HOUSE OF ASSEMBLY.

Wednesday, September 21, 1955.

The SPEAKER (Hon. Sir Robert Nicholls) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

SPARE PARTS FOR MOTOR VEHICLES.

Mr. MACGILLIVRAY—Earlier this week I received an irate letter from one of my constituents who purchased a valuable truck from one of the leading city business houses on the understanding that it would keep a supply of spare parts available in case of a breakdown. He pointed out that for some time he has been trying to get spare parts, but they are not available, and he has asked me to bring the matter before Parliament. Before doing that I took the obvious precaution of going to the company concerned, and I found that it is not responsible for the delay. Evidently there has been a change in Commonwealth Customs policy, which now practically prohibits the importation of spare parts into the country except under the strict quota system. It is futile to allow large sums of money to be spent overseas to bring in trucks, tractors and motor cars and not allow spare parts for those vehicles to come in to keep the vehicles on the roads. If the Premier requires any further information I will be glad to supply it. Will he take up with the Minister for Customs, or whoever is responsible, the matter of seeing that the companies get adequate supplies of spare parts to keep imported vehicles working?

The Hon. T. PLAYFORD—The Commonwealth Government is imposing import restrictions on a quota basis, and from public statements it appears that the quotas are to be cut in future. Obviously the system will have to be revised drastically because the mere fact that a person was importing commodities in 1953 does not meet the position now if their importation is to be further restricted. I will see that the matter is brought under the notice of the Prime Minister.

FLOOD DAMAGE.

Mr. TEUSNER—It has been brought to my notice by the district council of Marne that heavy winter rains and inundations from the River Marne on about eight occasions in the past few months have flooded approximately seven miles of main road No. 209, particularly between Cambrai and Black Hill, causing considerable damage. Extensive damage was also done to the two fords on the same road east of Black Hill, to three fords on district roads crossing the Marne River, and to a ford and retaining wall on main road No. 208 (Mount Pleasant-Sedan). The council estimates that it will cost about £1,550 to repair the aforesaid damage and is not itself in a financial position to meet the cost. Will the Minister of Works confer with his colleague, the Minister of Roads, and request him to have a departmental survey made of the extent of the flood damage and ascertain whether a special grant can be made to the council in connection with this matter?

The Hon. M. McINTOSH—I will gladly do that.

BULK HANDLING OF GRAIN.

Mr. STOTT—Yesterday, in reply to a question on bulk handling, Mr. Shannon, chairman of the Public Works Committee, said:—

I point out that by way of an interim report presented to Parliament this session the committee has given the green flag to the installation of bulk handling at Port Lincoln. If the company wanted to get busy it has had the opportunity. The company has not made any objection in regard to Port Lincoln. The committee gave the all-clear for Wallaroo, but the company rejected the proposal. I have not heard yet whether it rejects or accepts the proposal for Port Lincoln.

Subsection (4) of section 14 of the Bulk Handling of Grain Act says—

The SPEAKER—As I said yesterday, we cannot argue about the report of the committee. The honourable member must be as brief as he can.

Mr. STOTT—The subsection says:—

The company shall not erect a terminal bin except in accordance with plans and specifications reported on by the Parliamentary Standing Committee on Public Works and approved by the Minister.

Will the Minister of Agriculture make it clear whether there are any plans out for Port Lincoln and whether in accordance with the Act the proposal and design must be reported on by the committee subsequent to the passing of the Act, and reports presented prior to its passing have no effect? As the report of the committee refers to the truck-jetty method at Wallaroo, and in view of the statement by Mr. Shannon, will the Minister now give approval to the company to commence work at Wallaroo on the low land site, because the low land will make no difference to the use of the truck-jetty method? Has the Minister seen any plans or design for the Port Lincoln proposal and, as the chairman of the committee has said that the green light has been given,

will the Minister now give his approval in connection with Port Lincoln?

The Hon. A. W. CHRISTIAN—As I understand it, it does not matter whether the committee reported on any specific proposal prior to the passage of the Act or after, so long as it has made a report, which is all the Act requires. My personal opinion is that, in connection with Port Lincoln, the report, which was presented before the passage of the legislation, would be valid so far as my approval is concerned. I have seen some of the plans for that undertaking, and as soon as they are available following on the Public Work's Committee's report I can consider giving my approval to that project. In regard to Wallaroo, I cannot give any approval until the alternative scheme which the company itself has put up is reported upon by the Public Works Committee. I am clearly debarred from giving any approval until that has been reported upon by the committee, as well as the other plan which it had considered prior to that.

ABATTOIRS DISPUTE.

Mr. WILLIAM JENKINS—Has slaughtering of lambs at the Metropolitan Abattoirs been commenced, is it working successfully, and can the Minister of Agriculture give a statement about the general terms of settlement of the strike?

The Hon. A. W. CHRISTIAN—Full slaughtering has not yet commenced because obviously a good deal of maintenance and other work has to be undertaken first in order to get all machinery into commission once again, but I believe that next week the abattoirs will commence full slaughtering on export lambs. In regard to the terms of settlement of the strike, there was only one matter on which a compromise had to be effected between the union and the Abattoirs Board, and that was in regard to the labour clause. Previously, certain conditions had been accepted by the strike committee of the Meat Employees' Union, but they were rejected by a meeting of the men. Following on that the Trades and Labor Council took over negotiations and a compromise was effected on the labour clause, the condition being that all the 119 men that were on the books of the union and had been employed previously as seasonal labour were to be taken back, with the right of rejection of any that the board considered unsuitable. However, in regard to future employment, the board will have a completely free hand in employing its own labour.

Mr. Fred Walsh—Only under certain conditions laid down in the terms of settlement.

The Hon. A. W. CHRISTIAN—That is so, but it was on that labour clause that a settlement was eventually effected, on the following terms:—

(*a*) All men at present on strike to be re-employed, subject to presenting themselves within a reasonable time.
(*b*) That for future enrolments the union is to submit lists of all additional employees.
(*c*) The board, however, has the right to enrol additional labour if the union is unwilling or unable to kill the required quotas.
(*d*) The board to retain the right to reject unsuitable labour.
(*e*) The board to retain the right to dismiss persons not carrying out their work satisfactorily.
(*f*) The board to have the right to promote suitable labour, but to give the union an assurance that it will not capriciously ignore seniority and that it will advise the union before any promotions which affect seniority are made.

EARLY CLOSING ACT AMENDMENT BILL.

Second reading.

Mr. O'HALLORAN (Leader of the Opposition)—Before explaining the Bill in detail I desire to draw attention to the state of the principal Act. The Bill relates to provisions in Part V of the Early Closing Act, 1926-35. If members refer to the Act and its amendments they will see that many amendments have been made to Part V; in fact, so many that the provisions are almost unintelligible, so I suggest that this Act be listed for reprinting soon.

In effect, the Bill is exactly the same as the one I introduced in 1951, and I sincerely hope that it will meet with a different fate, for it contains a necessary reform to our shopping laws. The Bill provides for the compulsory closing of non-exempt shops at 11.30 a.m. on Saturdays, or on Wednesdays where the mid-week half-holiday is observed. At present, shops can remain open until 12.30 if the management desires, but there is an important aspect which has a bearing on the position, namely, the regulation of conditions of employment by the shops wages boards. In the metropolitan area it is universal practice to observe the half-holiday on Saturday, and the question of the closing hour was submitted for consideration to the two wages boards which control conditions of employment in shops in this area.

After inquiry the wages boards decided that the standard hours for shop assistants should end at 11.30 a.m. on Saturday, which means that any employer desiring to retain the services of his assistants beyond that hour is involved in an overtime payment for the extra period. Therefore, if an employee works until 12.30 p.m. he is paid one hour's overtime.

This is an important aspect that should be considered by the House, because, as I mentioned in 1951 when explaining a similar Bill, one of the most desirable objectives we could seek is to decentralize shopping as far as possible within our metropolitan area. As it is not feasible or practicable to impose a measure of compulsion to achieve this end, it follows that wherever Parliament can encourage the decentralization of shopping facilities it should do so.

I believe there is great scope for decentralization of shopping activities in the various suburbs to the north, south, east and west of the city. Today, however, if a large store purposes opening in a shopping area outside the city it is bound by the award rates because it employs labour and will probably be faced by the competition of a small non-labour-employing shop that can remain open until 12.30 p.m. without incurring penalty rates. This position applies throughout the shopping districts of the State, particularly in the country where there are many small shops not employing labour. The question of encouraging shopping in the suburbs also becomes important from another aspect, namely, the congestion of transport in the metropolitan area, particularly on Saturday morning. Increased suburban shopping will relieve the traffic congestion throughout the metropolitan area.

