mission to a standard of civilization.

The Upper Murray Aborigines Welfare Association was formed several years ago by local residents who were interested in improving the lot of Aboriginal people. Through their efforts, and with the co-operation of the United Aborigines Mission, work was commenced on the Gerard property as a farm project in order to provide employment and training for these Aboriginal people. They have successfully grown tomatoes, peas and vegetables, as well as improving the sheep husbandry. The profits have been ploughed back into the further development of the property. Two years ago the association was formed into an incorporated body. Membership is available to any interested person in the Upper Murray areas. A large number of good citizens have joined the association for the mutual welfare of the community. Last week the association's annual meeting was held and about 100 people attended. Fifty per cent of them were people of Aboriginal blood. In addition, there were representatives from the district councils in the area, churches, Apex and Rotary Clubs and the medical profession. This shows the continuing interest of the community in the project.

Mr. Millar, Acting Secretary of the Aboriginal Affairs Department, outlined the aims and objects of this Bill. He spoke at some length, and a number of questions were asked by Aboriginal people. It was obvious that

they appreciated the proposed change in their status, and that they were thrilled to think that in many directions they would be brought into line with the rest of the community. One senior member said that knowledge was wanted. During the meeting there was a general discussion on the adult education centre and a number of Aboriginal people made suggestions as to how the centre could best serve the people in the area. A move is now on foot through the organization to obtain a full-time trade instructor to train apprentices in the area. That is an important matter because we need to keep our young people in the area, but there is a double-barrelled effect because a number of the native boys are capable of becoming apprentices. A friend of mine told me last night that he has taken one of them as a full-time apprentice in his workshop. He is happy with the standard and deportment of the lad, whom he has had for several months. It is hoped that we can apprentice more of the boys to trades. They are keen to be apprenticed, and it would be a good move.

There is a desire to have a full-time resident welfare officer in the district, whose duties would be not only to assist with the Gerard Reserve, but to assist people in the area with their housing and other problems. It is useless teaching children the elementary principles of hygiene and health unless special training is given to the boys and girls who have left school, as well as to their parents and other adults in the area. Many of the younger people are taken from school by their parents when they go on extended visits to other parts of the State. Because of this it is difficult to get down to a normal school curriculum for the children. Often when the children reach school leaving age they are several grades below other children of similar age. As a result they are handicapped in their journey through life. It is in the age group of 14 to 21 years that most of the delinquency occurs amongst Aboriginal people. It is in these years that the young native children become rudderless, as it were. When we detribalize people we cut them adrift. It is like a person cutting himself adrift from a religion he has followed. In Africa one of the greatest problems is the detribalization of native people. In many respects these people are hundreds of years behind us in government matters and they look to their tribal leaders as their guides. It is necessary for us to provide skilled training, organized sport, etc., for our Aboriginal people between 14 and 21 years of age.

To sum up the position at Gerard Mission, the kindergarten side and the children going to school are looked after very well. Adult education is playing its part. Special schools have been set up. The previous member for Chaffey (Mr. King) played a great part in the work. He is still a member of the committee. When he represented Chaffey he consulted Mr. Piddington, Senior Psychologist of the Education Department, about retarded children. This will interest the Hon. Mr. Shard, who spoke the other day about cutting out the craft sections in the Education Department. As a result of the negotiations between Mr. King and Mr. Piddington, special craft classes were set up at Berri for handicapped children, and children not bright in the normal curriculum subjects. That is going along very well, and we hope that many of the Gerard children will find some way usefully to fill in the period between the ages of 14 and 21 years. But the object is to raise the conception of each group simultaneously thereby shortening the time for assimilation, and that is important. They should all be receiving some education. It is no use educating the little children if something is not done for the older ones.

The Hon. A. J. Shard: We must do something for the parents, too.

The Hon. C. R. STORY: That can be done by adult education, etc., but I believe we can bring them all along.

The Hon. A. J. Shard: We must prevent them going walk-about.

The Hon. C. R. STORY: That is being done very well and it will be covered under the provisions of the Bill because people will not be able to go walk-about to one reserve and then to another reserve. They will have to obtain a permit and stay somewhere instead of floating about. That is a very good provision. Two things stand out in relation to the Aboriginal people at Gerard Reserve. It will, in my opinion, probably achieve the object that the founder, Mr. Gerard, hoped for in the early stages. Secondly, it offers excellent chances to assimilate these people into a district where they are accepted. They certainly are accepted in the Upper Murray area and play a significant part in our labour force. Many are used as permanent employees on fruit blocks and in factories, and I would be remiss if I did not say that the Minister in charge of Aboriginal affairs has approached this subject with more than the normal application and sense of duty expected of a Minister. He has taken a very keen and lively interest in this whole question. He has backed up his interest by substantial grants to ensure that

the Gerard Mission, under the good management of the Upper Murray Aborigines Welfare Association, is a thriving concern. I believe that the provision in last year's Budget was about £250,000 for the department and that is a considerable amount of money to be spent by the department. I believe that about 70 personnel are employed in the department. The Government became interested in this matter when the United Aborigines Mission could not finance it adequately and the venture was at a fairly low ebb in the Gerard area. However, the calibre of the personnel of the Upper Murray Aborigines Welfare Association is high and its members include medical practitioners, ministers of religion, district councillors and other district personnel.

The Hon. K. E. J. Bardolph: They do a noble work.

The Hon. C. R. STORY: That is the point I have been trying to make for the last 45 minutes. They are performing a noble work and I would be remiss in my duty if I did not mention the work of one person in particular in this matter. I refer to Mr. J. B. Foot, who is now the Superintendent of the Gerard Reserve. He has played a remarkable part in getting this reserve on its feet in collaboration with the Minister. Mr. Foot was a most successful fruitgrower in Barmera and he was the Chairman of the Barmera District Council in addition to being Chairman of the Upper Murray Local Government Association and an industrial leader. He became really dedicated to the work of this reserve and relinquished his interest in his own property and in many other activities to devote himself wholly to the work of those people in that area. He is worthy of the utmost commendation.

The Bill contains several rather contentious clauses. I believe that clause 30 dealing with amendments to the Licensing Act, in particular sections 172, 173 and 179, might be the most contentious clause, in addition to those about the proposed register of Aborigines. Clause 30 was amended in another place by changing to some extent the original scheme and spirit of the Bill. I believe that when the Minister introduced the Bill in another place the object was to cut adrift Aborigines, except for the very primitive members of that race, and to give them practically full rights in the community, bringing them on all fours with other Australian citizens. However, some of the amendments have rather restricted the scope of the Bill and unfortunately, in some respects, it is now not a matter of proclaiming certain areas that are to be excluded from the Act, but rather of nominating those areas that come within the scope of the Act.

The Hon. K. E. J. Bardolph: Don't you think it is a matter of trial and error and amendments will have to be made as the result of experience?

