HOUSE OF ASSEMBLY.

Wednesday, October 5, 1955.

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

QUESTIONS.

LARGS NORTH-OSBORNE SEWERAGE.

Mr. TAPPING—From time to time I have made representations to the Minister of Works concerning the need for sewerage facilities in the Largs North-Osborne area. Has he any progress report on that matter?

The Hon. M. McINTOSH—I have nothing to add to what I have already reported. Those figures show that the cost per inhabitant of such a scheme would be very large and out of keeping with what is generally regarded as a reasonable return to the taxpayer. I will, however, again take up the matter and after a further survey let the honourable member have the latest information.

SLIPPERY ROADWAY.

Mr. TEUSNER—My attention has been directed by the local police officer and responsible residents in the locality to the condition of a small stretch of road between Blanchetown and Truro on the Sturt Highway. I understand that as a result of loads of grapes from the Murray districts going over Accommodation Hill a large quantity of grape juice has from time to time overflowed from the trucks, which have been on an incline, that the road surface has become impregnated with grape juice to such an extent that in wet weather it becomes slippery, and that a large number of accidents have taken place on this stretch. Five of these have been reported and at least 12 minor accidents have occurred in the past few months, damage to the extent of £1,480 being done to a number of motor vehicles in collisions. Will the Minister of Works confer with the Minister of Roads about the condition of this stretch and request that steps be taken to have it reconditioned, perhaps by some rough penetration, which would prevent the road from becoming slippery in wet weather and thus obviate further accidents?

The Hon. M. McINTOSH—This is not the first time that I have heard of grape juice causing slippery conditions, but it is the first time I have heard it suggested that the road should be made rougher. This is not so much a matter for the Highways Department: the remedy must lie in the nature of the trucks conveying the materials rather than in the construction of the road to meet the requirements of the traffic. I will, however, take up the matter to see what remedy can be applied to the very peculiar conditions prevailing.

SOUTH-EASTERN RAILWAY COACHES.

Mr. FLETCHER—I understand that all the coaches used on the Overland express between Adelaide and Melbourne were manufactured at Islington and are known as joint stock. Further, I understand that for some time the South Australian Railways Department has been keen to buy the equity in some of the old stock previously used on the Overland so that it may be used on the South-East line, but up to the present it has been unable to do any business with the Victorian Railways Department even though it has an equity in that stock. In view of the growing demand for passenger accommodation, particularly on the night train from Mount Gambier, will the Minister of Works take up this matter with the Minister of Railways to see whether some agreement can be arrived at with the Victorian Government so that the Railways Department may use some of these old coaches on the South-East line? Applications for sleeping berths on next Friday evening's train from Mount Gambier to Adelaide are 20 in excess of the number available.

The Hon. M. McINTOSH—As ex-Minister of Railways I am delighted to know that what was formerly regarded as a white elephant, because it was considered that the time for railways had passed, has proved such a pronounced success, and anything I can do to make it an established success will be done. I will take up this matter with my colleague.

CLAIMS AGAINST NEGLIGENT DRIVERS.

Mr. TRAVERS—My question is directed to the Minister of Education representing the Attorney-General. The Full Court of the South Australian Supreme Court recently delivered a judgment of very far-reaching effect that calls for an amendment of the law. The case was that of *Hall v. Bonnett* and *Bonnett v. the Commissioner of Highways.* Three judges sat and by a two to one majority decided the case which will henceforth bind all courts in South Australia. The effect of the decision is that in cases of injury caused to a pedestrian by the negligent driving of two vehicles—for instance, a pedestrian run into by two vehicles or a passenger in one vehicle whose injuries are caused by the

negligent driving of the driver of the vehicle he is in and the driver of another vehicle—the third party procedure by which both negligent drivers can be brought before the court has been held not to extend to a servant of the Crown or its various instrumentalities. There are many hundreds of vehicles on the roads belonging to various instrumentalities and the effect of the decision is that a pedestrian, in his own interests, will have to be very selective as to the vehicle he permits to run over him. Will the Minister of Education ask the Attorney-General if he will consider the matter with a view to removing this anomaly, which could cause considerable loss and injustice to a claimant injured by motor traffic?

The Hon. B. PATTINSON—I shall be pleased to refer the matter to my colleague and ask him to give it his consideration.

RAILWAY ACCOMMODATION VANS.