It has been said in opposition to this type of Bill that there is no public demand for it, and when the 1951 legislation was being debated it was suggested that there was some public protest against it, but, although the present Bill has been on the Notice Paper for a fortnight and its provisions have been well publicized in the press and over the air, I have received no protest. On the other hand, there is a great demand for it from those who are employed in shops generally. At present workers in industry generally enjoy a 5-day working week, whereas, rightly or wrongly, shop employees must work 5½ days. The argument usually used in favour of Saturday morning opening of shops is that workers in other industries who are unable to shop on week days may do so on Saturday morning. I submit that, if Saturday morning shopping is necessary, workers should be able to complete their shopping before 11.30 a.m.

Another point taken in opposition to my 1951 Bill—I think by the Premier—was that 12.30 p.m. had been fixed by law and therefore should not be changed; but I suggest there is nothing sacrosanct about that hour. It is not like the law of the Medes and Persians, incapable of alteration; it was fixed many years ago when conditions were totally different, and just as the Legislature at that time felt that 12.30 p.m. was a reasonable closing hour, under prevailing conditions 11.30 a.m. is, I suggest, a more reasonable hour today.

Mr. Shannon—That may not continue to be recognized as sacrosanct.

Mr. O'HALLORAN—Possibly; reasons for its alteration may be advanced in the future. In fact, nothing should be permanent or static in a democracy, not even a Government, although, unfortunately, under the rules of the game the Playford Government has assumed a degree of permanency in recent years, but sooner or later an irate population will decide to shift it. For about three years all business premises in Hobart have adopted the five-day week, and when I was there not long ago I saw it operating and discussed it with all manner of people—traders, employees and members of the general public. I found no substantial body of opinion in favour of reverting to opening on Saturday morning. I do not suggest, however, that Adelaide shops should close on Saturday morning; I merely suggest we should legalize what has become an established custom since the war years when, under National Security Regulations, shops closed at 11.30 a.m., which practice has continued by agreement between employees and employers. We hear frequent references to metropolitan transport conditions and almost every day questions are asked in this House. There are difficulties associated with public transport and with providing parking space for privately owned transport, and if, by some reactionary move, stores in the city remained open until 12.30, that transport difficulty would be increased. Employees of the various stores would all be clamouring to return to their homes at a time when the great mass of the sporting public was clamouring to get to the fixtures they attend on Saturday afternoons. For that reason, and that reason alone, I suggest we amend the law to provide permanently that shops shall not remain open after 11.30.

We must consider the shop assistants because after all they are important persons in the community serving a great need and doing it with courtesy and competence. Are they not entitled to some consideration? Have not they the right to enjoy some sport or recreation on a Saturday afternoon? That right is facilitated by the closing of the premises in which they are employed at 11.30. If they are forced to work until 12.30, by the time they return to their homes, have lunch and change, the best part of the afternoon will be lost.

On the question of customer convenience, I believe that if shops remained open for 23 hours each day there would still be a type of customer clamouring to be served in the first five minutes of the 24th hour. That was my experience in Peterborough when nine o'clock closing applied to shops on Friday nights. During the salubrious spring, summer and autumn months people walked the streets, met friends and discussed topics of the day and at about five minutes to nine suddenly decided to do their shopping, with the result that in most shops the closing hour became 9.30, and sometimes 9.45. Finally, the shopkeepers objected and eventually, by arrangement, it was decided to close shops at 6 p.m. There was a small public outcry for two or three weeks, but ultimately the public accustomed themselves to the new closing hour and business continued more efficiently than before. Subsequently, of course, the closing time became 5.30 p.m. No-one in Peterborough today would revert to the old system. Everyone is happy and will remain happy unless those conditions are disturbed. It will probably be suggested by some ill-informed opponent of this Bill that the workers in industry generally—the people who now enjoy a five-day week—do not want this change because they prefer to delay their shopping until between 11.30 and 12.30 on Saturday mornings. This matter has been considered by the United Trades and Labour Council of South Australia, and the advisory committee on which that body is represented unanimously decided to support this Bill. I submit it to the House with confidence.

The Hon. T. PLAYFORD (Premier and Treasurer)—I have examined this Bill carefully and it is as explained by the Leader. It provides that whereas the previous closing time was 12.30 it will become 11.30. It not only relates to Saturday closing, but to week-day afternoon closing in those places where such a provision applies. They are the two important alterations to the Act. The issue is simple and easily understood. As far as non-exempt shops are concerned, which at the present time are permitted to remain open until 12.30 on Saturday or, where mid-week closing applies, until 12.30 on the closing day, if this Bill is accepted they will only be able to legally remain open until 11.30. While that is a simple issue I think there are implications in this Bill which the Leader did not mention. I know he is single-minded and never has any ulterior purpose, but I cannot help feeling that this may be the thin end of the wedge and only a token payment for something more later. I believe that if I moved an amendment to provide that no shops were to remain open on Saturday or on the morning of a compulsory closing day, he would support it.

Mr. O'Halloran—Your enthusiasm would compel me to.

The Hon. T. PLAYFORD—I thought that would be the position. For that reason I feel I must examine the Bill from the viewpoint that this is only a token of the policy the Leader will hastily put into operation when that millennium he sometimes mentions takes place. I have no doubt that on this matter the Leader of the Opposition has the support of his Party and most of the trades union movement, but when an attempt was made to compulsorily close shops earlier on Saturdays many unionists did most of their shopping at the shops that remained open. This was reported to me when I was Minister of Industry and Employment. They were not bad unionists but they did not give the shop assistants a fair go. There is a need for the public to be given a reasonable service. A man employed in a factory works five days each week, and he has little time in which to shop because his hours of work almost completely coincide with shopping hours. He must do his shopping at some other time. The Leader of the Opposition has seen how trade is conducted in other countries, and bearing in mind the shopping hours in most of them we can say that ours are restricted.

Mr. O'Halloran—They have staggered hours in America.

The Hon. T. PLAYFORD—In most places in America it is a matter of "go as you please." Shops are kept open at times when the proprietors feel that most customers can be served. I do not advocate that for South Australia. This Bill is a prelude to a further move to reduce shopping hours. Mr. O'Halloran believes that the present move is a step in the right direction. If he thought there was a possibility of getting 10.30 closing he

would have had a pop at that, and if he thought he could get away with no shopping hours on Saturdays it would have been suggested. This move is only a progressive step to the closing of all shops on Saturdays which if not supported by him is favoured by most of his supporters. He referred to decentralization of shops. I believe that to be a desirable objective.

Mr. John Clark—But!

The Hon. T. PLAYFORD—There is no "but" about it. The honourable member wants me to reason as he does. The Bill would have the opposite effect to what is desired in this matter. Mr. O'Halloran suggests that all the shops should not be in the city, but his proposal would have the reverse effect. Generally in the outer suburbs shops remain open until 12.30 p.m. whereas the large departmental stores in the city close at 11.30. If the Bill is carried the outer suburbs shops will have to accept 11.30 closing. This has been put to me by people who are opposed to the Bill. It would undoubtedly affect the smaller shops in the suburbs that are rendering a necessary service.

Mr. Fred Walsh—It is not often that legislation does not meet with some objection.

The Hon. T. PLAYFORD—Every piece of legislation confers a favour on someone and a disadvantage on someone else. That is one thing that members opposite so frequently forget when they bring forward legislation. It is true that the Bill benefits shop assistants desiring to knock off work an hour earlier on Saturdays. That is the good aspect of the Bill, but it would impose difficulties upon many people earning an honest living and giving a public service. Furthermore, it would cause much inconvenience to certain shoppers because, notwithstanding what the Leader of the Opposition has said, there are still a good many people who are compelled to work on Saturdays and get much benefit from the 12.30 closing that operates now. I oppose the Bill.

Mr. FRED WALSH secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL (LOTTERIES).

Adjourned debate on second reading.

(Continued from August 17. Page 561.)

Mr. WILLIAM JENKINS (Stirling)—I oppose the Bill. The Deputy Leader of the Opposition (Mr. Frank Walsh), in explaining it, said he was sorry it had been called a lottery Bill and also that it would have no influence on the State's finances. I fail to see why he should be sorry it is called a lottery Bill, for it is a lottery Bill purely and simply, though he may want to whitewash it and hoodwink the public and honourable members. I disagree with his statement that it will not affect the State's finances. It will undoubtedly affect the finances of the people of the State, and it is usually the wage earner who can least afford to invest in lotteries or art unions. However, I am in sympathy with his desire to enable certain organizations to raise money, but I am not in favour of his method. Committees that conduct sporting bodies are capable of providing social functions for this purpose.