The Hon. C. R. STORY: Yes, and that is why I was rather keen that the wider scope should have been given to the Bill in the first place; not that it should be hamstrung and restricted by amendments. In that way any reviewing of legislation would be incidental. As the honourable member knows from experience, anything that is on the Statute Book is extremely difficult to remove.

The Hon. K. E. J. Bardolph: Not as the result of anything done by members on this side of the Council. We are most understanding.

The Hon. C. R. STORY: We may put some members opposite to the test shortly, and we shall see if they are understanding or whether they will divide the Committee every 10 minutes. My point is that I am a little sorry to see clause 30 as restrictive as it is, because it places the onus very much on the Minister and the executive to deal with this matter.

The Hon. K. E. J. Bardolph: The Minister accepted that while realizing he is responsible to Parliament.

The Hon. C. R. STORY: He has a wide understanding of this Bill, and I am not going to speak for him, because he has a worthy representative in this place who will speak for him at the appropriate time. When the Bill reaches the Committee stage I shall probably deal with a number of clauses in detail, but in the meantime I am happy to support the second reading.

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

VERMIN ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1721.)

The Hon. A. C. HOOKINGS (Southern): It affords me a great deal of pleasure to say a few words in support of this Bill which is principally in two parts, the first relating to the prevention of keeping rabbits commercially, and the second giving power to the Vermin Board to dispose of vermin proof fencing when it is no longer required. Under present legislation it is only when a board ceases to function that such fences can be removed, but by this amendment fences can be disposed of if the board and the Minister think fit. However, it is mainly with the first part of the Bill that

I am concerned. For some years I have had a great deal to do with the rabbit problem. Many years ago, when I first went to the South-East, it was one of the biggest problems we had to face. It was a battle which took many years and which is still going on, not so much on properties adjoining mine, but in many other parts of the South-East. This battle has cost many landholders huge sums of money and it is still costing a great deal to keep the rabbits in check. Since becoming conversant with the rabbit problem in the South-East I have travelled in many parts of this vast continent and have seen the same devastation everywhere—both in the central parts and in the coastal regions. As you, Sir, and many other members know quite well, it is not only the grass that the rabbits eat, but the damage they cause by scratching and burrowing and polluting the land that causes the trouble. Also it was my privilege to serve for some years in local government and in that time I became acquainted with the legislation which we have had to administer and the duties of trying to encourage landholders to eradicate the rabbits on their properties.

I believe that rabbits were first introduced into Australia about the middle of the last century and that some 24 of them were released near Geelong in Victoria. Within a comparatively short time they reached plague proportions, and we must remember that while rabbits do become prevalent in plague proportions in sparsely settled continents like ours, in some more closely settled countries, such as the United Kingdom, possibly they may not reach plague proportions. I am sure that members who have travelled throughout the country—particularly 30 to 40 years ago when the problem was at its height—will recall the period just after the last war when myxomatosis was introduced and what a great benefit it has been. As we think of its introduction we think of the Commonwealth Scientific and Industrial Research Organization, of which we are so proud, and coupled with it the name of that famous Australian who, unfortunately, has passed on, Sir Ian Clunies Ross. That name will go down in the history of Australia as providing a boon to us all. No one can deny that myxomatosis has been an unqualified success in the eradication of the rabbit plague. In fact, by 1952-53 the country areas had improved so much that when a survey was made by Mr. Read of the Australian National University he showed that the wool industry alone had benefited through its introduction by approximately £30,000,000, and since that time I think that the sheep numbers prove what a benefit myxomatosis has been. Every endeavour is being made by our Government to assist land owners in their efforts to control rabbits, and this is proved by the recent appointment of the Vermin Board and vermin advisory officer.

The Hon. K. E. J. Bardolph: Does not that apply generally to all States?

The Hon. A. C. HOOKINGS: I am not very familiar with what other States are doing in this direction, but I know what we are doing, and the vermin advisory officer recently appointed is going into the whole question of rabbit extermination thoroughly, and shortly will present a very comprehensive report which will be of great assistance, not only to landholders, but to local government bodies. Are we, after all these efforts have been made, going to allow rabbits to be kept for commercial purposes? It would be too ridiculous, while on the one hand we are trying to eradicate something that has proved to be of the greatest concern to every Australian primary producer, to allow others to breed rabbits commercially.

The Hon. K. E. J. Bardolph: Doesn't your Government believe in private enterprise?

The Hon. A. C. HOOKINGS: Yes, but it also believes in the preservation of the primary industries of the State. Unfortunately, there are some commercial breeders of rabbits operating in South Australia. This Bill is an effort to restrict the areas and places where breeders may operate. It provides that those who are keeping rabbits at present may continue to do so by permission of the Governor. Anyone wishing to keep rabbits commercially must keep them in rabbit proof enclosures of not more than 36 square feet of floor area. Tiers are not allowed and not more than one cage may be kept by any one landholder or occupier. The Government in introducing this Bill, is being fair by giving those who are already breeding rabbits commercially, time to get rid of their stock.

The Hon. K. E. J. Bardolph: Don't you think this legislation is a negation of your L.C.L. policy of private enterprise?

The Hon. A. C. HOOKINGS: Not at all. This policy will be of the greatest benefit to landholders and primary producers.

The Hon. G. O'H. Giles: I thought you wanted to get rid of the rabbits?

The Hon. A. C. HOOKINGS: The Bill will allow the keeping of rabbits in a very small area but restrictions will be placed on commercial breeders. While we order landholders to destroy rabbits, how can we foster the breeding of rabbits for commercial purposes?

The Hon. G. O'H. Giles: Are you supporting the Bill?

The Hon. A. C. HOOKINGS: Yes. It allows commercial breeders to continue in a very small way.

The Hon. G. O'H. Giles: A total of 1,400 rabbits is not a small number.

The Hon. C. D. Rowe: The honourable member is not obliged to answer interjections.

The Hon. A. C. HOOKINGS: Rabbits will be kept in small cages and departmental officers will ensure that the provisions of this legislation are enforced.

The Hon. A. J. Shard: How can they keep them in an area of 36 square feet?

The Hon. A. C. HOOKINGS: I do not know. I am not keen on the keeping of rabbits but I am concerned with their eradication. Let us consider the situation in the other Australian States.

The Hon. K. E. J. Bardolph: Are you supporting the Bill?

The Hon. A. C. HOOKINGS: Yes. Legislation was introduced in Western Australia to allow rabbits to be kept under three categories —for scientific purposes, as pets, and for commercial purposes. After that legislation was passed recently, 29 applications were received to keep rabbits as pets, and 11 for commercial purposes. However, the Government intends at the end of five years to ask the commercial breeders to get rid of all their rabbits. After that period the Western Australian Government will not tolerate any rabbit pets or commercially-bred rabbits.

The Hon. S. C. Bevan: This Bill does not do that.

