

LEGISLATIVE COUNCIL.

Thursday, November 1, 1962.

APPOINTMENT OF DEPUTY PRESIDENT.

The Clerk having announced that, owing to the unavoidable absence of the President, it would be necessary to appoint a Deputy President,

The Hon. Sir LYELL McEWIN (Chief Secretary) moved that the Hon. Sir Arthur Rymill be appointed to the position.

The Hon. A. J. Shard seconded the motion.

Motion carried.

The DEPUTY PRESIDENT took the Chair and read prayers.

ASSENT TO BILLS.

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

Mining Act Amendment,

The Electricity Trust of South Australia (Torrens Island Power Station),

Banks Statutory Obligations Amendment.

COMPANIES BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

SUPREME COURT ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

BIRTHS AND DEATHS REGISTRATION ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

BARLEY MARKETING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1781.)

The Hon. W. W. ROBINSON (Northern): I support the Bill, the chief provision of which is an extension of the operation of the Barley Marketing Act for a further five years after the next harvest. I can with every confidence support this measure because I believe it has the approval of all barleygrowers throughout the State. From the outset, under the chairmanship of the late Mr. Spafford and the management of Mr. Tomlinson, the board has done an excellent job in receiving and

marketing barley and I can express approval of the way in which it has cleared up each crop and marketed it at a satisfactory price.

This Bill also provides for two additional members of the board, one for Victoria who will be nominated by the Governor of Victoria and one for South Australia to be elected by ballot by the growers, making three growers' representatives. Clause 4 amends section 18 (2) of the principal Act by striking out the word "Australia" and inserting in lieu thereof the words "South Australia and Victoria". In effect, this is a board that has been operated by South Australia and Victoria in conjunction, because it is in these States that the bulk of the barley is grown. I understand that the reason more particularly for deleting the word "Australia" is that some of the other States have taken advantage of their position to some extent and sold their high-grade barley and then have made claims upon South Australian and Victorian supplies for their malting requirements. Section 19 (2) (a) of the principal Act is amended by clause 5 by striking out the word "botanical".

A provision has been included so that the board may deduct from any money payable to a person any amount specified in a written request made to the board by any such person and may apply any amount so deducted towards the provision of bulk storage facilities for barley. This will be a voluntary contribution, but I am sure that all barleygrowers in South Australia will be prepared to assist so that the bulk handling of barley may soon be introduced. Wheat farmers readily subscribed to a similar scheme to assist the bulk handling of that grain, and I am sure that all barleygrowers are looking forward to the time when the bulk handling of barley will be an accomplished fact.

Bill read a second time and taken through its remaining stages.

DOG FENCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1781.)

The Hon. S. C. BEVAN (Central No. 1): This Bill is as important as the principal Act, which came into operation in 1946, and was amended in 1949, 1953, 1959, 1960 and 1961, because of the various anomalies which became apparent from time to time. The purpose of this legislation is to ensure that dog-proof fences are in good condition and properly maintained, and it places an obligation upon

persons to ensure that the fence is in proper repair. It is important to primary producers that this should be so, as one can visualize what can happen if wild dogs attack stock. I saw the result of an attack by wild dogs on sheep some years ago, and there seemed to be no reason why the dogs should have killed the sheep.

It is necessary to have legislation to ensure that fences are kept in proper condition because, unfortunately, some persons do not attend properly to the maintenance of dog-proof fences. This affects their neighbours as well as themselves as it allows wild dogs to enter the neighbouring properties. If landholders gave proper attention to the fence we would probably not now be discussing this legislation. It is apparent that the amendments are necessary because of the neglect of someone who failed to ensure that the fence was dog-proof. It appears that a lessee of Crown land failed to carry out his obligations and attempted to avoid his responsibility. As a result dogs could have got through the fence and caused considerable damage to his neighbour's stock; indeed, more damage than to his own. If a landholder suffered through his neglect surely he would see that his portion of the fence was kept in good condition. The Bill makes two amendments to the principal Act. The phraseology of the first is little different from the phraseology of section 22 of the principal Act, which states:

It shall be the duty of the owner of any part of the dog fence to cause the fence to be inspected at proper intervals, to maintain the fence in a proper condition so that the fence is at all times a dog proof fence, and to take all reasonable means to destroy all wild dogs in the vicinity of the dog fence.

The section was amended in 1959 by the addition of the following subsection:

An owner of any part of the dog fence, who fails to comply with any of the provisions of subsection (1) of this section shall, in addition to any liability that may be incurred under subsection (2) of section 23 of this Act, be guilty of an offence and liable to a penalty of not less than £50 and not more than £100.

The emphasis is on the owner of the land, and he is held responsible for any breach of the Act. I understand there was a court case about neglect to keep a dog fence in proper repair, when the phraseology of the section was criticized by the court, particularly the term "the owner". I believe that the court held there was no breach of the Act because the man charged was the lessee and not the owner of the property. No doubt

the court thought that as the fence was a fixture on the land the owner was the person responsible for its upkeep, and not the lessee. In this instance the Crown was the responsible party.

The second amendment in the Bill removes any doubt whatever about the responsibility of the occupier of the land, whether he be the owner or the lessee. It is made clear that the lessee shall be responsible for the maintenance in good repair of the portion of the fence under his control. Both amendments, particularly the second, are worth while. The Act stipulates that the owner (and under the Bill it will be the lessee as well) shall be responsible for keeping the fence in a dog-proof condition. The owner receives from the Crown an amount of up to £30 a mile for the upkeep of the fence, and because of this surely he has a duty to keep the fence in good repair. In all decency, the owner or the lessee should look after his own interests, as well as those of his neighbours, by doing all he can to keep the fence in proper repair.

Bill read a second time and taken through its remaining stages.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ABORIGINAL AFFAIRS BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

WEIGHTS AND MEASURES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1781.)