Mr. DAVIS—Railway workmen who are sent to various centres to work use what are known as single accommodation vans. I have been informed that some years ago the Commissioner of Railways promised the men that these vans would be removed as they do not provide suitable accommodation and have become more dilapidated with time. The men have to cook and sleep in them and they ask that they be removed in accordance with the Commissioner's promise. Will the Minister of Works take this matter up with the Minister of Railways with a view to having these vans removed and better accommodation provided?

The Hon. M. McINTOSH—I will take the matter up with my colleague. However, I would not admit that some promise has been broken because that might be a matter of controversy. If the accommodation is not satisfactory I am sure the Commissioner and the Minister would desire to make it so.

UNIVERSITY LECTURER'S CANDIDATURE FOR PARLIAMENT.

Mr. RICHES—About three weeks ago it was reported in the press that the Liberal and Country League had selected a candidate for the district of Kingston but that he was not prepared to have his name made public for business reasons. In this morning's press the candidate's name is given and it is stated that he is a lecturer at the University. Can the Minister of Education say whether there are any business or other reasons associated with a lectureship at the University which would be in any way a hindrance or an embarrassment to a lecturer offering his services as a member of Parliament?

The Hon. B. PATTINSON—As far as I am aware there would be none other than possibly the question of master and servant relationship in connection with his employment. I imagine that the person concerned would seek the leave of his employers to offer himself as a candidate for Parliament and I think it certain that leave would be granted. If the honourable member desires I will endeavour to obtain further information although the matter does not come within my province. I think it is purely a question for the council of the University to decide whether it would grant one of its employees leave for such a purpose as the Government does for any public servant who desires to seek a seat in Parliament.

RAILWAY FREIGHT RATES.

Mr. HEASLIP—In the *Advertiser* of October 1 the President of the Adelaide Chamber of Commerce pointed out the necessity of easing the burden of the primary producer by keeping within bounds costs beyond his control, but in the same issue in an article headed "Horse Tram will become a Toy," the following appeared:—

> One of Victor Harbour's two 60-year-old horse trams will end its days as a children's "toy" at Port Pirie. The trams have been bought by Mr. G. D. Murphy, a garage proprietor, of Arthur street, Port Pirie. Mr. Murphy said last night that he had been notified by the Railways Department of the acceptance of his offer of £10 for each tram. He will also have to pay £12 freight to have the trams delivered to Port Pirie.

It is not clear whether Mr. Murphy will have to pay £12 freight charges for each tram or for both. In November last a primary producer at Merriton complained to me that he was charged £11 freight on a scarifier, which was much smaller and lighter than these trams. The distance of freighting the scarifier was about 120 miles but the distance involved in taking these trams from Victor Harbour to Port Pirie was well over 200 miles. Can the Minister of Works say why primary producers should be asked to pay such a disproportionate freight in comparison with that paid for a tram which is to become a children's toy?

The Hon. M. McINTOSH—I deprecate the suggestion that primary producers are mulcted in heavy freight charges. Firstly, superphosphate is carried at a far lower rate than would apply if carted by any other means of transport. Secondly, wheat,

barley, cornsacks and heavy machinery are likewise carted at low freight rates. Every section of the railways has a schedule of rates and it may be that this tram, which the honourable member referred to as becoming a toy, was regarded as such and came within a lower freight range than would otherwise have applied to it. The whole policy of the Railways Department and the Government has been to give the greatest consideration to primary products in freight rates.

CUMMINS REFRESHMENT ROOM.

Mr. PEARSON—According to my latest information the refreshment room at Cummins has been closed for some time, resulting in inconvenience to travellers on the long journeys either from Port Lincoln to Ceduna or Thevenard or from Port Lincoln to Kimba. It is not the fault of the railways that the refreshment room is closed and I have made some inquiries and believe the cafes in the town would be prepared to cater for passenger traffic if arrangements could be made for the railcars to set down and pick up passengers as they pass through the town proper. Will the Minister of Works take up the matter with the Minister of Railways with a view to obtaining a report from the Superintendent at Port Lincoln to see whether such arrangements can be made?

The Hon. M. McINTOSH—Yes.

GRASSHOPPER INFESTATION.