The Deputy Leader of the Opposition wants to provide prizes other than cash, and he has suggested that motor cars and houses could be offered. It is a poor house that is not worth more than £3,000 today, and if a ticket costs 1s. it will be necessary to sell 60,000 tickets to cover the cost of the house. Then there would be administrative costs and the organization concerned would probably want a profit of about £3,000, so it would have to sell 120,000 tickets. Therefore, the odds of getting the house would be 120,000 to one, which would indeed be a poor investment. People find it hard to resist investing in lotteries or art unions. When we were in Western Australia recently members saw plenty of examples of what lotteries mean to that State. Every 50 yards, and at every street corner, we saw people selling tickets on commission. I believe this is a lucrative occupation because they depend on it for their living, though some sell cigarettes and other small articles as well.

Recently a man from Perth was looking for business premises in Adelaide. When he was asked why he wished to leave Western Australia with all its potential wealth he said that there was insufficient money there to induce him to open a business. Therefore, it seems that lotteries have great influence on the State's spending power. In South Australia we enjoy a high standard of living, which is evidenced by Savings Bank deposits and ownership of motorcars and home appliances, which are of much greater importance to home makers than a 120,000 to one chance in a lottery. I have heard that many working class families in Western Australia invest up to £3 a week in lotteries. Two or three consultations are held every week with prizes of £10,000.

Mr. Jennings—What are you reading?

Mr. WILLIAM JENKINS—I am not reading. The claim that a lottery would assist our hospitals is fallacious. The public relations officers of the Children's Hospital and other institutions have denied that lotteries would be of any real value to them. I understand that the churches are indignant at this Bill. They do not think that art unions or lotteries would assist hospitals, and lotteries are abhorrent to them.

Mr. Pearson—They have said so.

Mr. WILLIAM JENKINS—Yes. I believe this Bill has been introduced with the idea that should it pass it will be the thin edge of the wedge to legalize later a State lottery, and in the interests of the people of this State I ask members to reject it.

Mr. JENNINGS secured the adjournment of the debate.

STEELWORKS FOR SOUTH AUSTRALIA.

Adjourned debate on motion of Mr. O'Halloran.

(For wording of motion, see page 686.)

(Continued from September 7. Page 768.)

Mr. HAWKER (Burra)—Although I oppose the motion, I do not do so because its terms imply compulsory acquisition and repudiation, as I think sufficient precedent for such action exists in the Electricity Trust of South Australia Act (1946) and the Land Settlement legislation of 1944 and 1948. I strongly opposed the Land Settlement Act Amendment Bill of 1948, and when it was before the House the member for Glenelg (Mr. Pattinson) spoke at some length on compulsory acquisition, pointing out that that right went back to 1847 in South Australia and that in Great Britain its origin had almost been lost in the mists of antiquity. Mr Pattinson also said that this right was based on the sovereignty of the State over the property of the individual. His speech was commended by the then Attorney-General (the late Mr. Rudall) who, in explaining the Bill in the Legislative Council, said:—

> On the general problem of compulsory acquisition I refer members to the speech delivered by Mr. Baden Pattinson in another place and I place on record my appreciation of this outstanding contribution to the consideration of this Bill.

A precedent for compulsory acquisition also exists in the case of *Pye v. Minister of Lands of New South Wales*, which went to the Privy Council. Pye objected to the compulsory acquisition of his land and also to the alleged inadequacy of the price, and, although Lord Porter said that the value of the land at the time was much higher than in 1942 (the date at which the value had been assessed), he delivered judgment in favour of the Minister.

Those precedents are sufficient legal warrant for carrying into effect the terms of the motion, but I make it clear that I disagreed with the provisions of the Land Settlement legislation in 1948 and with Mr. Pattinson's opinion on that occasion. I agree with the opinions expressed by the member for Torrens (Mr. Travers) when speaking in this debate a fortnight ago. What is the position? I take it that the mover of the motion believes that the State has not received sufficient return from the use of its iron ore deposits by the Broken Hill Proprietary Company and therefore it desires to take over the leases so that a steelworks may be established. The establishment of a steelworks will cost a considerable sum.

Mr. O'Halloran—And therefore you do not believe it should be established.

Mr. HAWKER—If the honourable the Leader will contain his impatience I will explain my position.

Mr. O'Halloran—You have not made it clear yet.

Mr. HAWKER—I have said there is nothing by way of precedent to stop the compulsory acquisition of this land.

Mr. O'Halloran—The State owns it; it is leasehold land.

Mr. HAWKER—Yes, but if it is leased to somebody else the Government cannot use it until the lease is cancelled.

Mr. O'Halloran—Only the mineral rights have been leased.

Mr. HAWKER—Possibly, but the honourable the Leader wants to tell the B.H.P. Company that it may not use the leases any longer. He wants a steelworks established.

Mr. O'Halloran—I did not say that, nor does the motion.

Mr. HAWKER—The motion states that the leases will be taken over. Apparently, the mover considers that the B.H.P. Company has not done the right thing by the State and desires its leases to be cancelled and a steelworks established at or near Whyalla. I agree with the Premier that about £50,000,000 would be required to establish a steelworks. Mr. Dickinson goes even further and says that the probable cost would be about £100,000,000. Whichever sum is correct, it is a considerable sum and more than could be raised at present from loans in this State; therefore, it would be necessary to ask private

enterprise to establish a steelworks. What have we to offer private enterprise to do this? Absolutely nothing. True, there are iron ore deposits, but the rights over these could be taken away the next day because of the precedents I have mentioned. If this motion were carried, no private firm could feel secure. This Parliament cannot bind future Parliaments and if the leases given to the B.H.P. Company under its indenture were cancelled, who would invest £50,000,000 in a steelworks when they had no guarantee of iron ore supplies?

Further, coking coal would be required. There is plenty of it in New South Wales, but none in South Australia, and if South Australia refused to send iron ore to a New South Wales steelworks, New South Wales could easily refuse to send coal to Whyalla. In order to conduct its steelworks operations the B.H.P. Company has had to mine its own coal, and we must remember that there are no deposits of coal in South Australia suitable for manufacturing steel; therefore, if private enterprise were induced to establish a steelworks here, we could offer neither security of tenure over the iron ore leases nor coal supplies.

Let us suppose that those hurdles were overcome. What would be the cost of producing the steel? Today the B.H.P. Company is producing the cheapest steel in the world, partly because of the quality of the iron ore and partly because of the comparatively low capital cost of the steelworks, which were built before the war. To produce a comparable tonnage at the proposed steelworks would cost a greater sum per ton than the present price, therefore the price of steel would immediately rise. Another aspect is that it takes much more than one ton of coal to smelt a ton of iron ore; the B.H.P. Company is at present using about 1¾ tons. At one time the quantity was higher than that, but improved techniques resulted in a fall. Now, however, because of mechanical mining and the amount of shale and stone in the ore the amount of coal required has risen; therefore, for every ton of iron ore now required to be shipped from Whyalla to the Port Kembla steelworks, 1¾ tons of coal would be required to be shipped from New South Wales to the proposed Whyalla steelworks. In addition, the cost per ton of shipping coal is higher than the cost of shipping iron ore, partly because iron ore is the more easily loaded. All these elements would add considerably to the cost of steel produced at a South Australian steelworks. To summarize, the proprietors of the proposed steelworks would have no security over the iron ore deposits and no ensured supplies of coal. Then there is the necessity of mustering the labour force required to build the steelworks. At the present time the ship building yard at Whyalla is not fully staffed. It is short by about 500 men. If a steelworks were established there it would be necessary to obtain more labour. More important, a great quantity of steel would be required to construct the works and that, of necessity, would seriously affect supplies to other industries. I doubt whether any private company would be prepared to take on the task. The Broken Hill Proprietary Company Limited has done much for South Australia. The Leader quoted figures to prove that Australia's increase in steel production from 1939 to 1951 was the lowest of the big producing countries.

Mr. O'Halloran—The lowest of all producing countries.

Mr. HAWKER—I do not know why he referred to 1951 because at that time a big coal strike took place in New South Wales and the company's own coal was taken by the Coal Board and used to keep other industries going. I have obtained figures which present a truer picture. In 1939 the United Kingdom produced 13,200,000 tons of ingot steel and in 1954, 18,520,000 tons, an increase of 40 per cent. In 1939 the United States produced 47,100,000 tons and in 1954, 88,312,000 tons, an increase of 87 per cent. Australia, in 1939, produced 1,170,100 tons and in 1954, 2,223,400 tons, an increase of 89 per cent. The company has constructed a blast furnace and ship building yards at Whyalla and has also assisted in the Nairne pyrites project. Under the present circumstances I cannot see any prospect for the early building of steelworks at Whyalla. I think this motion represents rank stupidity and I oppose it.