The Hon. K. E. J. BARDOLPH (Central No. 1): This Bill does not need much elaboration, because it is on the same lines as previous Bills dealing with uniform divorce laws and uniform company law. It deals with weights, measures and standards and is for the purpose of achieving uniformity throughout the Commonwealth. The Bill was clearly explained by the Attorney-General, and it is one that will result in much responsibility being placed on local government authorities because they are charged with the responsibility of policing the law relating to weights and measures. Some councils have an inspector of weights and measures, but I understand that other councils group together and employ one officer to carry

out these duties for the group. I do not know whether that action will be acceptable when it comes to enforcing the provisions contained in the Bill and I suggest that that question be examined.

We have a Warden of Standards who is under the control of the Minister of Agriculture, and the warden is the authority by whom weights, measures and gauges are tested to see whether they conform to the provisions of the Act. The Attorney-General said that the Bill would bring our Act into line with the Commonwealth Act of 1960, and it is of interest to note the provisions of that Act. At the outset I wish to say that when the Act is amended in accordance with the Bill it will be brought into line with the Commonwealth Act, but where the State law and the Commonwealth law are at variance the Commonwealth law reigns supreme. Each State is passing similar legislation for the purpose of achieving uniformity. The objects of the Commonwealth Act are to provide for the establishment and use throughout Australia of uniform units of measurement and uniform standards of measurement of physical quantities, and it is provided that the Act shall be construed accordingly. It further provides that the Act and regulations do not apply to the exclusion of any law of a State or Territory except in so far as that law is inconsistent with an express provision of the Commonwealth Act or of the regulations. That confirms my point that it is necessary for each State to amend its weights and measures legislation for the purpose of achieving uniformity.

The Commonwealth Act also provides that the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act, 1949-1959, shall maintain, or cause to be maintained, such standards of measurement as are necessary to provide means by which the measurements of physical quantities for which there are Commonwealth legal units of measurement may be made in terms of those units. I think every honourable member will agree with me when I say that the C.S.I.R.O. has performed and is performing valuable work in its scientific investigations on developmental and research projects for Australia. That provision ensures that the Act will provide a good standard of scientific and research investigation on standards. I have much pleasure in supporting the Bill because it will be a means of protecting the community.

The Hon. C. R. STORY (Midland): I support the second reading of the Bill. The

Hon. Mr. Bardolph has given the Council a very good dissertation on the Bill and members should be grateful for the time he has put into studying the measure. We are happy with this provision because it will bring all States into line with the Commonwealth, and this Bill is virtually an enabling Bill. I think during this session we have been called upon to pass a number of measures in an attempt to achieve uniformity in various directions. In some cases uniformity is desirable but in others we do not need so much uniformity. However, I am very happy with the provisions of this Bill and I have no objection to it at all. I therefore support the measure.

Bill read a second time and taken through its remaining stages.

THE POPPY DAY TRUST DEED BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1782.)

The Hon. R. R. WILSON (Northern): The Poppy Day Fund is well known to the public of South Australia. The name originated from the poppies growing in France covering the graves of many thousands of men who lost their lives in that country during the First World War. An appeal takes place every year from November 1 until Armistice Day on November 11 and the contributions benefit ex-servicemen from both the First World War and the Second World War, the money being used to give immediate relief to necessitous cases such as in providing firewood, spectacles or clothing. The amount so expended last year was £6,420. The people of this State have been very responsive to the appeal and, as well, quite a number of very handsome legacies have been bequeathed to the trustees. The fund is now financially in a position to serve a great need by providing cottages for aged ex-servicemen to enable them to live out the remainder of their lives in the companionship of their wives. A survey was made recently to ascertain how many cottages might be required and it was found that the number was considerable. Victoria has its Darby and Joan cottages, and New South Wales its War Veterans Home where war veterans can live their lives in comfort in their declining years. South Australia has the Myrtle Bank War Veterans Home, but that is only for single men, widowers and pensioners. Western Australia also has cottages for war veterans.

The fund stands at over £63,000 and a considerable percentage of that money is invested

in Commonwealth Bonds which will not mature until 1967, but there is a great incentive for such a project as cottages and homes by reason of the Commonwealth £2 for £1 subsidy. This means that if the trustees made available, say, £30,000 the sum of £90,000 would be available for building cottages. Furthermore, it is expected that land will be available at a very reasonable price—indeed, I believe it will be donated—for this purpose in a splendid locality, adjacent to the seashore and convenient for transport.

As one of the four trustees mentioned in this Bill I wish to say that the Government's action in adopting this measure as a Government Bill is much appreciated. A Select Committee was appointed in another place which took evidence from two of the trustees and subsequently recommended the passage of the Bill through Parliament. I hope it will receive the support of all members of this Council.

The Hon. A. J. SHARD (Leader of the Opposition): I, too, give my support to this Bill because I think it has a very worthy object and one on which the trustees of the Myrtle Bank Home should be congratulated and I take this opportunity of speaking because I would not like it to be thought that, by our silence, the members of my Party were not in agreement with the objects of the Bill. One of the things from which one gets considerable pleasure in life is observing the work of the numerous bodies caring for the aged and less fortunate people of our community. The Myrtle Bank Home is one in particular of a very high standard, and the trustees deserve the thanks of the community for the work they are doing there in making the last few years of the lives of the returned soldiers as happy and contented as possible. It is with great pleasure that I support the second reading.

The Hon. C. R. STORY (Midland): I, too, rise with great pleasure to support the Bill. The Hon. Mr. Wilson has done the honours for us, if I may put it that way, and I am much obliged to the Leader of the Opposition (Hon. Mr. Shard) for affording Mr. Wilson the opportunity to bring this measure before the Council. This was a very generous act because Mr. Wilson has been associated with the trustees for a long while and is still an active trustee. The other trustees are Mr. Eastick (South Australian President of the R.S.L.), Mr. Lee (Federal President), and Miss Cooper, and they have done a wonderful job, backed up by the

most generous support on the part of the South Australian public.

I think the provision of private homes to keep old diggers together with their wives is most laudable, and I am sure every member of this Council is only too happy to support this type of legislation, which is on all fours with what South Australia is doing in many ways in looking after people who have served their country well and who, perhaps through no fault of their own, have fallen on hard times.