Mr. HAWKER—In today's *Advertiser* there is a report of a meeting of pastoralists at Burra on the grasshopper plague. It states that 1,200 square miles are infested, the area extending from 25 miles north-east of Terowie down to the district council area of Morgan. Mr. McAuliffe, District Agricultural Adviser, attended the meeting. Can the Minister of Agriculture say whether the Government will treat the grasshopper plague in the same way as the fruit fly plague, and give some assistance? The plagues are comparable and devastating, are rapidly spread from the places where they start, and are beyond the capabilities of individual landholders to control.

The Hon. A. W. CHRISTIAN—I think I have made it clear on a number of occasions that the Government gives substantial assistance to landholders to deal with the pests in the form of free poisons or other chemicals, either by way of sprays or baits. That is provided for in the Act and beyond that we cannot go at this point. The people in the pastoral areas have the same obligation as landholders in district council areas. They must apply themselves to the destruction of the pests wherever they appear on their holdings.

Mr. Hawker—It is a physical impossibility.

The Hon. A. W. CHRISTIAN—I know it is difficult where the egg beds are widespread but we have sent departmental officers to the areas concerned. In fact, Mr. Cook left either yesterday or the day before to make a personal inspection of the areas referred to by the honourable member, and to make a check on the reports we have had. I am inclined to think that some of the reports are exaggerated, which is perhaps natural because people get very concerned when they see such a menace as this developing, particularly in the outside country. Another obligation on landholders, even those in pastoral areas, is to pinpoint the egg beds and notify their position to the Pastoral Board if in outside country, the Director of Lands if Crown Lands country, or to the district council if in a district council area. That is the first obligation. The second is to get busy with the materials we supply for the destruction of the pests. That obligation to the Government will run undoubtedly into many thousands of pounds. We are not a sleeping partner but rather doing our full share. Whether we may be called upon to go beyond that I am not prepared to say until we get further reports from the officers who have made inspections of the outside areas.

NOXIOUS WEEDS.

Mr. HEASLIP—Has the Minister of Agriculture any further information following on the question I asked on September 28 regarding the eradication or control of onion weed, which if not placed under control will reduce the carrying capacity of South Australia to a great extent?

The Hon. A. W. CHRISTIAN—I asked the Director of Agriculture for a report and he has obtained the following information from Mr. Orchard, Research Officer, Weeds:—

Onion weed is not a competitor of well-managed pasture, nor will it tolerate cultivation. Unfortunately it is serious in the lower rainfall areas where competitive pastures are difficult to establish and maintain and continued cultivation is dangerous due to the hazards of soil erosion. However, in districts where cultivation and pasture establishment can be carried out without risk of soil erosion onion weed eradication does not present a difficult problem. While departmental experimental field work has demonstrated the efficiency of a number of chemical sprays for

onion weed control and eventual eradication, none of the materials successfully tested could be economically used for broad acres infestations of the weed; such chemical sprays are undoubtedly of use for the elimination of small patches of onion weed growing in areas otherwise free of the weed. The problem is a twofold one at present:—

1. Of locating one or more pasture species, suitable for our 8in. to 10in. rainfall country, which will either successfully compete directly with onion weed or act as a buffer species to prevent reinfestation of an area once chemical or other methods have suppressed the growth and development of the weed.
2. Of developing economic chemical or other methods of attacking large scale infestations of onion weed in our lower rainfall areas.

The fact that onion weed produces seed capable of remaining viable for very many years indicates the eradication of onion weed by chemical means from large areas at present infested is virtually impossible even if a chemical is located which will economically kill growing plants of the weed on such areas.

Information was also sought about research being done in this direction, either by the CSIRO or the Waite Institute, and the Director of Agriculture has obtained the following information from Professor Prescott, Director of the Waite Institute:—

For some years prior to 1952 the Waite Institute engaged in investigations on control of cape tulip and later of onion weed. Finance was provided from the Wool Research Trust Fund. This work was abandoned about 1952 and at that time pressure was brought to bear on the Waite Institute regarding publication of results. Through a misapprehension £1,000 was made available to the Waite Institute by the Aitken Pastoral Trust to enable completion of the work which, in fact, had been wound up. Subsequent negotiations with Dr. Clunies Ross led to the Aitken Pastoral Trust agreeing to diversion of the grant of £1,000 to certain capital requirements of investigations on pasture utilization. About half of the original grant still remains unspent. An unsatisfactory feature of the matter is that the work carried out on cape tulip and onion weed has not yet been published. Such publication is linked with submission of a thesis for a higher degree by Mr. Roart, who as a Waite officer was responsible for the work.