Mr. DAVIS (Port Pirie)—I support the motion and I thought at first when listening to the member for Burra that he supported it. He has told us what it would cost to establish a steelworks at Whyalla and said that if such a project were undertaken great quantities of coal would have to be imported from New South Wales. He has not touched on the main question; he did not tell us why steelworks should not be established here. He has endeavoured to protect the company for not honouring the agreement it made with the

Government in 1937. He told us what the company has spent in other spheres, but he apparently does not realize the value a steelworks would be to South Australia, and indeed, to the Commonwealth. He forgets that the company has not produced sufficient steel to meet Australia's requirements. The Federal Government proposes restricting imports. We should not speak of importing steel, but of exporting it. If the ore deposits at Iron Knob were properly used we would have sufficient steel not only to meet our own requirements but to export. Other countries realize the importance of steel and are two or three jumps ahead of us.

Government members have criticized us for introducing this motion and have suggested that we are being unjust to the Broken Hill Proprietary Company, but I would like to know what the company would have done had the Government not carried out its part of the agreement in providing water. It would have repudiated the agreement. The Government carried out its part of the agreement to the letter and provided water at a colossal cost. It had the company's promise that it would establish steelworks at Whyalla. In providing the iron ore deposits for the company, the Government of the day gave away the birthright of the people.

I listened with interest to the member for Torrens (Mr. Travers). He told us we were criminals and Communists and said that the motion was not drawn up by an anti-Communist party. Members of my Party have the courage to fight Communism out in the field. They do not wait until they are in this Chamber before they hurl insults. I have encountered anti-Communists in industrial groups. They cheer the Communists who lead them into strife. I can prove that. I would like to know what Mr. Travers would have said had he been a member of this side of the House. He would have been able to put forward a better argument for the motion than he has put forward against it. During the course of his remarks he said:—

Let us suppose for a moment that some evidence was available that in 1937 Parliament —and when I speak of Parliament I am speaking of both sides of this House and of both Houses—was so grossly unmindful of its duty that it allowed the B.H.P. Company in effect to pull the wool over its eyes.

Probably the Government did allow them to pull the wool over its eyes. Mr. Travers also said:—

Let us accept that absurd theory for a moment, and let us suppose that Parliament was so criminally negligent that it accepted the Bill and passed it into law, leaving out the all-important provisions which my friends opposite are now contending are implied in some mysterious way in the agreement. Let us suppose all that; what then? Is it going to be said that because of Parliament's neglect of its duty that gives it some justification for filching rights that were solemnly given to certain private citizens?

It is amusing to Opposition members to hear Government supporters speak about solemn rights. I have already spoken about the solemn rights of the people, who were not considered when the leases were given to the company. Mr. Travers condemns the Opposition for this move, yet he supports a Government move to acquire for railway purposes land owned by some Adelaide residents who have worked hard to possess a house and to rear a family. Apparently that move is all right, but it is all wrong when we move for steelworks to be established in South Australia. Little consideration is given by members opposite to the rights of the people, but when we want to interfere with the operations of private enterprise it is said to be wrong. Mr. Hawker did not agree that the Government should be able to acquire land under the Land Settlement Act, but the Government should be able to acquire it to ensure that one person does not hold more than is necessary to give him a living. The following is an extract from the *News* of September 8 under the heading, "Iron Riches 'Need Trust'":—

South Australia's rich iron ore deposits should properly come under a form of public trust, the Mines Director, Mr. Dickinson, said today. But, if they were to be retained privately for exploitation, then they should be subject to some form of public control, he said. Mr. Dickinson was addressing the Woodville Junior Chamber of Commerce. "B.H.P. has secured exclusive possession of all supplies and sources of known high-grade iron ore in Australia, and thereby has established a monopoly," he said.

"South Australia is most concerned because it has rich and favourably located ores, adequate markets and other facilities now developed for a steel industry. Since private monopoly and true conservation are essentially incompatible, it must appear to thoughtful and reasonable people that, in so far as BHP may covet monopoly gains, it will be out of sympathy with the aims and objects of conservation and the needs of the State which owns these invaluable iron ore resources. It must further appear that BHP may prove its unfitness to act as the custodian of the vital iron ore resources in Western Australia where they may also prove later to be vital to Western Australia's social and industrial progress."

Mr. Dickinson may not have the legal knowledge of Mr. Travers, but he has definitely a greater knowledge of mining and ore deposits in Australia. We look to him for expert information on these matters, and I pay much heed to his opinions. We believe that the company is hindering the progress of Australia because of the monopoly it holds. It possesses practically all the iron ore deposits in the Commonwealth and if we do not accept Mr. O'Halloran's suggestion we shall not have any more steel works. The ore should be used in the interests of the people, not only in the interests of the company. Members opposite should realize the justice of our move. The present set-up in the steel industry is affecting the economy of Australia. Mr. Hawker said that steel works could not be established at Whyalla because coal would have to be brought from New South Wales. When the Government entered into the agreement with the company it knew that would be the position. Undoubtedly it was mindful of all the matters mentioned by Mr. Hawker. Members opposite should realize that the company has a responsibility to the State and they should see that it is carried out.

Mr. SHANNON (Onkaparinga)—Mr. Davis has given us a dissertation which, like the parson's egg, was good in parts. It was good whilst he spoke about the need to consider the interests of the Commonwealth and not only those of South Australia. He was on good ground whilst he referred to this being a matter of national importance, but why he did not stop there I do not know. This State is interested in cheap steel, but if the proposal in the motion is accepted it will mean dearer steel all over the Commonwealth, not only in South Australia. If we were to compulsorily acquire the company's steel industry assets in this State the company would be forced to go to Yampi Sound, on the north-west coast of Western Australia, where it has iron ore deposits. That would undoubtedly mean an increase in the cost of the finished article at Newcastle. If we could offset the increase that is certain to accrue through our operating a steel industry in South Australia by averaging the price of the New South Wales and the South Australian ventures, there might be some merit on the commercial side of the proposal. There are other questions which I shall deal with in a moment, but I shall deal with the commercial aspect first. What the member for Burra (Mr. Hawker) said is all too true. From the practical point of view there are many things that must not be lost sight of. The capital required to establish a steel industry is not the only problem in this proposal, though it is certainly a big problem. It may be possible to raise £100,000,000 to establish a steelworks, but in addition the employees of the works must be housed, and it has been variously estimated that between 3,000 and 4,000 men would be needed. I do not know what that would cost, but it would be from £3,000 to £4,000 a family. Then all those people would have to be provided with the facilities that an increased population would require. We would really have to double the present population of Whyalla. I do not know where all these new workers would come from. I have not gone into it.

Mr. Riches—Why not?

Mr. SHANNON—Because I do not think the House will be foolish enough to carry such a silly motion as this.

Mr. Riches—Don't you think there will ever be a steelworks at Whyalla?

Mr. SHANNON—Frankly, I do not. Further, I do not think it would be in the interests of South Australia. The honourable member is a whole-hogger for South Australia, irrespective of the costs to the people who will consume the finished article.

Mr. Riches—People have to be housed and fed wherever they are.

Mr. SHANNON—I agree, but in South Australia we are short of population. As the member for Burra pointed out, the B.H.P. Company wants 500 men in the shipyards at Whyalla, but cannot get them. With regard to the interests of the State in our iron ore deposits, my view is that a lot of poppycock has been talked by people who are excellent officers in their own departments, but in the commercial sphere are not practical men. They have no basic understanding of the principles involved in industry. I refer, of course, to Mr. Dickinson, who is a very estimable officer and a man whom I am proud to call a personal friend. He is an excellent Director of Mines. Probably in his own sphere he is one of the outstanding men in the Commonwealth.

Mr. Riches—He is all right on pyrites.

Mr. SHANNON—I am not prepared to say that. Thank goodness we were wise enough to put the B.H.P. Company in charge of the development of the pyrites field at Nairne.

Mr. Riches—Who drew up the economics of that scheme?

Mr. SHANNON—I think it was the company.

Mr. Riches—I don't.

Mr. SHANNON—I would not expect the honourable member to. He cannot see any good at all that comes from the B.H.P. Company, but it has done many things of value for South Australia. Apart from developing Whyalla, it opened up an absolutely new venture at Nairne. Of course, open-cut mining was not new to the company, for it knows all the answers there, but it has probably saved the State hundreds of thousands of pounds by the efficient manner in which it developed the deposits at Nairne. It is most unwise for any public servant to delve into the sphere of State policy. It is not his duty.

Mr. Riches—It is his duty to report to Parliament each year.

Mr. SHANNON—Yes, upon the activities of his own department, but it is entirely improper for a public servant to try to direct the policy of the State. Unfortunately, it is outside his department where Mr. Dickinson endeavours to direct policy. He is apparently imbued with the same idea that Opposition members preach in season and out of season, namely, that nationalization is the answer to all our problems, that if we have State ownership of the means of production, distribution and exchange, all our troubles will be little ones.

Mr. Riches—That is not fair.

Mr. SHANNON—That is what he told the Junior Chamber of Commerce at Woodville. He said a national trust should be established to work our iron ore deposits.