The Hon. A. C. HOOKINGS: Never mind about this Bill for the moment. I am informing honourable members what happened in Western Australia, where in the meantime there will be no trading in rabbits whatsoever and there will be close inspections of rabbits kept either as pets or commercially. Only three permits are operating for the keeping of commercial rabbits in that State.

The Hon. K. E. J. Bardolph: What about South Australia?

The Hon. A. C. HOOKINGS: I am dealing with a particular point, because these are States which adjoin South Australia.

The Hon. K. E. J. Bardolph: That is not in the Bill!

The Hon. A. C. HOOKINGS: Victorian legislation permits only one rabbit to be kept by a particular person either as a pet, for commercial purposes, or for any other reason. In Tasmania in May, 1962, legislation was introduced allowing people to breed rabbits commercially, for scientific purposes and otherwise. After three permits had been issued, primary producers protested so much that no further permits were granted by the Government, which has stated that it will review the position in 1964. Departmental officers in Tasmania inspect these three rabbit farms every two weeks and are doing everything possible to stop the keeping of rabbits. The position is very embarrassing to the Government.

Unfortunately, in New South Wales, the position is quite different because rabbits are allowed to be kept commercially on farms and in enclosures throughout the State. Recently, applications have been made to breed rabbits in open paddocks at Camden Park and in other places near Sydney. If rabbits are allowed to be kept in enclosures and cages under strict control there may be little trouble, but there is always a danger of some of them escaping. If this application is granted in New South Wales there is a great danger of rabbits spreading into outside areas and coming in contact with the wild rabbits in the country areas. If this occurs it could be disastrous. If rabbits from that State, injected with Dr. Shope's fibroma, a virus which provides immunity to myxomatosis, were to come in contact with other rabbits the virus may be transmitted and render the other rabbits immune to myxomatosis.

The Hon. S. C. Bevan: Do you accept that domesticated rabbits will not live in the wild state?

The Hon. A. C. HOOKINGS: No. In some places where I have been domestic rabbits have gone into the wild state and died, but there is a great possibility that many will thrive and cross with other rabbits. I am dealing with the fibroma virus that is providing immunity against myxomatosis. In New South Wales there has been much concern about the amount of the virus that has been spread throughout the State. The fibroma virus has been introduced for rabbits not used for scientific purposes. Members will agree that there is a use for rabbits in the scientific world. Unfortunately, the New South Wales virus got out of hand and into an area where there were commercial breeding establishments. In the Commonwealth Parliament on October 24 one member said:

The virus came into Australia because the Department of Health gave a university professor permission to import it for laboratory purposes. Through the Commonwealth Serum Laboratories and the Commonwealth Scientific and Industrial Research Organization the virus was made available to commercial rabbit farmers in New South Wales without any discussion having taken place in relation to possible effects or repercussions. Clearly this virus

should not have been made available to outside persons.

The Hon. K. E. J. Bardolph: Are you quoting from the Commonwealth *Hansard*?

The Hon. A. C. HOOKINGS: What is wrong with that? The statement continued:

The decision in this regard should have been taken at least on ministerial level if there is not some permanent body to handle these matters. No person, committee or group of persons was concerned with what happened to the virus after it came into Australia and that is why it is being used by commercial rabbit farmers now. We face the risk of great damage being done to our pastoral and farming industries. We must learn from this lesson. We must devise some machinery within the framework of the Department of Health—perhaps in co-operation with C.S.I.R.O.—to ensure that this kind of thing does not happen again.

The Hon. F. J. Potter: Was not the New South Wales Labor Government responsible for that deplorable state of affairs?

The Hon. A. C. HOOKINGS: Unfortunately that Government was responsible for it, and that is why I support the Bill. I want to see the commercial breeding of rabbits gradually diminish. We all realize that after being given the virus rabbits may escape and provide immunity in other rabbits. The South Australian Government is doing all it can to assist the primary producers and councils to eradicate rabbits. Their number is now down to its lowest for a decade. With a concerted effort and technical assistance it should be possible to eliminate them altogether.

The Hon. K. E. J. Bardolph: You are fighting a lost cause.

The Hon. A. C. HOOKINGS: I sympathize with people who are interested in the commercial breeding of rabbits but it has been necessary to introduce the Bill because of damage done by rabbits. It will enable us to get rid of one of Australia's greatest scourges.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Restriction on duty to destroy vermin on travelling stock reserves and rabbits in cages."

The Hon. G. O'H. GILES: I understand that under new section 36 (1) (*c*) commercial rabbit breeders will not be penalized if they obtain a licence. I cannot understand how a man with more than 1,000 rabbits can keep them in the area mentioned in subsection (2). Can the Attorney-General indicate how this number of rabbits can be kept in an area that does not exceed 36 square feet in floor space? I can only assume that he would not be protected under the Bill.

The Hon. C. D. ROWE (Attorney-General): If it is not possible to keep that number of rabbits within the prescribed area the man will not be protected under the Bill.

Clause passed.

Clause 4—"Disposal by board of fences no longer necessary for vermin control."

The Hon. C. D. ROWE: In the second reading debate the Hon. Mr. Bardolph in an interjection said that the Hon. Mr. Hookings was fighting a lost cause. I assume that he meant that he was going to oppose the Bill. Other interjections were made indicating that the Government was interfering with private enterprise. The purpose of the Bill is to enable proper measures to be taken to control what could be a serious menace to primary producers. We believe we are watching one of their real interests. I think the interjections deal with matters that should have the serious consideration of primary producers at the appropriate time. We are not opposing the interests of private enterprise, but want to save ourselves from a situation which has developed elsewhere, and which has been a bad thing for agricultural areas. I believe the Bill is one of great importance to the interests and for the protection of country areas and I ask honourable members to support it.

The Hon. K. E. J. BARDOLPH: I am somewhat surprised at the attitude adopted by the Attorney-General in replying to an interjection. I know that the Government is skating on very thin ice, and that it is attempting to court the support of country people because they are awake to the fact that they can expect little from this Government.

The Hon. C. D. ROWE: On a point of order, Mr. Chairman, the honourable member's comments do not relate to any clause in the Bill. I do not think they are relevant to the issue and therefore I ask that they be not allowed.

The Hon. K. E. J. BARDOLPH: I can quite understand the touchy attitude adopted by the Attorney-General, because his remarks concerning my interjection were also not relevant to the Bill. I have every right to speak in Committee on this issue, because my name has been mentioned and because the Attorney-General said that he wanted it on record. I, too, desire to have my rebuttal of his statement on record. He said that he wanted his statement on record to rebut my interjection but, as I said earlier, this is a rather unprecedented attitude to be taken by a Minister of the Crown. I will now give him something to reply to. This Bill, in my

opinion, is an abdication of the Liberal and Country League's policy.

The CHAIRMAN: You are dealing with clause 4?

The Hon. C. R. STORY: On a point of order, Mr. Chairman, where is the L.C.L. mentioned in this Bill? I thought we were speaking to the clause.