Mr. WILLIAM JENKINS—Last session I asked the Minister of Agriculture a question about the control of noxious weeds by councils, and he said that the Advisory Committee and his department were conferring on reports in relation to the control of noxious weeds by councils, possibly in co-ordination with the Government. I ask the Minister whether that report has been completed?

The Hon. A. W. CHRISTIAN—Yes. It was the Noxious Weeds Advisory Committee that dealt with the weeds problem on a number of occasions and, as a result, a Bill, by approval of Cabinet, is being drafted. The Lieutenant-Governor's Opening Speech stated that this was one of the measures that the Government would introduce, and I expect that when it has been drafted and approved by Cabinet I shall be able to introduce it.

Mr. HAWKER—Will the Minister, or the Government see that the research on onion weed and cape tulip is again taken up by the Waite Research Institute, for it is important that both be controlled?

The Hon. A. W. CHRISTIAN—Yes. On receipt of the report I just read I decided to take steps to that end.

INDUSTRIAL CODE AMENDMENT BILL (GENERAL).

Mr. O'HALLORAN (Leader of the Opposition), having obtained leave, introduced a Bill for an Act to amend the Industrial Code, 1920-1951. Read a first time.

METROPOLITAN TAXI-CAB BILL.

Second reading.

Mr. JENNINGS (Prospect)—I move:—

That this Bill be now read a second time.

My explanation of the Bill will be brief because last year a similar Bill, different in only one important respect, was introduced by the Premier and discussed fully. This Bill provides for uniform control of taxis in the metropolitan area under one licensing authority. The important difference between this Bill and that introduced last year is that the licensing authority stipulated is the Commissioner of Police, whereas last year's Bill stipulated the Adelaide City Council. Members know that for some years there has been grave dissatisfaction in the taxi industry with the system, if it can be called a system, of licensing and control. Numerous deputations waited on the Premier and the Leader of the Opposition, and eventually a Royal Commission was appointed to inquire into the industry. Unfortunately, the terms of reference were very restricted, for it was able only to consider what local authority should licence and control taxis. Under those circumstances it was not unexpected that the Adelaide City Council should be recommended as the licensing authority. A Bill was prepared in accordance with the commission's recommendations and introduced by the Premier. It provided for uniform control under one licensing authority in the

metropolitan area, and that principle was agreed to unanimously by the House. The second reading was carried on the voices without a dissentient, but the clause that provided for the Adelaide Council to be the controlling authority was not acceptable to the Committee.

I think the main reason was that the majority of members felt it was not right for the council, which has only a limited jurisdiction, to control taxis throughout the metropolitan area. Another thing that probably encouraged members to vote against City Council control was the fact that many serious allegations were made during the course of the debate about the council's control in the past. Many allegations were made by the member for Adelaide (Mr. Lawn) and myself, and I do not think any attempt has been made to refute them.

Mr. Brookman—Were they ever proved?

Mr. JENNINGS—We invited people to disprove them, but they were not challenged even though they were given considerable press publicity. Many members on both sides of the House voted against the clause for the City Council to be the licensing authority, and after it was defeated the Bill lapsed, though the Transport Control Board and the Commissioner of Police were mentioned as possible authorities. After progress was reported the Government did not go on with that Bill. That leaves us exactly where we were before the Royal Commission was appointed. No further attempt has been made by the Government to introduce legislation to give effect to the commission's recommendations or the wishes of Parliament, or to meet the needs of the industry. Therefore, I feel it my duty to introduce this Bill, which has been purposely kept as close as possible to last year's.

The licensing authority named in my Bill is the one I consider the best. In New South Wales all transport is under the control of the Minister of Transport, and the Commissioner of Police acts on behalf of the Minister in most matters concerning taxi-cabs. In Brisbane, Perth and London the respective Police Commissioners are the licensing authorities. In the Adelaide metropolitan area there are 21 authorities with the power to make by-laws concerning the licensing and control of taxi-cabs, although only 11 have seen fit to do so. The position is absurd and was discussed fully last year. My proposals for the prevention of pirating and other improper practices were contained in the Government's Bill last year. In explaining that Bill, the Premier said:—

Clause 10 gives the council a discretion in the issue of licences. It also provides that a transfer, lease, or other dealing in a licence must have the consent of the council. This matter is one of some importance and it is most desirable that there should be a check on unrestricted dealing in licences. Clause 10 (3) provides that if a taxicab licence in respect of a taxicab is issued to a person other than the owner of the taxi or if the council consents to the licence being transferred to such a person, it must report to the Minister its reasons for so doing and the report is to be laid before Parliament.