Mr. Riches—You have had a copy of his speech?

Mr. SHANNON—Yes, and I have just heard it read again. Mr. Dickinson has gone outside his proper functions.

Mr. Riches—South Australia should be proud that it has an officer with the courage of his convictions.

Mr. SHANNON—I suppose the honourable member finds that Mr. Dickinson has a lot of courage when he preaches the same gospel as he does, but if he opposed the honourable member's views he would not be quite so keen on him. Are we as Parliamentarians in favour of passing over the prerogative of policy-making to public servants, or do we think policy should be framed by the people elected to this Parliament?

Mr. Riches—That is not the issue.

Mr. SHANNON—It is. I see that now I have laid the ghost of Mr. Dickinson members opposite are not so pleased. If we accept Mr. Dickinson's dictum in the matter of steelworks we shall also have to accept the opinions of the Director of Lands in the matter of land policy.

Mr. Riches—You do that in any case.

Mr. SHANNON—We do not. The honourable member knows that it is in this place where we decide policy.

Mr. Riches—We all agree upon that.

Mr. SHANNON—Now we are getting back to fundamentals. It is not only unwise, but very impolitic, for any public servant to try to frame policy, but that is what Mr. Dickinson has been trying to do. Obviously, he would not be an expert to whom anyone would go for advice on financial matters.

Mr. Riches—You object to Dr. Coombs talking about finance.

Mr. SHANNON—I certainly would not go to Mr. Dickinson on financial matters, for I know he has not been trained in that sphere. He does not know anything about a commercial undertaking such as a steel industry, and that is plain to anyone who has read his statements. Mr. Riches is adamant that we must establish a steel industry in South Australia, but to suggest that we could produce steel as cheaply as it is being produced in New South Wales is just wishful thinking. It would be impossible to erect the necessary buildings and install the necessary equipment at even a tithe of the cost that was involved in establishing steelworks at Newcastle. In 1955 we cannot undertake any major project such as this on the same terms as in 1935. That is so well known that it need not be stressed.

Mr. Brookman—Who would pay for it?

Mr. SHANNON—If the Opposition had its way the State would pay for it, but heaven help the taxpayer. The member for Port Pirie (Mr. Davis) referred to the excellent progress made in steel manufacture in other parts of the world, but I was surprised that he did not take note of the prices of steel overseas. I suppose he had in mind the steelworks of the United States or Europe, but steel costs £30 a ton more there than it does here. I am not so sure that all the experts are overseas. I think we may have a few working for the B.H.P. Company. It is well-known that during the last war Mr. Essington Lewis, who was then general manager of the company, was frequently consulted by the Commonwealth Government; in fact, he was sent all over the world.

Mr. Riches—He believes a steelworks should be established at Whyalla.

Mr. SHANNON—I do not know that he does today.

Mr. Riches—He said so in evidence.

Mr. SHANNON—There is much confusion of thought amongst members opposite. They have been reading what was said 20 years ago when certain privileges were granted to the company. The honourable member harks back to what was said by some people in their enthusiasm at that time, but which they now know to be impracticable. Let me deal with the ethics of the method by which it is proposed to establish steelworks here.

Mr. Riches—Essington Lewis is all for it.

Mr. SHANNON—He probably had more to do with the establishment of Whyalla than even the member for Stuart. Although this Parliament has paramount power to do what the majority of members think should be done, it should not lose sight of ethical standards, because there are other parts of the world that are a good guide to what the rest of the world will think of us if we dishonour the agreement. During the past decade or two we have seen Governments set up under dictatorships that have wiped off both internal and external debts. Many people in Britain who invested money in such countries suffered a painful experience.

Mr. Riches—Did that happen in South Australia?

Mr. SHANNON—I do not suggest it did and I hope it never will. I want to be able to hold up my head and say that at least we are honourable. The motion contains elements of dishonourable tactics because it suggests that we should wipe out an agreement. I ask members to consider what could happen to a number of other big business undertakings in this State if this step were taken. Much has been said in this debate about compulsory acquisition and the injustice being meted out by this Government to certain worthy citizens whose homes, it is said, will be taken away so that a railway line may serve a big industry at Tonsley. That industry, which may ultimately employ 7,000 men, will depend on the stability of this State Government to honour the undertakings it has given concerning the facilities required by the firm to carry on business here. The firm wants to know that it is dealing with an honourable Government that will not break faith with it after it has spent millions of pounds on establishing its works.

Mr. Riches—Will it break faith with the Government?

Mr. SHANNON—I do not know that the B.H.P. Company has broken faith with the Government, although I have heard all sorts of talk about the company's promising to establish a steelworks at Whyalla.

Mr. Corcoran—There is conclusive evidence of such a promise.

Mr. SHANNON—Then I cannot find it. Had the company made such a promise no doubt it would have regretted it. In America steel manufacturers are going far afield to find iron ore to take to the coal, and that practice is going on all over the world. I know of no case in which coal is taken to the iron ore.

Mr. Riches—Have you read Mr. Essington Lewis on that point?

Mr. SHANNON—Yes. The location of iron ore deposits near the seaboard has been of inestimable advantage to Australia because it has enabled the production of steel at a rate £30 a ton cheaper than its cost anywhere else in the world. Unless we are careful someone will step in and start a steelworks in South Australia and this advantage will vanish overnight. It could be frittered away by foolhardy and wishful-thinking people who consider that merely because we have the iron ore we should have a steelworks. Is it any more logical to take that view than for the people who have suitable coal to say that they should have a steelworks? The two attitudes are analogous and equally silly. A sensible approach for a young and developing country such as Australia is: "Let us select the site at which steel can be most cheaply and efficiently manufactured."

The policy of the B.H.P. Company is to sell steel throughout Australia at a flat rate, and in effect New South Wales is subsidizing the freight charges of steel taken to other States. The company is a truly Australian undertaking with an Australian outlook. This thing is much too big and vital from the point of view of the prosperity of all Australians to permit us to tinker with it on a small State-wide basis. I hope Parliament does not reach the stage where it will tinker with an agreement to which it has been a party. I remind members opposite that they consented to the agreement. The member for Stuart (Mr. Riches), who was a member when the original Bill was passed, is as responsible for the agreement as any other member. I, too, am responsible, and I accept my share of the responsibility. If a mistake was made—and I do not admit that it was—it is not a very grave one; it is merely that the State allowed its iron ore deposits to be used too cheaply and to the benefit of Australians. Instead of charging a royalty of only 6d. a ton, we should

have perhaps charged 1s.; indeed, I understand that today the company has voluntarily agreed to pay 1s. 6d. and to thus rectify any error we may have made when we entered into the agreement in the 1930's.

As an Australian, I believe we would belittle ourselves in advancing a claim against an industry if it were not in the interests of South Australians, and in this respect it must be remembered that the establishment of a steelworks here would probably mean the doubtful benefit of our paying a few pounds a ton more for steel. There has been some criticism of the company for its latest move in establishing a strip mill in New South Wales, but by this move the company is only ensuring that large South Australian industries, such as Holdens, Stewarts & Lloyds, and the British Tube Mills, and a number of smaller industries will benefit from the steel produced when that strip mill operates, for South Australia will get that steel at the same price as is paid by New South Wales purchasers. All these factors should be taken into account. I hope the motion is turned down by a thundering majority to ensure that the people who depend on a sound, reliable Government in this State need have no fear that any agreement entered into by them will be broken.

Mr. DUNSTAN (Norwood)—I support the motion, but I do so in a state of considerable bewilderment because I do not know the attitude of Government members in this matter. From the four Government members who have spoken we have heard at least three different points of view expressed on why members should oppose the motion. The Premier clearly accepts the view of the situation taken by the Director of Mines (Mr. Dickinson), but whereas Mr. Dickinson says clearly that the steps outlined in the motion should be taken, the Premier says, in effect, that nothing should be done. The Premier clearly stated his view in the Address in Reply debate, when he said:—

> Since then (the time of the passing of the Indenture Act) we have made a survey of the deposits and find they are by no means inexhaustible. At the rate of consumption of 3,000,000 tons a year, they do not constitute more than a reasonable reserve. If an industry is to be established at Whyalla two things are fairly evident. The first is if an industry is to be amortized over a relatively reasonable period it must be established in the near future. The longer you go the less argument you have for its establishment. The second point is it would be completely uneconomic to establish a steel industry at Whyalla unless it was backed by reasonable reserves of ore.