Bill read a second time and taken through its remaining stages.

EXCESSIVE RENTS BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1783.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this Bill. Since its introduction by the Government it has been considerably improved. The Bill, as introduced, provided that all letting agreements in writing for periods in excess of one year were outside the control of this legislation. However, now it has been amended so that if an unscrupulous landlord obtains a signature to a lease by means of threats or as a consequence of a notice to terminate the tenancy, then that residence will remain under the control of the local court.

The Labor Party policy has always been in favour of a Fair Rents Court and this Bill is a step in that direction, although it does not go as far as I would have liked. However, I support the second reading of the Bill.

The Hon. F. J. POTTER (Central No. 2): I support the second reading and in doing so congratulate the Government on deciding, after all these years, to terminate the operations of the Landlord and Tenant (Control of Rents) Act as from the end of this year. It was with a certain grim amusement that one heard the Minister, when explaining the Bill, say that at last the Government had decided that the old Act had become so overloaded with amendments and so unintelligible that the best thing to do was to allow it to expire. Some members of this Chamber have been saying that for at least three or more years, and it seems that our representations have now borne fruit. There was no more unnecessary and unfair legislation on our Statute Book than the old Landlord and Tenant (Control of Rents) Act.

This Bill has been designed to give some protection to tenants, particularly those who have

taken on a tenancy under what might be called a short-term arrangement and on an oral basis. It is fair and right that the Government should exempt from the provisions of this Act tenancies in writing for a period of one year or more. Once a person negotiates with a landlord for that type of agreement, it should be sacrosanct and not subject to review by a court. One of the rights of the individual in this community is that of making his own contract, and, after making it he should be held to it. This aspect, in many ways, was one of the disadvantages under the old Act where a person after entering into a contract abided by it for a time and then endeavoured to find ways out of it. I am thankful to know that under the Bill, if a contract has been entered into for a year or more, it will be binding. Apart from that, the general review of rents to be given by a court in the circumstances set out in the Bill is unobjectionable. Indeed, it may fill a gap that otherwise would exist in the general position.

I would like honourable members to note that the controls over rentals of substandard houses which are applied under the provisions of the Housing Improvement Act are not affected by this legislation. Those provisions have been there for a long time but it is only recently that the Housing Trust, as a result of representations made to it, has exercised its powers under that Act, which is designed to allow the Housing Trust to fix rentals of houses which in the opinion of the trust are substandard. The provisions of that Act, which have been built in for all time, are similar to the relevant provisions in the Landlord and Tenant (Control of Rents) Act. However, I am sure that honourable members will not object to the fixing of rentals of substandard houses in proper cases.

There has been much loose talk of the alleged exorbitant rents paid by some people. With the assistance of one or two land agents I calculated that on an ordinary £4,750 house, after all the outgoings were covered and with six per cent interest on the capital, something like £6 or £7 a week had to be obtained as an adequate return. Talk of high rentals, if one examines the true circumstances, often does not amount to very much. Although I had some doubts about the amendments which were added in another place I consider that the legislation is largely unexceptionable and that members may support it. If the amendments are not successful or produce hardships that are not contemplated at present, then no doubt the Govern-

ment will introduce further amendments. I support the second reading.

The Hon. W. W. ROBINSON (Northern): I support the Bill, with the exception of the clause referred to by the Leader of the Opposition. This Bill is an improvement on the Act, which discriminated against some landlords, and which over the years imposed considerable hardship on some tenants. The Bill puts the position on a much fairer basis. The Hon. Mr. Shard referred to unscrupulous landlords, but I point out to him that human nature is much the same everywhere. I believe that if a tenant has signed a contract he should abide by it. If he is given the opportunity to go to the court to have his rent reduced he is breaking a fundamental principle. In my business dealings I have always adhered to a contract, whether made verbally or in writing. The Bill gives the tenant the right to go to the court to have his contract altered. I do not agree with this, because, as I have said, when a contract is entered into it should be adhered to.

The Hon. C. R. STORY (Midland): By and large, the Bill is an improvement on the existing legislation, but some members have been unhappy about portions of it. The Bill provides for relief to tenants from excessive rents and for other purposes. Earlier in the debate the Deputy President (Sir Arthur Rymill) said that in Committee he would move amendments to several clauses. I am now empowered by him to say that, following on a conference that we have had with the Government, objections that existed previously have now been withdrawn, and we feel that the Bill can be made to work. The Chief Secretary has also mentioned amendments that he will move in Committee. We agree with them, because we think they will improve the measure and make the position much easier for both landlord and tenant. The amendments foreshadowed by Sir Arthur Rymill will not be proceeded with. I have some sympathy for the Hon. Mr. Robinson in the matter of rent control. For several years he has been a student of this legislation and on other occasions he has given members the benefit of the knowledge he has gained. I think that all members agree to the Bill, subject to the amendments to be moved by the Chief Secretary, and we think that they will improve the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

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

In the definition of "letting agreement" to strike out "the" after "notice to terminate" where first occurring and insert "an existing". There was a feeling amongst members that the provision covered landlords not intended to be covered. It was intended to cover more the capricious landlords, and to set out the position properly it was thought best to refer to an existing tenancy. Under the definition as drafted it would be possible for a landlord to tell his tenant to quit, but then to say that it would be all right if he agreed to pay a higher rent.

The Hon. K. E. J. Bardolph: He would not be a capricious, but an avaricious landlord.

The Hon. Sir LYELL McEWIN: The amendment makes clear what was intended by another place. I understand the amendments are acceptable to the Opposition.

Amendment carried.

The Hon. Sir LYELL McEWIN moved:

In the same definition to strike out "the" after "notice to terminate" where last occurring and insert "an existing".

Amendment carried.

The DEPUTY CHAIRMAN: The Parliamentary Draftsman has suggested that the last five lines of the definition, commencing with "not being" and ending with "tenancy" be bracketed. There is no need for an amendment in this matter, so if it is the wish of members I shall regard it as a typographical error.

Clause as amended passed.

Clauses 4 to 6 passed.