The Hon. K. E. J. BARDOLPH: Perhaps, as members opposite seem to be so thin-skinned at the mention of their name, I will say that this Government's policy is a complete negation of its statements oft-repeated in the press and over the radio with a great flourish of trumpets that it desires to establish primary industries in the State. The Bill is a complete negation of the private enterprise policy of the L.C.L. and I wish to place that on record.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

SEWERAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1729.)

The Hon. S. C. BEVAN (Central No. 1): One can visualise the importance of the Sewerage Act and the Waterworks Act, because without a reticulated water system we could not have an adequate sewerage system. This has been illustrated over the years, and it is vastly important to country districts as well as to the metropolitan area. The Act we are amending is an important Act involving the health of the State, and it has been amended on several occasions to give effect to the Government's policy of extending the sewerage systems. In 1946 several amendments were made to the Act, principally to allow for the extension of the system to country districts. Before it could effectively perform this work the Government needed power to acquire land. It must also have authority to construct a system adequate to meet requirements; and no Government would be able to provide all the necessary services if it did not have this power. Prior to 1946 the Minister had the necessary powers, but the amendment made to the principal Act in that year deleted section 11, which vested these powers in the Minister on the assumption that the powers were retained under the 1944 amendment. I have examined the 1946 debates on that Bill and the reason for its introduction, namely, the extension outside the Adelaide water district of the sewerage system to various country districts. The amendment to the Act in 1946 was based on that principle. However, after examining various debates I am not fully in accord with the explanation given in the second reading explanation that there was an oversight in 1946 whereby we now find that the necessary powers are non-existent. It is interesting to note what took place and what was said by the then Minister, the late Hon. M. McIntosh, when the Bill was introduced in another place. He said:

> In order that the Government shall have the necessary authority to proceed with sewage works when the opportunity offers I gave instructions that the existing legislation should be examined in order to ascertain whether sufficient powers existed for the carrying out of country schemes.

Of course, the carrying out of country schemes is identical with the carrying out of schemes in the metropolitan area. Let us now examine the original provision prior to its deletion in 1946 and try to visualize what prompted the Parliamentary Draftsman to delete that section. Section 11 reads:

> The Commissioner of Sewers in office on the passing of this Act shall continue to be and his successors in office shall be a body corporate under the title of the Commissioner of Sewers and shall by that name be capable of exercising all the functions of an incorporated body and shall have by that name perpetual succession and a seal and shall and may by that name sue or be sued, plead or be impleaded in all courts and before all justices and others—

Then follows the most important part—

> and shall have power to purchase, take, hold, or dispose of land and other property for purposes of the undertaking.

The point I am making is that the section that was deleted in 1946 took away the very powers that the Minister desired to have to carry out successfully any sewerage scheme, namely, the power to purchase, take, hold or dispose of land or property for the purposes of the undertaking. It is because of the deletion of that provision that we find ourselves in extreme difficulty today, and which necessitates the Bill before us so as to replace in the hands of the Minister the powers taken from him in 1946. Flowing from a court action, clause 30 is designed to rectify the position and it has retrospective effect. In general I do not approve of retrospective legislation, and it has been opposed on occasions by the Government. To give retrospective validity to measures often penalizes the efforts of some people. However, if retrospectivity were not given to this Bill all sorts of complications would arise. Purchase of land since 1946 for the purpose of the extension of the sewers system could be found to be invalid, which could cause other complications, despite the fact

that satisfactory settlements had been made at the time the land was acquired. There are various other factors in respect of notices to treat which have been issued over a period, some of which may still be pending. We can visualize the complications that might arise if some retrospectivity were not given to this legislation. I note in the Bill a proviso in clause 3 which it appears will cover matters in dispute. I understand there is one matter before the Supreme Court at the moment where, apparently, a notice to treat has been served. The powers of the Minister in acquiring the land have still to be determined, and as the proviso in clause 3 safeguards the interests of the person concerned I think that this amendment will have to go through.

Clause 4 fixes a scale of charges for the alteration of levels of topstones and castings of lampholes, inspection openings, air shafts and manholes or other similar work, to conform to the surface level of the roadworks. I do not see how this can be very satisfactory, for I do not see how it is possible to arrive at a scale of costs without some consultation between the bodies concerned. I submit that, once a scale of charges is fixed, that is the charge that will be levied despite the fact that the costs may vary on the different jobs according to circumstances.

Clause 5 puts an obligation upon the authority to give the Minister 14 days' notice of the intention to lay the pavement or hard surface in any street to widen or extend the pavement, to alter the level of the street or construct the footpaths, gutters, kerbing or water tables or to construct or alter drainage work in any street, and the Minister shall within 14 days of the receipt of notice, advise the person giving the notice of any resultant interference with the undertaking. If no notification is given the authority doing the work will have to pay the full cost of any damage caused. Local government authorities protested against the provisions of this legislation, but after a series of conferences between the Municipal Association and the Minister a satisfactory agreement was reached and the Bill was accepted. Under those circumstances, I support the second reading.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

WATERWORKS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1727.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the second reading. Many things the Hon. Mr. Bevan said about the Sewerage Act Amendment Bill apply to this measure. This is a redraft of a previous Bill introduced by the Minister of Works in another place. When the provisions of that Bill were made known, local government authorities protested and when representations were made to the Minister, the Bill was withdrawn. The local government authorities and the Minister (with officers of his department) conferred and, as a result, the present Bill was introduced. Most of the defects of the earlier Bill have been remedied, and local government authorities have accepted this Bill.

Section 51 requires the authority that intends to work on a road to notify the Minister 14 days before doing so and the Minister, within 14 days, to inform the authority of any new work proposed or of any possible interference to existing work. No doubt many honourable members have noticed that after a new road has been completed further extensions or alterations to services are made. This does not occur as frequently now as it occurred in the past, but it still occurs. This amendment may eliminate some of these circumstances. The advice from the Minister to the authority will contain information on any proposed extension of services below the level of the road, and this is a necessary provision. These amendments are reasonable.

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

CATTLE COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1726.)

The Hon. G. O'H. GILES (Southern): I support this Bill which effects many improvements. It does three things. Firstly, under clause 3 and following clauses, it empowers the proclamation of diseases affecting cattle other than those diseases already specified in the principal Act. Clause 3, for instance, amends the definition of "diseases" in section 4 of the principal Act by inserting therein after the words "Johne's disease" the words:

> and any other disease whether of the like nature or not affecting cattle which the Governor has for the time being declared by proclamation to be a disease for the purposes of this Act.

The widest possible interpretation of such diseases is in the interests of the cattle industry of this State.

I note that the following clauses provide that any such disease may be subsequently declared by proclamation to be a disease for the purpose

of this Act. I entirely agree that in this instance it is desirable for such matters to be handled by proclamation. This is one of the rare cases where it is necessary for the Government to be able to act quickly. It is obvious that the distance between Great Britain and Australia is shrinking as years go by. The time taken to travel between Great Britain and Australia is constantly being reduced. Recently, 15 hours was mentioned as the time it would take to travel by air from Great Britain to Australia within the next few years. This shrinkage of distances aggravates the problem and highlights the fact that we have been fortunate in Australia to remain free of such dreadful cattle scourges as foot and mouth, blue tongue, and a host of other contact diseases we have not yet experienced in Australia.