A similar provision is contained in my Bill, but it provides that the Police Commissioner shall tell the Minister why he has issued or transferred a licence to a person other than the owner of a taxi and that the Minister shall be obliged to report to Parliament on the matter, which will ensure the retention by this House of control over this important industry. Indeed, that provision, if no other, justifies the introduction of the Bill, because one of the most disgusting things about the taxicab industry in Adelaide is the trafficking in and granting of licences in bulk to people who cannot and do not intend to use them, but who immediately sell them for £1,000 or more or hire them out for £8 a week each. Last year allegations were made—and not denied—that people such as lawyers and doctors had in some instances been granted taxicab licences by the City Council and had immediately sold or hired them, whereas it should have been obvious to the licensing authority that those people were not going to use them and merely wished to traffic in them.

If members are consistent they will support my Bill, because last year they agreed to the principle of uniform control over the licensing of taxicabs and disagreed—in my opinion quite rightly—with the principle that the Adelaide City Council should be the licensing authority.

Mr. GEOFFREY CLARKE secured the adjournment of the debate.

EARLY CLOSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 28. Page 915.)

Mr. FLETCHER (Mount Gambier)—Immediately prior to my securing the adjournment last week the air was somewhat tense because of my interjections. I was accused of being old-fashioned and out of touch with present-day working conditions, and other criticisms designed as pre-election propaganda were made

against my stand on this Bill; but because of my experience years ago when the forty-four hour week was introduced I do not regret my words or actions on this measure. In those days it was a common practice to knock off at 12 noon on Saturdays and it was suggested by many who were employed on Saturday mornings that they should work the extra hours on weekdays to give them a chance to shop and do other business on Saturday mornings. I was a member of the Mount Gambier District Council at the time and I remember the great opposition in the council against the granting of that privilege, but eventually the workers were allowed to work the required number of hours in five days and it proved a godsend, especially to workers on the roads. It has always been the practice in most country towns to have Saturday morning shopping. I believe this measure is the thin end of the wedge to closing all shops on Saturday mornings.

Mr. Davis—What is wrong with that?

Mr. FLETCHER—It may be all right in some small northern suburbs but not in important southern towns. I am only concerned with convenience to workers and Saturday morning shopping is a convenience to men employed on roads and at centres removed from shopping areas. When it was proposed to introduce half past five closing the Labor Party suggested that I was opposed to it and made political propaganda of that, but I supported the proposal, as the vote taken at the time proves. Many shopkeepers said they would lose money if 5.30 closing were introduced, but within a short time they indicated that they had saved because of it. The worker is entitled to Saturday morning shopping.

Mr. O'Halloran—This does not deprive him of Saturday morning shopping.

Mr. FLETCHER—It deprives him of half an hour's shopping. Many country towns have restricted parking hours. It is almost impossible to find parking in Commercial Road, Mount Gambier, between 8 and 8.30 of a Saturday morning and motorists are compelled to park in some of the back streets. If a man had to park his car in Helen Street, when he completed his shopping he would have to carry his purchases almost half a mile back to his vehicle. Last Saturday morning I went into a barber's saloon for a shave. Seven chairs were occupied and five men were waiting. That is typical of the situation at Mount Gambier of a Saturday morning. Most of the men who were waiting were workers who had come from country centres. I have every sympathy for shop assistants and agree that they should have regular hours. Their work on Saturday mornings is often hectic and I hope we shall never revert to 9 o'clock closing on Fridays. As the member for Thebarton (Mr. Fred Walsh) said, if shops were open until 11 o'clock at night some men and women would still want to make purchases at the last minute and no matter what time shops closed on a Saturday there would still be that last minute rush. I cannot support the measure because it seems to me to be the beginning of the end of Saturday shopping.

Mr. STEPHENS (Port Adelaide)—It affords me great pleasure to support this Bill, particularly after listening to the last speaker. Everything he said supported the necessity for this measure. When the Early Closing Act was first introduced it provided for 6 o'clock closing on Monday, Tuesday Wednesday and Thursday, 9 o'clock on Friday and 1 o'clock on Saturday. When we endeavoured to alter those times exactly the same arguments were used as were used today by my old-fashioned friend, the member for Mount Gambier.