Clause 7—"Powers of Local Court."

The Hon. Sir LYELL McEWIN: I move:

After "not" last occurring in subclause (1) to insert "during such period not exceeding one year as is specified in the order".

The clause empowers a local court to make an order preventing a landlord from giving a notice to quit. As it stands there is no limit on the duration of any such order. The amendment will limit the powers of the court to make such an order to operate for such a period as the court specifies, but not more than one year. I do not think there is any need for me to enlarge on that. The fairness of the amendment is fairly obvious and, again, it is something that I am sure will be acceptable to the other place.

Amendment carried; clause as amended passed.

Remaining clauses (8 to 20) and title passed. Bill read a third time and passed.

BUSINESS NAMES BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1784.)

The Hon. A. F. KNEEBONE (Central No. 1): This Bill has for its purpose the repealing of the Act dealing with the registration of business names, and it will result in a new Act to govern the registration of such names. The present Act has been in existence since 1928, and prior to that the Registration of Firms Act had been in existence from 1899. It was apparent, following on the Companies Bill that was recently introduced to achieve uniformity in company law throughout Australia, that provision should also be made to amend the Registration of Business Names Act in an attempt to achieve uniformity throughout Australia on that question. This is not a particularly short Bill, but on the other hand it is not particularly long when compared with the Companies Bill. However, the provisions of the Bill are necessary, in conjunction with the Companies Bill, for the proper regulation and registration of business names. I, and other members, are indebted to the Attorney-General for the explanatory notes we received on the clauses of the Bill. That simplified the matter of comparing the clauses with the sections of the Act to be repealed, and when we examined the explanations we found that many of the clauses were the same as the sections in the Act or in some cases they were only slightly different. The alterations apparently bring our legislation into line with legislation that it is hoped will become uniform throughout Australia, and also bring it into line, where necessary, with the Companies Bill that was recently dealt with. I find that the new clauses are an improvement on the existing Act and for that reason I support the second reading.

The Hon. F. J. POTTER (Central No. 2): I support the second reading. I rather deprecate the fact that we had this Bill submitted to us so late in the session because, after all, it is a Bill of some length and of some importance. In the short time I have had available to look at it I have made an examination of all the clauses, and I think I can say it seems to be unexceptionable in every respect. This is, I think, probably the fourth or even the fifth Bill introduced this session for the purpose of effecting some uniformity throughout the Commonwealth, and it certainly seems to be a sign of the times in which we are living.

The Hon. K. E. J. Bardolph: We are becoming more centralized every day.

The Hon. F. J. POTTER: It is not exactly centralization, but it is certainly standardization. It is certainly not something that is imposed by the Commonwealth Parliament and something in which we have no say at all.

The Hon. K. E. J. Bardolph: They like to have sovereign powers to prevent it.

The Hon. F. J. POTTER: I have tried to make that point in other debates in this Council, but we seem to be entering an era where the States, individually exercising their sovereign powers are, nevertheless, having put before them legislation that is on all fours with legislation introduced in other States. However, although I think there may be certain subjects to which exception could be taken, this one is not one of them. This Bill is a necessary ancillary measure to be put before this Council after the passing of the uniform Companies Bill. I would say that the existing legislation has worked very well. I do not think there is any suggestion that there are many anomalies in it, nor do I think this Bill effects any drastic alterations or even improvements. I have pleasure in supporting the second reading.

The Hon. C. R. STORY (Midland): I think there are certain difficulties in connection with this Bill. I am not one who usually complains about measures put before us, provided I know something about them or have the opportunity to find out if I do not know. It has been extremely difficult for some members of this place to study this Bill, which runs in double harness with the new Companies Bill. It would appear that members have not had much opportunity to examine it. In the little time I have had to study it I have gathered that it is rather important, and I would ask the Minister to allow the debate to be adjourned for a while to give an opportunity to members to have a little more time to study it. I think he will agree that the Council has worked extremely hard under very difficult circumstances in the last day or two.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 30. Page 1785.)

The Hon. K. E. J. BARDOLPH (Central No. 1): It is true that this can be termed a legally technical Bill although I do not suggest

that it is unintelligible to us or that the Minister's explanation was beyond our understanding. I believe that its provisions can be interpreted in common law by the respective magistrates or judges before whom litigants have to appear. The Bill is designed to make insurers, under Part IV, collectively responsible when one of their number becomes unable to meet his commitments under third party insurance policies.

Recently a certain insurance company went into liquidation and the insurers who had paid their premiums seemed likely to suffer loss. Fortunately, however, another company took it over and accepted at least some of its liabilities. The amending Bill provides for a nominal defendant in such cases from whom the insurers may recover compensation. Moneys due under any judgment of the court will be paid out of a common fund contributed by the various other insurers. In other words, it is a form of group insurance.

The Hon. S. C. Bevan: Will it mean any increase in the cost of third party insurance?

The Hon. K. E. J. BARDOLPH: I do not think so because, for all practical purposes, this arrangement is in existence today as it is the usual practice for insurance companies to farm out their obligations to other companies so that one company does not risk being called upon for excessively heavy commitments in a given case.

The Hon. S. C. Bevan: It is spreading the risk.

The Hon. K. E. J. BARDOLPH: Yes. In order to afford some protection to the body of approved insurers which will eventually share these liabilities the Bill provides that the transmission will have effect 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 a compromise with its creditors, after the Bill becomes law. I have pleasure in supporting the second reading.

The Hon. L. R. HART (Midland): A Bill of this nature is very important in that the welfare of many people, as well as a great deal of money, is involved. A person insuring should have complete protection should he require the assistance for which he has insured. A Bill of this nature will provide a pool from which he will be able to derive the benefits for which he has insured. This is something that will be important, not only in connection with motor vehicles but in many phases of life.

I think the Bill is desirable. Various clauses will undoubtedly improve the existing legislation, and in fact will better provide for many people who, perhaps through no fault of their own, could be deprived even of an existence. Many people have much of their total investment tied up in motor vehicles, and their very existence depends upon their physical welfare. Should an accident occur they would be involved in medical expense and inconvenience, and it would be disastrous for them if they could not obtain assistance under their insurance policies. I am sure that a Bill of this nature will do much to inspire confidence in the motor industry and amongst motorists in general, and I have much pleasure in supporting it.