Secondly, this Bill enables companies to deal with the raising of funds for the purposes of cattle compensation. The method used previously was the issue of tax stamps. This Bill enables companies and private individuals to pay sums of money to the Minister once certain requirements have been met. In other words, every individual account does not have to be dealt with by way of tax stamps for the purpose.

The Hon. K. E. J. Bardolph: What toll is levied for this fund?

The Hon. G. O'H. GILES: Under the old Act the rate was a half-penny for every £1 of purchase price. This was not exorbitant, but the Government in its wisdom, and having the aim to facilitate transactions, has seen fit to effect savings in the matter. I do not know whether the loopholes in the previous legislation have now been well covered in this Bill, but the new rate will be threepence for every £100, which even the Hon. Mr. Bardolph will be able to see effects savings on the transaction.

The Hon. K. E. J. Bardolph: The Bill has been sponsored by your Government, so you must not oppose it.

The Hon. G. O'H. GILES: The honourable member gets quaint ideas. I am entirely in favour of the Bill and will not say the slightest thing against it, for I agree with almost every passage in it. The third matter is the actual simplification of the process I have dealt with. Because of the series of dry years we have experienced, beef cattle numbers are not as high as the potential. I envisage over the years a great increase in beef cattle numbers in this State. This is already an important industry and I am certain that the number of transactions that will occur in normal cattle sales will increase as the years go by. That is the first half of the problem. The second half is this: when hard times hit primary producers it is a well-known fact that on small agricultural blocks more people tend to depend on dairying as a means of getting an income on a monthly basis. Unfortunately, we must envisage an increase in dairying numbers. On both scores it is timely for the Government to introduce this Bill. I always favour legislation along the line of protecting South Australia from the scourge of the diseases mentioned, which have been responsible for a terrific amount of financial loss to primary producers in many overseas countries. I support the Bill.

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

SWINE COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1727.)

The Hon. M. B. DAWKINS (Midland): In supporting the second reading I observe that this Bill is somewhat similar to two other Bills recently introduced. The provisions of this Bill are similar to the Bill amending the Cattle Compensation Act, and another Bill that I will mention later. Therefore, I do not intend to take up much time on this measure. One amendment alters the duty, which is relatively small, and the amendment slightly favours the producer. At present the rate for each £1 of purchase price is 1½d. with a maximum of 3s. 9d. a pig. The new rate will be 6d. for every £5, with a maximum of 3s. 6d. a pig. The main amendment is related to section 12 of the principal Act. It provides that £2,500 a year from the fund may be spent on research. The fund now stands at £110,000 and is in a satisfactory state. The intention to set aside £2,500 a year in this way is a wise move, and I commend it, but I would not like to see the amount increased, as was suggested elsewhere. In another place it was suggested that the amount of £2,500 should be increased, and the Minister was asked when it would be increased. I would not like to see anything done in this direction unless people in the industry, who contributed to the fund, were consulted. The swine industry is largely covered by two associate organizations. One is the Stud Pig Society and the other the Commercial Pig Society. The two bodies are closely related and their views should be heard. As a past president of a sheep breeding society I know that I would be keenly interested if someone

proposed to spend £2,500 a year from funds built up largely by contributions from members of the society. Similarly, I believe the pig producers are most interested in the proposal in the Bill.

The Hon. K. E. J. Bardolph: How much per member would they contribute?

The Hon. M. B. DAWKINS: I would not know exactly, but most of the funds have been contributed by these breeders and they should have some say as to what should be done with the money. Therefore, it would be good procedure to consult them in this matter. I believe, however, that the breeders will concede that this proposal is a good move and they will, by and large, be in favour of it, although as far as I can ascertain they were not consulted.

Another matter might well have been brought forward in this Bill. I refer to body tattooing in pigs. This procedure is largely favoured by pig breeders, and it has been the subject of previous representations to the Government, because it would enable the tracing of condemned pigs right back to their owners. That would reduce calls on the fund, and this in turn would enable a further reduction in the compulsory contributions that are made to the fund or, alternatively, a larger amount could be provided for research. Tattooing would in a considerable measure bring home to careless or unscrupulous breeders the reward of their carelessness. The Government is attempting to do this in the Stock Diseases Act Amendment Bill, which was recently passed, particularly in the case of foot-rot in sheep. If we can tighten up provisions about the careless breeder of sheep I can see no reason why we cannot do likewise about his counterpart in the pig industry.

The Hon. K. E. J. Bardolph: Don't you think the Government has been very remiss in refusing to look after the welfare of the primary producers?

The Hon. M. B. DAWKINS: I am sure the Government has done a good job in looking after the welfare of primary producers. On Bills amending the Vermin Act, the Stock Diseases Act, the Cattle Compensation Act, and this Act, the Opposition has had no contribution whatever to make, except some interjections that have not been very helpful. Body tattooing could be a beneficial procedure and it has been adopted in the Eastern States, where it has proved quite successful. I suggest to the Government that it should give further consideration to this matter with the object of bringing in an amendment at a later stage to provide for what I believe would be a real improvement to the Act. As I have said, this Bill is similar to some other Bills with which we have been dealing, and other amendments contained in it are similar to those contained in the Cattle Compensation Act Amendment Bill that has already been dealt with. I do not propose to traverse the ground again, thus wasting the time of the Council by dealing with those amendments in detail. This industry is most important to Australia, and particularly to South Australia, and I believe we should do all we can to promote the industry and assist breeders who are trying to build up the quality of pig meats produced. I have much pleasure in supporting the Bill.

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

BARLEY MARKETING 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 provides for a number of things, but principally it extends the operation of the principal Act from the 1962-1963 season to the 1967-1968 season (clause 6). This is not the first extension of the Act, and it is, I believe, welcomed by all parts of the industry in South Australia. In fact, if there were any move at all, it would be to merge the operations of the various barley-marketing authorities into an Australia-wide organization if possible. This will possibly be achieved some day, but not now. Apart from extending the life of the Act, many of the proposed amendments have been discussed by the Victorian Minister of Agriculture and our own Minister of Agriculture. Similar legislation is enacted in both State Parliaments and for it to be effective it must be approved by both Parliaments. The Ministers are agreed on almost all of the proposed amendments, but Victoria may make other suggestions later. It is obviously desirable that our legislation should be passed this session and the Hon. Mr. Brookman has communicated with his Victorian counterpart, who is happy about the introduction of this Bill in its present form. I am not in a position to say whether later he may suggest alterations to the Victorian legislation, but it is believed that the legislation will be accepted in both States.