Mr. Fletcher—Not so old.

Mr. STEPHENS—The honourable member's ideas are old; he should have young ideas like myself. Many years ago when hotels closed at 10 p.m. there was an advertisement showing a man rushing to a hotel at 9.55 p.m. for Chateau Tanunda brandy. When the progressive people decided to close hotels at 6 p.m. all the advertisers had to do was to strike out the 9 and replace it with a 5. The man was still rushing to get into the hotel. I was once associated with the carrying industry and had to transport goods to boats at Port Adelaide. They used to load until 4 o'clock on a Saturday and there was always a rush. It was then decided that they would not load after 3 o'clock and there was a 3 o'clock rush. Then there was a 2 o'clock rush and a 12 o'clock rush. Subsequently it was decided that goods would not be received at all on Saturday and there was then a rush on the Friday afternoon.

Mr. Pearson—That is why we have to wait another week before we get our goods.

Mr. STEPHENS—No. The shipping combine has always been supported by the honourable member, yet it will not supply enough ships to move the goods. Don't talk to me about shipping combines. I know how they treat the people on the Peninsula. I could give figures that would surprise the honourable

member. I know what the big combine has done for small craft. Members opposite say they believe in arbitration. It that is a genuine belief, let them support the Bill.

Mr. Pearson—Do you believe in arbitration?

Mr. STEPHENS—Yes; I have always done so. I challenge the honourable member to show that he believes in it. By Act of Parliament a number of employers and employees were appointed to the wages board that decided that shops should close at 11.30 a.m. on Saturdays. The provision in the agreement said:—

The maximum number of ordinary hours to be worked in any one week . . . shall be 40, to be worked between the hours of 8 a.m. and 5.30 p.m. on Mondays to Fridays, and from 8 a.m. to 11.30 a.m. on Saturdays.

That agreement was signed by Mr. J. H. Slade, who was the chairman appointed by the present Government, which says it believes in arbitration. I suggest to Mr. Pearson that he not only say he believes in arbitration, but vote in support of it. Some members opposite would go back to the days when we had a working week of 60 hours. I remember a case being heard at that time and Mr. Justice Gordon was told that if the hours were reduced to less than 58 the carriers would close up their businesses. He said that if that were done it would be to the good of the country, and he reduced the number of working hours. Parliament should take notice of wages board determinations and not expect employees to work longer hours than are prescribed for them. I suggest that members opposite visit New Zealand in order to broaden their ideas. I have been there three times and in the larger towns practically all shops are closed on Saturdays. A friend of mine, one of the biggest drapers in the country, told me he did not want to do any business on Saturdays because the people were quite satisfied. Knowing that shops were not open on Saturdays they bought on Fridays the goods they wanted. I support the Bill and will note carefully how members opposite vote.

Mr. DAVIS (Port Pirie)—I, too, support the measure, because all workers should be on the same footing. I come from a city where 11.30 a.m. closing on Saturdays has operated successfully. For some years at Port Pirie shops were not open at all on Saturdays and few people complained. Mostly the criticism came from the shopkeepers. The shop assistants are dissatisfied because they cannot enjoy the same privileges as employees who do not work on Saturdays. Most young people who work in shops participate in sport. They have a right to expect to be free from work on Saturday mornings, instead of having to rush home from work, have a quick meal, and then go out to their sport.

Mr. Brookman—Do you want this measure to apply to betting shops at Port Pirie?

Mr. DAVIS—I have never heard such a ridiculous question in my life, because the betting shops are open only one afternoon a week. I would favour all people working the same hours as those employed in betting shops. In the days when shops were open from 9 a.m. to 6 p.m. on week days and till 9 p.m. on Saturdays the employees had a half holiday on the Wednesday. When it was suggested that it should be on the Saturday it was said that would be inconvenient for people earning a living from the land. There may have been some point in that argument in the days of horse-drawn vehicles, but when motorcars are available the position is different. On Wednesdays, Thursdays and Fridays there are more motor vehicles in Port Pirie than on Saturday mornings. Mr. Fletcher said that at Mount Gambier there were more on the Saturday mornings, but that only proves that the Mount Gambier people are taking advantage of the shop assistants.

Mr. Fletcher—You are out of touch with the genuine worker.