Bill read a second time and taken through its remaining stages.

SEWERAGE ACT AMENDMENT BILL.

In Committee.

(Continued from October 31. Page 1848.)

Clauses 1 to 4 passed.

Clause 5—“Amendment of principal Act, section 53.”

The Hon. G. J. GILFILLAN: Earlier I indicated that I objected to portions of this clause in principle. Since that time we have been informed that these provisions have now been agreed to in writing by the Municipal Association, and I now withdraw my objection. However, I consider that these matters should be watched, and that we should be prepared in future to make any amendment that may be found necessary.

The Hon. C. R. STORY: I am not very happy about this clause. I am a great believer in agreement, and if, as Mr. Gilfillan has said, local government, through its representatives, has entered into a written agreement in this matter I will accept it. However, I do not know to what extent this agreement is binding upon councils, nor do I know whether the representatives concerned in the negotiations spoke for all local government authorities. It seems to me that this matter has not been sufficiently explained, for I do not remember any mention of an agreement in the Minister's second reading explanation, and I consider that if honourable members had been given more information about this matter their thinking may have been a little different. Some country towns might be put at a distinct disadvantage. I will not tell my grandmother how to suck eggs, and if local government has agreed to the clause I will support it. However, I should

like the Minister in charge of the Bill to explain the history of this matter.

The Hon. C. D. ROWE (Attorney-General): I am indebted to honourable members for the attention they have given this Bill, and I appreciate it because I think it is part of our job to see that we know what is happening under a Bill. What seems to have worried most members is proposed new section 53 (6), which reads:

Should any work referred to in subsection (1) involve any alteration to the undertaking and the Minister is of the opinion that any part of the undertaking involved in or affected by such alterations should be replaced or enlarged, the cost of all materials requisite for such replacement or enlargement shall be borne by the Minister, but all other costs and charges shall be payable in accordance with this section.

This new subsection refers to subsection (1); that is to say, if the Water Supply Department itself decides to replace a main in a street the whole responsibility is on the department. New subsection (6) comes into effect only if a council decides to alter, recondition or rebuild a street, in which case it gives notice to the department. If, when it opens the street, the Water Supply Department finds it necessary to replace the pipe or installation, the total cost of materials is met by the department and half of the cost of the work is met by the council. This seems to me to be fair enough. It was inserted in the Bill at the request of councils to ensure that they would not be involved in the total cost of work in these circumstances. It has been estimated that this will mean an additional cost to Government departments of about £44,000, so it will help rather than hinder councils.

The Hon. K. E. J. Bardolph: Councils have agreed to this, have they not?

The Hon. C. D. ROWE: Yes, and they have expressly asked for this provision. I think the provision is fair and reasonable, and I hope members will now be able to support it.

Clause passed.

Title passed.

Bill read a third time and passed.

WATERWORKS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1777.)

The Hon. M. B. DAWKINS (Midland): This Bill is, in some respects, similar to the Sewerage Act Amendment Bill; some of the clauses in that Bill appear practically word for

word in this measure. I had some doubt about the provisions of the Sewerage Act Amendment Bill, but the explanations and assurances given by the Minister in that matter apply largely to this measure. I am therefore prepared to support the second reading of this Bill. Paragraph XIX to be added to section 10 (1) of the principal Act gives the Minister the power to fix scales of costs and charges for alterations to water services. I, like the Hon. Mr. Bevan, wonder whether it is entirely wise to allow the Minister to fix these charges when there is no apparent power of redress open to councils if they consider the charges excessive, and I should like the Minister to comment on this. Although I support the Bill, I wish to sound a warning that we should not open a door by which several public utilities might wish to enter and take a chop, as it were, of the revenue of councils. We need to guard local government funds and powers so that councils do not become rubber stamps or agencies for higher power.

The Hon. C. R. STORY (Midland): This measure is almost on all fours with the Sewerage Act Amendment Bill with which we have just dealt. In the last few minutes it has been brought to my attention that, if a council desires to drop the level of a road, the provision regarding the 50 per cent shared between the Engineering and Water Supply Department and the council is then operative. If, on the other hand, the Engineering and Water Supply Department is doing the job and does not intend to drop levels, this provision will not operate. I think this will ease the minds of members. As agreement was reached in this matter in the same way as in the Sewerage Act Amendment Bill, I have no objection to it.

The Hon. G. J. GILFILLAN (Northern): I support this Bill. I believe the discussions that have taken place with the Minister about this measure will assist in its smooth working. I am sure the several matters brought to his notice will be handled in such a way that the provisions of this measure will work smoothly. Clause 4 inserts new section 51 (6) as follows:

Should any work referred to in subsection (1) of this section involve any alteration to any water main, water service or waterworks being the property of the Minister and the Minister is of the opinion that any water main, water service or waterworks involved in or affected by such alteration should be replaced or enlarged, the cost of all materials requisite for such replacement or enlargement shall be borne by the Minister but all other costs and charges shall be payable in accordance with this section.

An interpretation of this clause which could adversely affect councils is that where the level of a road is to be changed and only minor alterations to water services are anticipated, a further inspection when the surface is removed could reveal that mains require replacing or enlarging, and a council may then be liable for half of the cost of that replacement (excluding new material). In the administration of this Act, this should be watched. Because of the discussion in this Chamber and the fact that the Municipal Association has requested this clause, it should be acceptable to all parties concerned, and I therefore support the Bill.

Bill read a second time and taken through its remaining stages.

LAND AGENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 31. Page 1835.)