Clause 3 (*a*) amends section 4 of the principal Act to provide that the Chairman of

the board be nominated by the Governor of South Australia. South Australia grows a great preponderance of the barley produced in both States. The board comprises two growers from South Australia, one from Victoria, a representative of brewers and maltsters, with a chairman from South Australia (the Director of Agriculture, Mr. Strickland). The South Australian nomination of the chairman was originally agreed upon by the Minister of Agriculture, and it is now proposed to include a provision in the legislation giving effect to that agreement. The provision will not alter the board's composition. When the late Mr. Spafford died, Mr. Strickland was appointed Chairman and his term will expire concurrently with the expiration of the terms of the other board members.

Subclause (*b*) of clause 3 provides for the appointment of another grower member from South Australia. Victoria has one grower representative, and at present has the right to nominate an observer to attend board meetings, but that observer has no powers or responsibility. Victoria has indicated that it believes it should have extra representation and has requested that this observer be appointed as a full member of the board. The Government accepted this as a reasonable suggestion, but did so knowing that there would be strong support in South Australia for the appointment of an additional South Australian grower member. Accordingly sublauses (*c*) and (*d*) of clause 3 provide for the extra Victorian member.

If this Bill is passed there will be seven members on the board taking into account the additional member from Victoria, to be nominated by the Victorian Governor, and the additional grower-member elected by growers in South Australia. Our new member's district is not specified in the Bill, but it will be specified by proclamation and there will be no difficulty in determining a suitable area. I may add that when this original legislation was introduced Yorke Peninsula was the main barley-growing district in the State, but in latter years there has been considerable production in the South-East and the Middle North, and therefore other interests have now to be considered. The Bill proposes that the appointments will take effect on September 1, 1963. This coincides with the date on which other board members take office for a new term. If this provision were not included in the Bill the Victorian nominee would immediately become a board member, which would be inequitable.

By clause 4 the word "Australia" is deleted from section 18 of the Act and "South Australia and Victoria" inserted in lieu thereof. Under that section it is the board's responsibility to see that the requirements of Australia are met in the event of a heavy marketing programme. Without this limitation, in a bad season it would be possible for the board to sell all the grain it had without considering the reasonable requirements of the country. The board must take account of the expected home requirements. Other States have marketing boards, but only South Australia and Victoria are bound by the provisions of this legislation and it does not seem reasonable that other boards should have power to sell all their barley if it suits them whilst our board is limited and must consider the requirements of those States that do sell all their barley. The amendment therefore proposes that the board shall have regard to the needs of South Australia and Victoria—the two States operating the board.

The principal Act at present provides that the amount "received or to be received from the sale of barley of the same botanical classification", and clause 5 (1) of the Bill proposes to strike out the word "botanical". It has been decided that this word is unduly restrictive. Nor is it clear as to its exact meaning in reference to the distinction between six-row and two-row barley. The board is firmly of the opinion, and so also is the Victorian Government, that the word "botanical" should be omitted, and I believe that there will be no objection whatever to that. It is a small amendment, and I doubt whether much significance is attached to it. Subclause (2) of clause 5 inserts a new subsection in section 19 of the principal Act to enable the barley board to deduct from money payable to South Australian growers on their request any specified amounts to be used for the provision of bulk handling facilities. The growers have indicated a desire for this provision which was inserted in another place. I think at present the Act provides that all money has to be returned to the growers, but there is a move to provide for bulk handling of barley and this subclause will make provision for that if the growers request it.

The Hon. K. E. J. Bardolph: Will the barleygrowers make the same contribution to bulk handling as the wheatgrowers?

The Hon. Sir LYELL McEWIN: I do not know exactly, but nothing will be done without their approval. This Bill and its explanation has just come to me and therefore any answers I may give on this point must be, to use a

trade expression E. & O.E. I understand that the subclause provides for obtaining the approval of growers by some means, and there is no power to impose a levy without their approval.

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

DOG FENCE 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 objects are to clarify the responsibility of owners of the various sections of the dog fence to keep the fence properly maintained and in dog-proof condition at all times and to place the same responsibility on lessees of Crown land on which any portion of the dog fence stands. Section 22 (1) of the principal Act casts on the owner of any part of the dog fence the duty of causing the fence to be inspected at proper intervals, of maintaining it in proper condition so that the fence is at all times dog-proof, and of taking all reasonable steps to destroy all wild dogs in the vicinity of the fence.

In a recent case, where the lessee of Crown land was charged under that section, it was successfully contended: (*a*) that the lessee was not the owner of the part of the fence standing on the leased land as the fence was a fixture attached to the land and, the land being owned by the Crown, the ownership in the fence was also vested in the Crown; and (*b*) that the requirement to maintain the fence so that it is at all times a dog-proof fence does not imply that the owner must always keep the fence in a perfect dog-proof condition. The result of this case has caused some concern to the Vermin Districts Association and the Dog Fence Board as it throws some doubts on the effectiveness of the provisions of the Act for ensuring that fence owners keep their sections of the fence in dog-proof condition and properly maintained.

The Crown Solicitor has reported that it would be extremely difficult to enforce those provisions of the Act unless the ownership of the fence standing on Crown leasehold land is, for the purposes of those provisions, deemed to be vested in the lessee and an absolute duty is cast on the owners to keep the fence dog-proof at all times.

Clause 3 accordingly re-enacts section 22 (1) of the principal Act with all its present elements but the new subsection also clearly imposes on the owner of any part of the dog fence the duty at all times to keep it properly maintained as a dog-proof fence and in dog-proof condition. Clause 4 adds a new section 24a which provides that, where any part of the dog fence stands on land comprised in a Crown lease, the lessee shall, for the purposes of Part III of the Act, be deemed to be the owner of that part of the fence, but as certain parts of the fence standing on pastoral leases are vested in vermin boards the responsibility for maintaining them will remain in those boards. These amendments will remove the doubts created by the decision in the recent case to which I have referred and facilitate the enforcement of the Act.

Honourable members will be aware that the Dog Fence Board is primarily a board of landholders and is almost completely supported by the graziers concerned. I have no doubt whatever that an overwhelming body of opinion would favour this Bill.

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

WEIGHTS AND MEASURES 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.

This short Bill is necessitated by the enactment by the Commonwealth of a Weights and Measures (National Standards) Act in 1960. That Act provides, among other things, that on a date to be fixed, the standards of weights and measures provided under it shall be the standards for the whole of the Commonwealth. It is proposed that this provision will become effective in January, 1964. Amendments to our own legislation will be necessary in due course, but in the meantime, the Commonwealth has established standards of measurement and will be supplying verified and certified standards to the States so that the State authorities can verify their local weights and measures against the Commonwealth standards. This will enable the State authorities to be in possession of all the necessary verified weights and measures when the Commonwealth standards become the sole standards throughout Australia in 1964.

This Bill will provide that during the interim period standards provided by the Commonwealth may be used for verifying State standards and used for all the purposes of the State law. The amendment is of a technical character and follows similar provisions being enacted in Victoria.