Every member on this side of the House, I feel sure, agrees with those words of the Premier. We are faced then with this situation: if we are to establish a steel industry in South Australia—and the 1937 agreement was entered into with that view, as I think every member will agree—we must do it soon or we will not be able to do it at all. I shall deal with the precise terms of the agreement later, but I think every member must agree that it was entered into with a view to establishing a steelworks, and every member who voted for it did so with that end in view, and the company itself represented then that it thought that the industry would be established here as the inevitable consequences of the establishment of a blast furnace. That view has been reiterated in evidence given by officers of the company to the Select Committee of this Parliament, and again by Mr. Essington Lewis in his Joseph Fisher lecture of 1947. Despite the Premier's hopeful comments about high grade iron ore deposits being discovered outside the company's leases to back up an industry apart from the B.H.P. Company, up to the present we have not found outside the company's leases a tithe of what would be necessary for such an industry.

The Premier then went on to make his defence against the proposal that something should be done; he had to put up an argument to show why we ought not to do anything about this fantastically difficult situation which faces South Australia; why we should allow our iron ore deposits to go on being exploited at such a rate that it appears to anybody in South Australia who knows anything about it—and it is clearly stated in Mr. Dickinson's report—that we are not going to have a steel industry in South Australia. This is his defence. Why is it that he prefers to do nothing about the situation and to allow our deposits to be exploited in such a way that we will never get a steel industry? He says that the agreement that was made with the company is sacrosanct, a solemn undertaking given by this Parliament to the company in return for the company's undertaking to establish a blast furnace at Whyalla; that it would be extra-legal to interfere with the agreement; that, if the agreement cannot be contested in law as it stands, this Parliament has no power to intervene; that agreements such as this when they are made with companies are binding for all time if they are expressed to be so, and that this Parliament is bound by the actions of a previous Parliament; that this is a moral principle upon which

the Premier bases his public life and he would rather leave public life than depart from it.

I find it extraordinary that he should express that view so forcibly because he is continually and consistently departing from it. What is the normally accepted view of the indefeasibility of private rights? Why is it that Parliament cannot legally bind subsequent Parliaments except by amendments of the Constitution? Every generation has to be sufficient unto its own generation. Every Parliament must be able to view the public welfare of the State at that particular time and to take appropriate measures therefor, and that has always been so. Certainly, private rights are often given, and a number of them have been mentioned by members opposite, though none of them is indefeasible. Surely the principle is this: That where private rights are granted the public welfare normally requires that there should be a presumption in favour of the continuance of those private rights unless they are clearly contrary to the welfare of the majority of the people, but where there is a conflict between public and private benefit, so that the continuance of those private rights are overwhelmingly to the detriment of public welfare the latter shall prevail; and that has been the principle of legislation down through the years in this Parliament.

Let us consider a few examples. Mr. Travers made a most extraordinary speech. One would feel that the honourable member was not really addressing Parliament but taking part in a performance of "Murder in the Red Barn"; in fact, I seriously considered asking him to take out a ticket in Actors' Equity, because I could not conceive he was really serious in the manner in which he addressed the House. He cited the Real Property Act. There, under section 69, indefeasibility of title is given to people who obtain a title to land. That is true, but there are certain overriding exceptions. For instance, there is no indefeasibility of title when the land in that title is required under the Compulsory Acquisition of Lands Act, or under the Local Government Act, or the Railways Commissioner's Act, or the Land Settlement Act. In each of those cases, where it is required that the land should be used for public purposes, that sacrosanct, indefeasible title in fee simple, the contract between Her Sovereign Majesty the Queen and the titleholder, must yield to the public welfare; and that is all we are asking for in this case.

There is a further interesting example of what the Premier's view in these matters has been in the past when we examine the Adelaide Electricity Supply Company's Act. That was a private Act giving certain clear rights to the company, and if the company duly carried out the works and gave a service to the people of South Australia, surely it was entitled to think, like the B.H.P. Company, it should be able to continue to enjoy its rights. It so happened, of course, that it was duly found that it was not in the public interests of South Australia that the Adelaide Electric Supply Company should continue to be the supplier of electricity for Adelaide, but that a public undertaking should be set up and that the company's assets should be acquired for the purposes of that public undertaking. That was done and the Premier was the main protagonist, and he received the support of members on this side, for it appeared to those who were here then that this was a clear-cut case of the principle I have already enunciated. What more is sought to be done under this motion than that? That is precisely what is proposed. We say that since it is overwhelmingly in the public interest that these private rights should be interfered with it should be done, and that would be so whether or not the company had failed to carry out the promises it made—apparently promises that were not included in the terms of the agreement—but nevertheless promises which were made and views which were expressed to the Select Committee, and evidence which was given and upon which this Parliament saw fit to act. I detailed all that in a previous debate by reading a long series of questions and answers in the proceedings of the Select Committee, and I was surprised to find the Premier subsequently taxing me with quoting certain passages out of context. I expected that he would cite what I had omitted that was relevant, but I was astonished to find that not one reply was given by him which I had not detailed. The fact is that I set forth *in toto* all the relevant matter given by Mr. Essington Lewis to the committee, and the sum total of the evidence was this: "we cannot say when the steelworks is going to be established, but we can say that the establishing of a blast furnace will lead to the establishment of steelworks; it has happened everywhere else. Look at the inestimable benefits which South Australia will obtain from the establishment of a steel industry here."

Because Parliament did not wish to be tied down to a precise time as to the provision of a water supply at Whyalla it was prepared to accept Mr. Lewis' assurances that it would

inevitably follow that a steelworks would be established at Whyalla, and in consequence did not think it necessary to put into the agreement a precise date for the establishment of the steelworks or the provision of a water supply. Nevertheless it was clearly the view of all Parties that the steelworks would be put there, and we are now faced with the position that if things go on as they are—and the company has given no indication that it is prepared to review its decision—the steelworks will never be there. Surely, then, we are entitled to do something about it, because we accepted the evidence given to the Select Committee in good faith. If that evidence was incorrect, as the company apparently would now hold it out to be, or it was not given in good faith—and as to that members may form their own conclusions—it is now clearly incorrect from the company's point of view, and it is up to us to remedy the mistake that was made in relying upon that evidence. That is our duty to the people of South Australia.

I turn now to the arguments brought forward by the member for Burra (Mr. Hawker) and the member for Onkaparinga (Mr. Shannon) because they are completely contrary to the views expressed by the Premier and Mr. Travers. The member for Burra quite rightly agrees with us that there is no departure from accepted practice in the compulsory acquisition proposed in this motion. In his and in my view it is the perfectly normal procedure and consistent with what has been done in this State by this Government before. There is no departure from principle. However, it so happens that the member for Burra does not agree with the principle which has been acted upon by his Government in the past, but he is at least prepared to admit that they have done it in the past. He is honest about it. Thank goodness there is one honest man opposite. He then said—and this is where his inconsistency arises—that he does not think it a good thing to establish a steelworks in South Australia because such an undertaking would be difficult and might be expensive. I find that and a similar argument from the member for Onkaparinga extraordinary, because it was the unanimous resolution of this House less than two years ago that a steelworks should be established at Whyalla. Every member is bound to do what he can for the establishment of a steelworks because all members voted for that resolution.

Let us examine the arguments of the members for Burra and Onkaparinga. Firstly, they say, "If we carry this motion we could not establish a steelworks at Whyalla because no one would go there and take over these works and exploit iron ore if we deprived the Broken Hill Pty. Company of it." That is contrary to the report of the Director of Mines and it is quite clear that there are many steel undertakings overseas which, if given rights in respect of our iron ore deposits, would be only too willing to assist this State in establishing a steel undertaking. They are looking for possible means of expansion and I do not see how any member can seriously suggest that overseas steel interests would not be keen to snap up the richest iron ore deposits in the world if they could get them. Members opposite say "If you are going to take this away from the Broken Hill Pty. Company, how is the new undertaking to be given security?" It will have this security —and it is the same security the present company has—that while it carries on its activities consistently with public interest it can expect that the people will see that it carries on its undertaking, but when it becomes inconsistent with public interest obviously the public will intervene. There is no reason why it should be inconsistent with public interest except where a company thinks it has the public by the throat, which is obviously what the Broken Hill Proprietary Company thinks because of the arrogant attitude it has adopted to the people, the Government and the Premier of this State. It has been suggested that the company would have to go elsewhere for ore while we were getting somebody else to engage in these works at Whyalla and that this would result in dearer steel. That, however, is not in the motion. The motion clearly states that we should investigate the situation to see that all interested parties are duly protected in the matter and, in fact, it is obviously a necessity that if the motion were passed the company should get sufficient ore to carry on its works in New South Wales. It would be obviously in the interests of South Australia to see that the company obtained ore in such quantities and of such quality as would conserve our deposits as Mr. Essington Lewis undertook they would be conserved, but as they are not being conserved at the moment.