The Hon. G. O'H. GILES (Southern): I am interested in this Bill because I believe that certain action is necessary in this matter, particularly to protect many New Australians coming into this country. I believe that certain transactions have taken place that have been, to say the least, reprehensible. By the same token, I would suggest that these instances, compared with the total land transactions, are very few indeed, and what I have just said is not to be taken as any reflection on land agents generally. No doubt there will always be some examples of this sort of thing. I believe that the land agents themselves, particularly in country areas, are fulfilling a useful function. I have for a long time held the view that they should be enabled to continue operating in areas where they do much good, particularly where other agents do not operate. Many of these land agents have, over the years, gained much knowledge of the particular problems involved in their areas, and I am glad to see that there will be no curtailment of their present activities.

Other speakers have drawn attention to clause 4 dealing with qualifications, and I note that section 56 of the principal Act lists the qualifications that are required by applicants for land agent's and manager's licences. I am, however, concerned about clause 4, and am not completely happy about the operation of clause 8 either, which concerns the principle (to quote the words used by Sir Arthur Rymill) of whether one man should have more than one employer or not.

A matter brought to light by the Hon. Mr. Potter is another facet of this particular Bill that also has me in some doubt. I refer to the point he made about partnerships. He questioned whether under this measure salesmen could be shared legally between one partner and another, although they are in fact employed by the one firm. I appreciate that this is a technical point and purely a matter of proper interpretation.

Although I have not the slightest doubt there is a great deal of merit in this Bill and that some tightening up is necessary, nevertheless I feel that I have not had sufficient time in the last two days to examine it properly and assess all the repercussions of some of these clauses. For these reasons I will not support the clauses I have mentioned, and would like an explanation from the Attorney-General regarding the matters that have been raised by previous speakers as well as myself.

The Hon. C. D. ROWE (Attorney-General): I have listened with very great interest to the speeches in this debate and I thank honourable members for their contributions. I thank Mr. Bevan, who spoke on this Bill immediately following my second reading speech, because I realize he did so as a convenience to me and with some difficulty to himself. I consider that I should give some explanation regarding the clauses that have been queried and not insist that the measure be passed this session. I shall introduce this legislation again early next session and hope that it will then have a speedy passage.

With regard to clause 4 dealing with qualifications, it has been the policy of the Government and also of the Land Agents Board for some time to try to improve the general standard and educational qualifications of people who are engaged in the important business of selling land. As everyone knows, there have been some most unfortunate experiences in this State with regard to people who have bought land on terms, and one way in which we can attack that problem is by ensuring that people in this business are fully competent and qualified. The increased qualifications we proposed to introduce by this Bill would not come into effect until January 1, 1965, which would give anyone interested in this business the opportunity to qualify himself for it. The Bill states:

... an applicant shall prove to the satisfaction of the Board that he has complied with such educational standards and qualifications or passed such examinations as shall be prescribed.

It does not state that he must, of necessity have passed, say, the real estate course at the Institute of Technology. He may have done that or he may have such other qualifications that are considered sufficient. I do not think it was being made too difficult or too much of a problem, and perhaps when honourable members consider the matter they will find that the wording in the clause was justified.

Clause 8 relates to land salesmen being employed by more than one employer at the same time. We have had unfortunate instances where land salesmen had been operating for two or more employers. Under such circumstances a salesman is not able to do the right thing by any employer.

The Hon. G. O'H. Giles: Is there not a responsibility on the employer at the time?

The Hon. C. D. ROWE: We have had instances where land salesmen have been employed by more than one employer without the employers knowing. In the interests of everybody concerned a land salesman should work for only one employer at a time. The Land Agents Board has had some unfortunate experiences in this matter, and following representations from it we included this clause. When members look at it more closely they will see that there is good reason for it. It is not possible for a man to serve two masters at the one time and to do justice to both. That is elementary.

Clause 14, which provides for the establishment of a branch office, was requested by some firms of land agents that have offices in various parts of the city. They may want to advertise a house at Glenelg for sale at the Glenelg branch. We have provided that if they indicate that inquiries regarding the house are to be made at Glenelg, they must have a registered office there. In other words, there must be someone competent to look after the branch, and I think that is fair. It would not interfere with the present situation of stock firms having salesmen registered at their country branches.

The Hon. G. O'H. Giles: Would it interfere with weekend trading?

The Hon. C. D. ROWE: No. That is another matter that will have to be looked at in due course. This matter of indicating in an advertisement the address of a branch office instead of the head office was introduced at the request of land agents. We said that if that were done they must have a competent person at the branch office. I cannot see any objection to the clause.

The Bill has come to the Council rather late in the session and unfortunately we have had some distressing circumstances in the last two days, so it has been unfair to ask members to concentrate on it as keenly as they would otherwise have done. In all the circumstances I do not ask the Council to pass the Bill this session, but to do it next session.

Bill read a second time.

In Committee.

Clause 1—"Short titles."

The Hon. C. D. ROWE (Attorney-General): Following on my remarks in the second reading debate I ask that progress be reported.

Progress reported; Committee to sit again.

BROWN HILL CREEK SPEED LIMIT.

The Hon. C. R. STORY (Midland): I move:

That the speed zone regulation respecting speed through Brown Hill Creek Public Pleasure Resort, made on September 20, 1962, and laid on the table of this Council on September 25, 1962, be disallowed.

The Joint Committee on Subordinate Legislation fully considered this matter about seven months ago when a regulation was laid on the table of the Council dealing with a speed limit of eight miles an hour through the Brown Hill Creek Public Pleasure Resort. The committee took evidence from landholders in the area and was convinced that it was not a realistic speed. That speed limit was taken from regulations under the National Pleasure Resorts Act and I know that in one or two places it was applied. Barmera was one. The committee called before it Mr. Pollnitz, Director of the Tourist Bureau, under whose jurisdiction the Brown Hill Creek resort comes. After a conference with the Police Commissioner and the Road Traffic Board Mr. Pollnitz agreed to have another look at the matter. Later a regulation providing for a speed limit of 15 miles an hour was introduced. The committee has inspected the Brown Hill Creek area, and now signs have been erected where the bitumen road runs through the resort. There is only a narrow defile and caravans are parked on either side of it. A kiosk is on one side and showers and toilet blocks on the other. During holiday periods numbers of people congregate in the area. The committee is aware of its responsibility and that of Parliament to the public. It did not think motorists should be allowed to scoot through the area at any speed, but it seemed unduly restrictive to have a speed limit of 15 miles an hour for 365 days of the year. Often the park has only one or two caravans in it.