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

THE POPPY DAY TRUST DEED 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 introduced at the request of the Returned Sailors', Soldiers' and Airmen's Imperial League of Australia (South Australian branch) Incorporated and is designed to amend what is known as the Poppy Day Trust Deed of the league to enable it to provide homes for aged ex-servicemen and their wives. The deed was made in May, 1948, certain moneys then held by the league being paid over to nominated trustees to be held by them as a general fund for the purposes set out in the deed. In general terms the fund can be used for the relief of necessitous cases of distress among ex-servicemen, such assistance to be by way of loan or free gift. I do not go into detail as to the terms of the deed. It is enough to say at this stage that there is no power to acquire land for the erection or letting of houses.

The league has informed the Government—and honourable members will already be aware of this—that the prime objective of the league has been the relief of distress and comfort of veterans and their dependants. The executive of the league has been considering ways and means by which its activities could be broadened. Its War Veterans' Home at Myrtle Bank provides for the single ex-serviceman, but it now desires to provide homes for aged couples. To do this, funds would have to be found and the league has requested an alteration to the trust deed to enable the fund to be expended for what appears to be a very desirable purpose—in particular to enable the acquisition of land and the erection and letting of houses and the enlargement of the class of recipients of benefits under the deed to include aged ex-servicemen and their wives.

The trust fund now amounts to some £63,000 and it would be proposed to utilize some of the fund, together with subsidy assistance from the Commonwealth Government under its legislation for the purpose of providing houses for aged ex-servicemen and their wives. The present Bill, by clauses 3 and 4, makes alterations to the trust deed in terms requested by the league.

Although in the ordinary course such alterations would form the subject of a private Bill, the Government has felt that, having regard to the worthy objectives sought, it would assist the league materially if this measure were introduced as a Government measure. As it is in the nature of a semi-private Bill it was referred to a Select Committe for consideration and report. The committee has sat and in its report to another place recommended the passage of the Bill, so I commend it for the consideration of members.

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

EXCESSIVE RENTS 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.

Its object is, shortly stated, to make provision to enable tenants of dwellinghouses to apply to a local court if they consider that they are being charged an excessive rent. As honourable members know, the Landlord and Tenant (Control of Rents) Act will expire at the end of this year. The Government has given very careful consideration to the question whether that Act should be renewed for a further 12 months and has decided that it would be preferable to let it expire and substitute a new and simpler Act. The present Act is lengthy, technical and complex. It has become so overloaded with amendments, provisos and exceptions as to be almost unintelligible. Furthermore the Government is of the opinion that the existing controls, which have been in force for so long, should now be allowed to expire.

I point out at the outset that the present Bill will not apply to a written letting agreement for a period of one year or more. It is considered in these cases that the parties concerned will have given full consideration to the question of rent before binding themselves for a term of a year or more. There is, however, an exception where such an agreement is made as a result of a notice to quit or a threat thereof. Nor does it apply to substandard houses, the rentals of which are fixed under the Housing Improvement Act.

Clauses 6, 7, 8 and 9 are the principal operative clauses of the Bill. Under clause 6 any tenant may apply to a local court to determine whether his rent is excessive, and clause 7 provides that the court shall hear the application and either dismiss it, or if the court considers the rent is excessive make an order fixing the rent which is final and remains in force for one year. The court may also make an order preventing the giving of notice to quit, even if the rent is not excessive.

Subclause (1) of clause 9 provides that an order fixing the rent remains in force notwithstanding any alterations, additions or repairs, or any change of ownership or tenancy in the premises.

Clause 8 sets out the criteria to which the court is to have regard in the exercise of its powers. These are self-explanatory and indeed most of them appear in one or another form in the present legislation. Subclauses (2) and (3) of clause 9 and clauses 10, 11, 12, 13 and 14 contain provisions for the enforcement of Act.

Clause 15 provides that a notice to quit cannot be given while an application to a local court is pending or an order fixing the rent is in force, unless the local court grants such leave, the grounds being non-payment of rent or failure to perform the conditions of the letting agreement, failure to take care of the premises, conduct constituting a nuisance, use of the premises for an illegal purpose or other special reasons. Clause 16 makes permanent the present provision of the Rent Control Act prohibiting distress for rent. Clauses 17, 18, 19 and 20 are machinery clauses.

This Bill effects a simplification of the present legislation dealing with rent control, and I commend it to members.

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

BUSINESS NAMES 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 objects are to revise the law relating to the registration and use of business names in this State, to remove anomalies and defects in that legislation, and to bring it into line with legislation in force or proposed to be brought into force in the other States and Territories of the Commonwealth.

When the uniform Companies Bill was under consideration by the Standing Committee of Attorneys-General, the need for bringing the legislation relating to business names into line with parts of the Companies Bill became apparent. The law relating to business names affects the commercial community throughout Australia and some of the considerations that made uniformity in company law desirable apply to the law relating to business names as well. For instance, the provisions in the Companies Bill for the regulation and control of the use of names by companies would not be fully effective unless similar provisions for regulating and controlling the use of business names were written into the business names legislation, thus facilitating the co-ordination of control in the use of business names throughout Australia.

An examination of the business names legislation in each State has revealed other deficiencies and anomalies in the present law of each State and Territory of the Commonwealth, and the standing committee accordingly directed the preparation of a uniform Business Names Bill suitable for adoption by all States and Territories subject to necessary variations to suit local needs. That Bill has since been passed in New South Wales, Victoria, Western Australia and Tasmania. Some of the more serious anomalies and defects detected in the business names legislation of this State are as follows:

(*a*) Section 4 of the Registration of Business Names Act, 1928-1961, requires the registration of every firm, individual and corporation carrying on business under a business name that does not consist of its or his true name, but section 22 of that Act refers to the registration of a business name and provides for the striking of a business name off the register in certain circumstances. This could have the odd result that a registered firm, individual or corporation would not be precluded from carrying on business under a business name that has been struck off the register because the registration of the firm, individual or corporation as such would be unaffected by the removal of the business name from the register.

(*b*) The provisions of the Act are quite inadequate for compelling the notification of all relevant changes in the registered particulars relating to persons carrying on business under business names especially where the persons are outside the State or the business is of an itinerant nature.

(*c*) An individual or firm that contracts to perform specified work or supply specified materials within a period of twelve months is exempt from registration under the present Act. This would permit an individual or firm from another State to enter into a contract to perform in this State major building construction or engineering works that are completed or agreed to be completed within twelve months to carry on business in this State without registration and without appointing a resident agent for accepting legal process on behalf of his non-resident principals.

These anomalies and defects have received attention in the uniform Business Names Bill. The Bill which is before this Council is substantially the same as the uniform Bill except

for certain modifications and improvements which have been made to suit the needs of this State. As honourable members are in possession of the explanatory notes relating to the clauses, I shall deal only with the principal changes this Bill will make to the present law. Instead of requiring the registration of individuals, firms and corporations, the Bill requires the registration of the business name under which a person (including a corporation), either alone or together with others, carries on business if the business name is not the true name of that person or the true names of all the persons so carrying on business.