The member for Onkaparinga said—and I think it a fairly significant admission—that perhaps a mistake was made in 1937 in this agreement, but he did not think it was a very grave mistake because it was in the interests of the whole of Australia that the

company should carry on in the manner it is now doing. What are the interests of Australia? Surely the interests of the people are that we should get sufficient steel for our requirements in Australia and the expressed policy of the company in its establishment of steel industries is that it is not planning an industry of sufficient capacity to meet the Australian demand. They are the company's expressed words. Is that consonant with the interests of the people? Surely if we are seeking to satisfy the needs of the people of Australia the only way to do so is by establishing an additional steel industry in Australia. It is clear that the obvious place for such an undertaking is at Whyalla. I do not think any more need be said. I think all members are well aware of the contents of Mr. Dickinson's report and of the various debates on this subject and of evidence given before a Select Committee. It is clear that the alternatives before the people are to do what is proposed in this motion or to do nothing—to have a steelworks or to have no steelworks or, in effect, to have sufficient steel to meet the demand or not to have sufficient steel and consequently not to have sufficient of the basic requirements for the industrial expansion that Australia is at present seeking to undertake.

Mr. MILLHOUSE (Mitcham)—I have listened with particular interest to the debate on this motion and have also read the motion because I think I am right in saying that this is the first time, since I have become a member of this House, upon which the Opposition has shown so blatantly its socialistic background.

Mr. Jennings—What is wrong with that?

Mr. MILLHOUSE—I am pleased that I am not offending the Opposition by saying that, but I think it is rather pathetic to see the Opposition revealing so blatantly its socialistic theory because that theory is becoming completely outmoded in a democratic world. We have the spectacle of the Socialist Party in Great Britain doing a great deal of soul searching about its socialist doctrines, because it found in two general elections that they were not acceptable to the people. That theory has been tried since the war and has been found wanting. The Labor Party in Great Britain is now engaged on a soul searching pursuit for some new policy. What is the position in the Commonwealth and in the other States of Australia. It is exactly the same. The Labor Party is rent in twain looking for some new theory upon which to base its appeal to the public. The Labor Party in the eastern States knows just as well as we on this side have always known that socialism no longer has any appeal to the people of this country. The South Australian Opposition is still clinging to its socialist theories. That is abundantly clear in this motion. If the Opposition ever wants to become the Government it will have to do some soul searching and find some acceptable policy to put before the people because until they do find something better to serve up to the people they will never be the Government.

I should like to analyse this motion and the various points it raises. I think it is a great pity that members opposite have not already analysed the motion. There has been too much loose talk and loose thinking about our iron ore leases and two-thirds of everything that has been said from both sides of the House has been entirely irrelevant.

Mr. Jennings—You are increasing the percentage.

Mr. MILLHOUSE—The only point at issue is the legal position of the Broken Hill Pty. Company with regard to the leases. The history of this matter is well known and is not in dispute. Prior to 1937 the company had leases under the Mining Act but those leases were for only 21 years and before the company would consent to erect a blast furnace at Whyalla it wanted greater security than it could reasonably obtain under the Mining Act. For that reason the Broken Hill Pty. Company Indenture Act was passed. This Act we must consider when considering this motion and this Act only. On previous occasions members opposite were very careful to tell us that Mr. Dunstan had had nothing to do with the drafting of the motion.

Mr. McAlees—Who said that?

Mr. MILLHOUSE—Your Leader. He said it quite plainly and the member for Norwood interjected and said he had not seen the motion until it was introduced in the House. Whether he had seen it or not it was most injudicious on the part of the Labor Party not to take his advice upon the effect the motion would have. With his trained legal intellect he could have saved the Opposition from a number of pitfalls into which it has stumbled.

Mr. Fred Walsh—Do you think that the Opposition are a lot of nincompoops?

Mr. MILLHOUSE—Good manners prevent me from replying to that interjection. Had

the Opposition heeded the advice and taken advantage of the learning of the member for Norwood, this would not have happened.

Mr. Davis—Do you think you have to have legal training to have common sense?

Mr. MILLHOUSE—No, but a little legal training in these debates is a great help.

Mr. Fred Walsh—Legal training will not give you common sense.

Mr. MILLHOUSE—Perhaps not, but nevertheless anyone with any legal training can see what this motion means. Here we have an indenture annexed to the Act as a schedule. What is an indenture? It is simply an agreement under seal, an agreement binding between the parties to it. I do not think Mr. Dunstan or any of his colleagues could possibly deny that that is so. What is the legal effect of any agreement? Were it not for some of the statements of honourable members opposite I would not have to say more about it than that. Because of what is being said it is only fair that I quote from quite as good an authority as anyone who has any knowledge of these things could desire as to the effect of an agreement in writing. I shall read a very short quotation from the book *Law of Contract,* by Cheshire and Fifoot, and if honourable members opposite heed this they may save themselves trouble in the future. This is what they had to say:—

If the contract is wholly in writing, the discovery of what was written of course presents no difficulty. But no evidence may be given of any oral understanding which goes to show that the writing does not express the original agreement. The parties are confined within the four corners of their document.

They then go on to quote from a case as follows:—

It is firmly established as a rule of law that parol evidence cannot be admitted to add to, vary or contradict a deed or other written instrument. Accordingly it has been held that . . . parol evidence will not be admitted to prove that some particular term, which had been verbally agreed upon, had been omitted (by design or otherwise) from a written instrument constituting a valid and operative contract between the parties.

That sets out with impeccable accuracy the position here. We have in the Indenture Act a written agreement. If the parties to that agreement were individual citizens no court could or would lift a finger to alter or vary the agreement. Here, we have not two individual citizens parties to the agreement, but the Government of South Australia and the B.H.P. Company. The indenture is set out plainly in the 1937 volume of the South Australian Statutes. The preamble has already been read. Frankly, I do not know why the name of His Majesty the King was brought into it. It does not seem to lead anywhere. On the other hand, it does not affect the validity of the agreement one way or the other. It could have been left out, and it would have been a good deal better if left out. We can see by the conclusion of the agreement that the two parties are the State of South Australia and the company. In addition to the indenture itself we have the Act of Parliament which incorporated the indenture. I have referred to the law of contract. I do not think Mr. Dunstan, Mr. Travers, or any other member with legal training could possibly disagree with what I have said. There is one other point with which no lawyer could disagree, and that is where you have an Act of Parliament it is not competent to go behind the wording of that Act to see what was said or not said in the debates taking place when the Act was passing through Parliament; nor is it competent to look at the evidence given before the expert committee. The only thing you can look at in interpreting an Act of Parliament is the Act itself. Therefore we have this position—that the provisions of the Broken Hill Proprietary Company's Indenture Act are self sufficient, and we cannot look beyond them.

Mr. Lawn—This is not a court. All we need to do is to apply a little common sense.

Mr. MILLHOUSE—It is all right to refer to common sense. People always do that when the law happens to be against them. If we are to retain our honour we must stick to the law and not try to place ourselves or the Government above it. Knowing that we cannot go beyond the Act and the indenture, let us see what it says in the indenture about the establishment of steelworks in South Australia. I have read right through it and the only reference I can see to the establishment of steelworks is in paragraph 13, which says:—

In order to assist the company to further extend its works by the establishment in the vicinity of Whyalla of coke oven plant and/or works for the production of steel, rolling mills, and other plant, the Government on being notified by the company that it is prepared to establish any such works will use every endeavour to provide the company with a supply of fresh water at the site of such works sufficient for the full requirements of the company at such fair and reasonable price as may be mutually agreed upon.

That certainly does not justify members opposite in saying what they have been saying —that the company has broken its word. The

only other clause I shall refer to is clause 17, which is particularly important. It is as follows:—

In further consideration of the company entering into this indenture it is hereby further covenanted that neither during the term of this indenture nor during any extension of that term shall the rights of tenure and otherwise of the company existing at the commencement or by virtue of this indenture or lawfully acquired during the term of this indenture, be in any wise impaired, disturbed or prejudicially affected.

That is the undertaking entered into by the Government on behalf of the people of South Australia. That clause continues:—

And the Government shall take all necessary steps to secure those rights to the company and prevent them from being impaired disturbed or prejudicially affected in any way whatsoever, and no other person shall have the right to acquire a mining claim or title over any land occupied by the company for its works.

In case any honourable members opposite should try to say that that binds only the Government which entered into the agreement, perhaps I might mention that in the preamble it is stated:—

And whereas the company has agreed to comply with that request and to establish such a furnace and such works and plant upon the Government of South Australia entering into this indenture and upon and subject to the covenants terms and conditions therein contained and subject to the authorization and ratification thereof by the Parliament of the said State and whereas in consideration of the great expenditure to be incurred by the company in complying with the request and establishing the furnace works and plant it is agreed that the tenure and other rights of the company should be effectively extended preserved and protected and that adequate rights of winning, transporting, treating and shipping ironstone and its products and other materials and stores used by the company should be secured to the company.

That is the position.

Mr. Lawn—Thus endeth the first lesson.