The Hon. Sir Lyell McEwin: What distance has to be covered in the resort?

The Hon. C. R. STORY: I think it is 800 yards, and to travel that distance in a motor car at 15 miles an hour takes slightly under two minutes. In the opinion of the committee the regulation impinges on rights established by law. The function of this Joint Committee on Subordinate Legislation is to bring to the notice of Parliament any regulation or by-law which, in the opinion of the committee, needs Parliament's attention. The committee has only two ways of alerting Parliament to trouble of this sort which may occur in any regulation or by-law. The first is the way I have done it here—moving for its disallowance and getting a debate on the subject; the second way is bringing forward a report to the House, as we did recently in connection with another matter. I bring these matters before this Chamber because the committee feels that, as I have said, the rights of individuals have been encroached upon after they have had them for 40, 50 or up to 100 years in many cases.

The Hon. A. F. KNEEBONE (Central No. 1): I second the motion and, in doing so, put forward one or two points for the consideration of the Council. I think the Hon. Mr. Story has covered most aspects, but the Joint Committee in considering the matter was unanimous in its decision to move for the disallowance of the regulation, particularly in view of a suggestion that was made that temporary signs should be erected to cover the area on occasions when the park was being fully used. All members of the committee would agree with what the Hon. Mr. Story has said, that we did have the interests of the children at heart and were concerned for their safety. However, in this case we think that safety can be just as well secured by a temporary measure and that, if disallowance of this regulation were agreed to, a more appropriate regulation could be introduced.

The Hon. Sir LYELL McEWIN (Chief Secretary): I want to deal with some of the points made by the mover and seconder of the motion to disallow this regulation covering the Brown Hill Creek Public Pleasure Resort. For reasons I shall give briefly, I must ask the Council to reject the motion. A similar motion was considered in another place and was rejected by a vote of 26 to eight after the matter had been debated. It is regrettable that the committee did not take evidence from the caretaker of the area. The speed limit for

all national pleasure resorts is 8 m.p.h. Because of earlier objections in this case, a speed limit of 8 m.p.h. was imposed, but it was later decided to raise it to 15 m.p.h. I asked the Hon. Mr. Story the distance involved, and he said it was about 800 yards. If a motorist travels at 15 miles an hour for that distance, two minutes is the time taken. That is only a small sacrifice to ask for in the interests of safety. I have here some reports about conditions on reserves. In regard to this particular reserve, several accidents have occurred. Let me read from the report of the caretaker:

One girl was hit in the back by a motor cyclist. His estimated speed was 25 miles an hour. His motor cycle was 25 paces further on than the girl. (This did happen before notices were erected.)

Even at 25 miles an hour, it is obviously dangerous, especially when at certain times of the year there would be 200 families camping in the resort, especially at the Christmas holiday period. No doubt this would include a number of caravans from other States, each caravan probably containing children. The report continues a little later:

One truck driver I motioned to slow down in the camp just put his head out of the window and yelled . . . I had just had dinner, too. We can see how much consideration is shown by some motorists, though I do not say that all motorists react like that. The report continues:

The visitors were thoughtful enough to suggest it should be reported to the police, but as on many other occasions one must be mighty quick to obtain the number of a fast-moving vehicle, especially if you are expecting them to slow down. Some Sundays and quite often of a night, we have people racing each other. I have seen as many as five cars come down the road and swing on to the lawns to try and pass the car in front. Last Sunday, August 5, 1962, two motor cars racing down the reserve road carried some boy scouts to get well off the road. The estimated speed was at least 50 miles an hour. At the entrance to the park there have been several accidents. One vehicle hit an electricity pole, concrete and steel. The pole needed replacing. The vehicle was further on. Almost at the same spot another vehicle failed because of speed to take the slight turn, hit a fence and turned over lengthways. These vehicles could not have come through the reserve at a reasonable speed to have been travelling so fast so close to the reserve.

Several other instances are mentioned in the report of what has been going on to cause the accidents that have occurred. There was another report similar to this about certain youths. I do not think that reasonable motorists mind making some sacrifices when

the safety of children is involved. I oppose the motion.

Motion negatived.

PROROGATION SPEECHES.

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

That the Council at its rising do adjourn until Tuesday, December 11, 1962.

This closes a session that has been particularly heavy for honourable members and most unusual, in that we have had elections, by-elections, sickness and deaths. Altogether, the session has been a trying one for all of us, so I commend all honourable members for the attention they have given to their work because the depletion of our numbers has thrown a heavier responsibility on those here. We all need a respite. I do not intend to speak at length but should like first to make a rather general remark and thank the Leader of my own Party and the Leader of the Opposition, who have been most co-operative, which assists in the proper functioning of the Council. I wish to mention our new members, of whom we have three. Two of them have been with us all the session and one for three days. We welcome them all; we have enjoyed their company and have had an opportunity of hearing their contributions. I am sure they will all have a useful period ahead of them as members of the Council. The Clerk and Black Rod have performed their duties with their usual efficiency. The *Hansard* staff and the Parliamentary Draftsmen have had a particularly busy session. The messengers have served us well, and the librarians are always there, and we should not forget our House staff. All these people have worked towards maintaining general harmony and efficiency.

I content myself with one other important reference that I should have made earlier. You, Sir Arthur Rymill, as Deputy President, have had to carry out the duties of the President today and I congratulate you on the efficient manner in which you handled the dispatch of business. I express the hope, that I am sure we all share, that the President, who has been very much off colour during the week and, as a result also of other happenings we have had to face, is out of action temporarily, will soon enjoy a speedy recovery to his usual good health. With those few words I thank honourable members and wish them the best of health during the Parliamentary recess.