The Bill also contains adequate provisions to enable the Registrar to keep his registers up to date and to compel notification of all relevant changes in the registered particulars relating to registered business names and, where the persons carrying on a business under a registered business name are outside the State or have no usual place of residence within the State, they are required to appoint a resident agent who shall, until notification of his removal is given to the Registrar, be responsible for accepting notices and legal processes on behalf of his principals.

In lieu of the exemption from registration granted by the present Act to an individual or firm that contracts to perform specified work or supply specified materials within a period of 12 months, this Bill will exempt a person who conducts under a business name an isolated transaction that is completed within a period of 31 days and who does not repeat similar transactions from time to time. The law governing the use of business names is stated in similar terms to the law governing the use of names by companies under the Companies Bill.

Other provisions similar to those in the Companies Bill (*a*) enable the Registrar to destroy or give to the Public Library documents which have not been in force for at least twelve years and this enables space in the Registrar's office to be cleared of unimportant and obsolete documents; and (*b*) empower the Registrar after giving notice to the persons concerned, to cancel the registration of a name that has been registered through inadvertence, etc., but this power cannot be exercised without the Minister's consent in respect of registration under the present Act and the Minister may override any notice given by the Registrar for the cancellation of a registration.

Administration of the legislation is further facilitated by empowering the Registrar to require verification by statutory declaration of documents whose authenticity he has reason to doubt and to correct any error appearing in the register or in any certificate of registration. The Bill also makes specific provision in respect of offences committed by corporations and in respect of service by the Registrar of notices on persons in relation to whom a business name is registered. Like the uniform Companies Bill, the uniform Business Names Bill was widely circulated among interested organizations and revised in the light of the comments received from them and other interested persons.

Apart from the changes referred to by me, the Bill does not make great changes of principle or policy expressed in the Registration of Business Names Act which the Bill will replace. There has been no substantial revision of that Act since it was passed by this Parliament in 1928. This Bill represents an important advance on that legislation and not only removes the anomalies and defects that have been detected in that legislation but also serves to bring the legislation of South Australia in this field into line with the rest of Australia.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2).

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

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

That this Bill be now read a second time.

It is designed primarily to make provision in the Motor Vehicles Act, 1959-1961, whereby approved insurers under Part IV of that Act are made collectively responsible when one of their number becomes unable to meet its obligations under a policy of insurance issued under that Part. This Bill also corrects a small drafting error that has been detected in section 12 (5) of the principal Act. The principle of the collective responsibility of all approved insurers for certain liabilities arising from road accidents has already been accepted by Parliament and is the basis of several existing provisions of the Motor Vehicles Act. The underlying idea is that each approved insurer must take a share of these liabilities, which are not the particular concern or responsibility of any one of them. The most familiar case is the responsibility for damage done by the hit and run motorist whose identity is not known and whose insurer (if any) is not known. Another familiar case in relation to which legislation has recently been passed is the case where the person doing the damage is known but he is not insured. In such cases

the liability for the damage caused is passed on to all the approved insurers through the medium of a nominal defendant who is a person appointed by the Treasurer in order that he may be sued for the damage which has been caused. It is proposed in this Bill to adopt the same machinery in order to ensure payment of the liabilities of the approved insurers who have become insolvent or bankrupt. In such a case, however, there would be an approved insurer whose identity is known and a policy of insurance under and in relation to which that insurer has not only duties and liabilities but rights and powers as well. This Bill proposes to transmit those duties, liabilities, rights and powers to a nominal defendant and to place the nominal defendant in the shoes of the insurer.

It is intended that the transmission should not have effect automatically upon the commencement of winding up proceedings in relation to an insurer or upon an insurer entering into a compromise with its creditors, but only when, after considering the circumstances, the Governor has made a proclamation applying the legislation to an insurer whose winding up commences, or which enters into such a compromise, after the Bill becomes law.

Clause 3 corrects the drafting error referred to earlier. Clause 4 inserts in the principal Act a new section numbered 118a, subsection (1) of which provides that, where the Treasurer is satisfied that an approved insurer, being a corporation, has insufficient assets to meet all its liabilities and is being wound up or has entered into a compromise with its creditors, the Governor may, on the Treasurer's recommendation, by proclamation declare that the section applies to that insurer and thereupon the Treasurer appoints a nominal defendant in relation to the insurer. New subsection (2) is designed to restrict the application of new subsection (1) to cases where the winding up commences or the compromise is entered into after the Bill becomes law. New subsections (3) and (4) in effect place the nominal defendant in the shoes of the insurer so far as its rights and liabilities under a policy of insurance and under Part IV of the Act are concerned.

The effect of new subsection (5) is that, if an approved insurer has entered into a contract or arrangement with another insurer for the re-insurance of any liability which the approved insurer has undertaken under a third party policy, the nominal defendant will be placed in such a position as to be able to recover from that other insurer any sums paid or payable by him pursuant to new subsection (3) where those sums, if paid by the approved insurer, would have been recoverable by the approved insurer under that contract or arrangement for re-insurance.

New subsection (6) imposes a duty on the insurer, or the liquidator of the insurer, when requested by the nominal defendant, to furnish him with information, books and papers and to give him such assistance as he reasonably requires in relation to relevant claims, actions and judgments against the insurer. New subsection (7) provides for the liabilities incurred by the nominal defendant under that section to be shared between approved insurers in accordance with a scheme approved by the Treasurer or (in the absence of such a scheme) in such proportions as the Treasurer directs. New subsection (8) provides that the amount of moneys paid out or incurred by the nominal defendant under that section may, in the winding up of the insurer or in any compromise between the insurer and its creditors, be proved as a debt due to the nominal defendant by the insurer and that any amounts received by him as dividends out of the insurer's assets or recovered by him on account of the insurer must be paid to the approved insurers in such proportions as the Treasurer directs.

Clauses 5 and 6 make consequential amendments to sections 119 and 120, respectively, and are complementary to the new section 118a. I realize that the explanation I have given is a technical explanation of the Bill, and will need some study by honourable members, but this Bill provides for circumstances which occur and which leave insurers rather without protection.

The Hon. K. E. J. Bardolph: Was this explanation drawn up by a Philadelphia lawyer?

The Hon. Sir LYELL McEWIN: We have not had applications from Philadelphia, but have managed to confine it to Australia and the Bill has been drawn up in a manner intelligible to the honourable member even if he does raise matters that nobody but he understands. I think this is in language that the honourable member will be able to understand, and if he secures the adjournment I presume he will enlighten the Council on any matters requiring elucidation.

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

ADJOURNMENT.

At 11.12 p.m. the Council adjourned until Wednesday, October 31, at 2.15 p.m.