Mr. MILLHOUSE—Perhaps it is the first lesson. I hope it will not be the last.

The Hon. T. Playford—I hope it is an effective lesson.

Mr. MILLHOUSE—That is the document which our friends opposite are trying to tear up between 30 and 40 years before it is due to be reviewed—for it has to run for 50 years from 1937. That is the agreement that they want to cynically disregard. We cannot look beyond or behind its conditions.

Mr. Dunstan—Why can't we do it? We are not a court of law.

Mr. MILLHOUSE—We are the Parliament of South Australia. We are bound by law and I hope we always will be. I am saying that is the law and we should not deliberately flout it as our friends opposite would like us to do.

Mr. Dunstan—It is perfectly legal to repeal the law.

Mr. MILLHOUSE—No. Why is there no provision in the Indenture for the establishment of steelworks? As we all know, it is because it was expected in 1937 that the eventuality that has arisen might arise. In other words, the company said, "We cannot afford to have in the Indenture any provision for the establishment of steelworks within a given time because conditions might change." I am not going to say anything about the merits or demerits of that attitude or of what has taken place since. It is not there because of the fear that an eventuality would arise. That was the risk that Parliament took in 1937. It was the risk that the company would not or could not establish steel works. In 1937 members of the Parliament knew the risk, but they were prepared to take it. If in 1937 Parliament wanted to insist that steel works should be established in South Australia within a given time it should have insisted that it be put into the agreement because there was no other way of getting a legal claim on steelworks. If it was not prepared to enter into the Indenture without that provision it was perfectly competent for the Parliament not to enter into it at all. I submit with the greatest respect that we have no right to take unto ourselves powers which the ordinary law of the land does not give us. We must be careful not to place ourselves above the law, and that is what we would be doing if we agreed to the motion. Our responsibility is to keep our hands absolutely clean. We cannot afford to sully our reputation by agreeing to the motion. I am a great believer in the rule of law. The motion is an absolute negation of the rule of law because it makes the Parliament something above the law. It gives the Parliament the opportunity to do just what it wants to do. That is the vice in the motion.

Mr. Dunstan asked why we cannot repeal the legislation. In his fighting speech he gave us a number of examples and said, "You have done it already. Why not do it again?" It is rather ironical that the Opposition, which has always apparently been contemptuous of Government action, should in this case be prepared to lean on what it says the Government has done in the past in order to justify its move now. I want to refer to the examples given by Mr. Dunstan. He mentioned the

Adelaide Electric Supply Company. As I see it, the distinction between the examples given and this case is this. Here, in so many words, by an agreement solemnly entered into by the State with the company, we allow the leases to run for 50 years. That is not the position with the examples given by Opposition members. It is undoubtedly the principle of law that unless Parliament specifically binds itself, as in this case, it can repeal an Act at its pleasure. That is the reason why morally there was no reason why Parliament should not repeal the legislation dealing with the Electric Supply Company. Here, there is a specific agreement with the company not to tamper with its leases for 50 years. There was no breaking of faith with the Electric Supply Company, but there would be a breaking of faith with the B.H.P. Company. It is agreed generally by all members that steelworks should be established at Whyalla but it is a waste of time to debate the matter. I agree that steelworks should be established if it can be done with honour, but I do not agree that we should take a temporal advantage by incurring a spiritual loss. If we can do it with honour then let us do it by all means, but if we cannot we should not do it at all. What is proposed in this motion is immoral, dishonourable and foolish for the very good reasons that have been given by others speakers on this side of the House during the debate. If this is a forerunner of what the Labor Party would do if it were in office, the more widely it is known by the people of South Australia the better. If it is an example of the irresponsibility and the dishonour with which that party would govern it is a good thing that it has come to a head a few months before an election so that the people will know the type of Government they would have if the Labor Party were in office. It would be a Government irresponsibly prepared to ruin the reputation of this State. I hope that the motion will be overwhelmingly defeated.

Mr. HUTCHENS secured the adjournment of the debate.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 31. Page 694.)

Mr. CORCORAN (Victoria)—I support the Bill because it is designed to provide means of control over hire-purchase agreements and will enable us to regulate them. This does not mean that I am opposed to hire-purchase or wish to restrict it in any way. I am in favour of it because it enables people on lower incomes to purchase many amenities that they probably could not afford if they had to pay cash. As the Leader pointed out when explaining the Bill, it is intended to apply only to household goods, personal effects and clothing, and contains two principal provisions. The first is that no agreement shall be enforceable unless it bears the signatures of both the hirer and the hirer's spouse or includes a statutory declaration by the hirer that he or she is not married or that, if married, he or she has been deserted by or judicially separated from his or her spouse. The Premier passed judgment on the Bill and in his usual manner criticized it very severely in a totally unwarranted way. He gave many attempted misrepresentations of the intentions of this Party in bringing in the Bill, and went on to say:—

> In my opinion that provision is a needless interference with the domestic circle and is of no consequence and would put a husband and wife on a totally wrong basis. While the Bill contains such a provision I cannot support it.

He also stated that, although the Leader of the Opposition said that it was not his purpose to hinder hire-purchase, he felt that the insertion of such a provision would have that effect. That contention is totally wrong; the provision is not for that purpose but to protect the wife in particular from yielding to the persuasive power of some of the agents who travel around disposing of their wares. I realize that is their job, but I have known cases in which the woman of the house has been persuaded by the eloquent sales talk of the salesman to enter into an agreement that she could not afford. I have seen those salesmen in my district. Having signed the agreement the woman is bound to it. When the wife and husband are on proper terms this provision will be a protection to them.

Because of hire-purchase people on lower incomes can purchase amenities, particularly washing machines and refrigerators, which are regarded as necessities today. I do not know what our mothers would think if they were able to see the amenities that are now available, but I am sure they would be grateful to know that the drudgery of the home has been reduced by the ingenuity of man. We all trust that the days when the womenfolk had to stand over washing tubs half the day perspiring because of the heat will never return. Amenities such as washing machines are obtained much more quickly because of hire-purchase and are essential to the welfare

of the nation. When we introduce something that has that effect are not we all happy? If we abolished hire-purchase tomorrow industry would be stifled. The Premier is always looking for some avenue through which he can condemn legislation introduced by the Opposition. Although he may appreciate the worth of Bills that we introduce he is never guilty of agreeing to them when they are introduced, but when the opportunity offers he takes advantage of Opposition proposals. He has done that more than once in my term as a member, and probably some of the provisions of this Bill will be adopted by him later. He will then take the whole credit and we will get none, though we are not worried about that. Last year he said he had no great objection to a similar Bill, but asked us not to insist upon the formula laid down. He said:—

If the Leader of the Opposition will amend the first provision of the Bill so that the real rate of interest being charged must be set out in an agreement that provision would then be, by and large, desirable, but I cannot support the Bill in its present form.

If the accommodation charge is to be expressed as a true percentage a formula is unavoidable. The formulae proposed in this Bill are those referred to in the report of the Moneylenders Bill of 1939. They have been simplified and should not present any difficulty to persons engaged in preparing hire-purchase agreements. The Premier used this argument only as a means to justify his opposition to the Bill. I often wonder whether the time will ever come when we shall introduce something that will meet with the Premier's support. We know that once he condemns a measure we shall not get any support from members behind him. However, I should like them to stand up and say what they think is wrong with this Bill. We on this side support it because we believe its principles to be right.

Mr. O'Halloran—And we give good and sufficient reasons.

Mr. CORCORAN—Yes. The Premier spoke about servicemen who were away, but does anyone think that we wish to do something opposed to their interests? It does not matter if they are overseas; we will overcome those troubles. Aeroplanes now travel at 700 miles an hour, so England is only a few days' flying time from Australia. Only a very small percentage of our men are on service overseas. The Premier was absurd in introducing such objections.

Mr. O'Halloran—They were only excuses.

Mr. CORCORAN—Of course. I hope members opposite will not accuse us of trying to restrict the hire purchase system. However, we believe in having some control over it so that people will understand what they are doing. Is there anything wrong with that? I am pleased to suppoort the Bill and I hope that at least some members opposite will support it, irrespective of what the Premier has said. I hope they will not be worried about creating any domestic troubles. Many contracts have to be signed by both husband and wife. They both have to sign the most important contract of their life when they get married. I hope that the Bill will be accepted in the spirit in which it was brought down and that members opposite will see the necessity for passing it.

Mr. HUTCHENS secured the adjournment of the debate.

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

REGISTRATION OF BUSINESS NAMES ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

DRAUGHT STALLIONS ACT REPEAL BILL.

Returned from the Legislative Council without amendment.

DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

PRICES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

SUPREME COURT ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

ADJOURNMENT.

At 5.34 p.m. the House adjourned until Thursday, September 22, at 2 p.m.