The Hon. A. J. SHARD (Leader of the Opposition): I thank the Chief Secretary for

his remarks about myself as one of the Leaders in this Council, and I take this opportunity of thanking my colleagues for their able assistance during the session. The Opposition has only four members in this Council and much work falls on each of us, and without the ready assistance of my three colleagues this job would be too onerous for anyone to cope with. I sincerely thank them for their co-operation and hope we may all be spared for many days to do the work we have set out to do. I hasten to express my personal regret (and I am sure my colleagues share this regret) at the illness that has necessitated the absence today of the President, who has had a particularly strenuous time throughout the session; a first session in such an office must certainly be strenuous and nerve wracking. I think at times some of us on both sides have not assisted the President as much as we could have. The session has been particularly heavy and many questions have been dealt with on a strictly Party basis, and we have tended to forget the onerous duties forced on the President.

I join in thanking the Clerk and Black Rod who are ever ready to assist us. At times I am amazed at the manner in which they go out of their way to help members in their work. I thank the *Hansard* staff, particularly Mr. Hill and his colleagues, for their assistance and the worthy manner in which they are ready to receive us on the slightest pretext to make sure that our speeches are in order and to make corrections if necessary. I join with the Chief Secretary in thanking the Parliamentary Draftsman and his Assistant for their ready help. I have had more to do with them during this session than previously, and their assistance to me and my colleagues when it is wanted is much appreciated. I thank Mr. Lanyon, the Librarian, and his staff for the help they have given members, and I express appreciation to the messengers, Mr. Fletcher and his staff, for all their help. I have found them always obliging, able, conscientious and willing to do everything possible to make our lot easier.

I must also include the catering staff in my remarks. I think that we often take them for granted, and I often wonder whether members appreciate what they do for us. We are not having our usual prorogation dinner this year, but I think that last night Miss Bottomley did her utmost to give us what would have been possible in the usual course of events. I thank all members of the staff for their ready help and assistance. To the Hon. Mr. Story, Leader of the Liberal Party, I say that we

have always had our differences from a Party viewpoint, but it has always been a pleasure to work with him throughout the session. He has always been ready to help us in an effort to make the work of the Council flow in the way in which it should flow. May I extend seasonal greetings to all members and to the staff, and express the hope that we shall see you all here again when the next session commences.

The Hon. C. R. STORY (Midland): I rise to join with other honourable members in these valedictory speeches. On behalf of members on the Government side (and I am sure the Leader of the Opposition would agree with me on this point) I extend thanks to the Chief Secretary for his generous remarks, and I thank the Hon. Colin Rowe for his great co-operation during the session, and also the Hon. Mr. Jude, who is at present away on Parliamentary duties. We have come to accept the Chief Secretary in the position he holds in this Council. We know what to expect from him; he expects a good day's work and if we do not give him that we take the consequences, but that is not a bad trait for anyone to have, and I am sure we appreciate the work and drive of the Chief Secretary as the Leader of the Government in this Council.

I also join with other honourable members in saying how sorry we are that Mr. President is not able to be here today. I most sincerely hope that his health will quickly improve and that he will be able to return next session to perform his work with the efficiency to which we have become accustomed. I express to you, Mr. Deputy President, my personal thanks and the thanks of the Party for the most efficient manner in which you have performed your duties today and for your help during the session, and in those remarks I couple the Government Party Whip in the Council. For my own colleagues I have nothing but admiration; they have been loyal and have helped me in every possible way they could. The first year of leading this Party is not too easy and without the co-operation of the people behind me it would have been almost impossible. Mr. Shard was very generous in his remarks concerning myself and I can heartily reciprocate his sentiments. The Labor Party members, being small in numbers, are called upon to do a lot of work individually. On occasions we have clashed, but it is necessary for the good working of Parliament to have an Opposition that can be critical.

I congratulate and welcome the Hon. Mr. Hart to this place, as I do my other new colleagues,

the Hon. Mr. Dawkins and the Hon. Mr. Gillfillan. Turning to the staff I thank most sincerely the Clerk of Parliaments, Mr. Ball, and Black Rod, Mr. Drummond, on whom we have to rely heavily for the efficient working of this place. The Chamber messenger, Mr. Dawes, is ever ready and willing to assist members in their work. I thank, too, the Head Messenger (Mr. Don Fletcher) and his assistant (Mr. Frank Young) and also Mr. Mertin (Clerk of Papers and Records). I pay a compliment to the *Hansard* staff and thank them sincerely. They get my speeches down—how I do not know—but they make them look as if they were fairly good, and that is some job. I thank Mr. Hill in particular and all his colleagues, and with them I would couple the Librarian (Mr. Eric Lanyon) and his assistants. The House staff, under Miss Bottomley, deserve our sincere thanks. It is they who keep us going when the work is heavy, and without a happy House our work I am sure would not be so effective.

In conclusion I would say that part of the Parliamentary institution is the press. We may not always agree with the way they write us up, but the press is a most necessary adjunct to Parliament in order that the people may know what we are doing, and that can only be brought about through the medium of the press, the wireless and television. I have pleasure in supporting the motion.

The DEPUTY PRESIDENT (Hon. Sir Arthur Rymill): I am sure that the President

would wish me to say a few words on his behalf, but first I would like to say how sorry I am—and I echo the sentiments of other members—that he is absent today. He very gallantly attended the first two days of this week's sittings, but was unfortunately unable to do so today. I am sure that we all wish him a very speedy restoration to good health.

I think this has been a very good session. It has been a lively one; we have had our arguments but they have been composed and our differences have been settled, and friendship and mutual respect remain intact. Tragedy struck at the eleventh hour, as it were. I have no hesitation in saying that there was no more promising younger member than the Hon. Allan Hookings. I know that we can all say he was our friend, faithful and true. Likewise the late Mr. Ralston was a friend of all of us.

I would like, on behalf of the President, to associate the Chair with all the laudatory things that have been said about all the excellent and capable people who have done so much for us during the session.

Motion carried.

EXCESSIVE RENTS BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

PROROGATION.

At 4.50 p.m. the Council adjourned until Tuesday, December 11, at 2.15 p.m.

Honourable members rose in their places and sang the first verse of the National Anthem.