Mr. DAVIS—The honourable member is out of touch with them. Since I have been here he has never supported any move to improve workers' conditions. When the Opposition tried to increase workmen's compensation payments, although he had an effective vote the honourable member would not support the move. He was more concerned with saving his political skin by voting with the Government, but when his vote was not effective he was prepared to side with Opposition members. It is useless for him to tell me that he has the workers' interests at heart because he has never sympathized with them since I have been in the House.

Mr. Fletcher—I have paid out more wages than the honourable member has ever earned.

The SPEAKER—I ask honourable members not to discuss one another.

Mr. DAVIS—I was only replying to the remarks of the member for Mount Gambier, and I have a perfect right to do that. If he attacks the workers I have every right, as their representative, to defend them. He said he was concerned about men working on roads.

Mr. Fletcher—The genuine workers.

Mr. DAVIS—I do not know to which roads he was referring, unless bush roads, and perhaps a few men would be adversely affected by this amendment, but it would not stop them from shopping on a Saturday morning. The amendment only gives shop assistants the chance to knock off half an hour earlier on Saturdays. I am sure that the great majority of South Australians favour it, for they realize the justice of giving shop assistants a concession that they already enjoy themselves. Very few married men do much shopping; usually their wives do it for them. There is no valid reason against accepting the amendment. No matter what the closing time was there would always be a few people coming in at the last moment to make a purchase. I have had considerable experience in trying to fix hours in industry. Years ago we tried to fix the hours in the wheat yards, and there was an understanding between the farmers and the wheat lumpers that wheat in the yard at a certain hour would be unloaded, but there were always some farmers coming in after the fixed time, and this caused considerable unpleasantness.

Mr. Riches—Some people even come to meals late.

Mr. DAVIS—That is so, but they would not delay too long because hunger would drive them to the table. I hope members opposite will realize that we are asking for something that will be of some benefit to shop assistants, but not deprive the general public of shopping on Saturday mornings.

Mr. GEOFFREY CLARKE 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 28. Page 925.)

Mr. BROOKMAN (Alexandra)—I oppose the motion, which is the most irresponsible that has come before the House since I have been a member. It proposes an act of repudiation by Parliament on the excuse of an alleged repudiation by the Broken Hill Proprietary Company which is clearly not true. Though I know that members opposite would not personally wish to be unjust, they are attempting to do politically a most dishonourable act. They want to cancel the leases of the B.H.P. Company and acquire the company's plant on those leases. Their excuses for doing this are the weakest Hitler ever thought of and as silly as any reason that Mossadeq used for nationalizing the Persian oil industry. I was astounded when listening to speaker after speaker on the Opposition side attempting to justify their statements. The last speaker on this motion was the member for Hindmarsh (Mr. Hutchens), who gave what he considered were good and just reasons for taking over the iron ore leases. He quoted many of the statements made by the Hon. R. L. Butler in this House in 1937, but only two years ago the honourable member quoted the same remarks when speaking on a similar motion. It took him a long while to quote these remarks, and I wonder how many more times they will be printed in *Hansard.*

Mr. O'Halloran—It was an excellent speech.

Mr. BROOKMAN—The member for Hindmarsh would certainly agree with that, for he seems delighted with that interjection. However, he made one or two comments that were not worthy of him and were unfair. He attacked the member for Mitcham (Mr. Millhouse) by paying him a back-handed compliment. He said:—

> I congratulate the honourable member for Mitcham, a young and new member of this Chamber, on so effectively advertising to the world that, while drawing a salary from State revenue for his Parliamentary duties, he is a lawyer who is practising and ready to receive a brief.

That was a laughable attack with no force whatever, but it was not fair. It was a mean insinuation that Mr. Millhouse was using his membership of this House for the purpose of advertising, but the honourable member's attitude is quite to the contrary. He recently embarked on a legal career, and I am sure he has fine prospects, but they will be jeopardized by the fact that he is undertaking a political career. His interest in politics and desire to be of service to the people may be to his detriment in his private capacity. We should be pleased that several professional men are prepared to serve the country in the political sphere.

Several speakers have talked about broken promises. The same passages have been quoted over and over again, but they have proved those members to be wrong. The true position is that the Broken Hill Proprietary Company's Indenture Act was passed after much evidence had been taken by a Select Committee. The evidence clearly showed that the principals of the company visualized the establishment of a steelworks, but they did not commit themselves on this point. Some of the evidence

given by Mr. Essington Lewis has been quoted over and over again by members opposite as justifying their case. He stated:—

Without there being any commitment on my part to try to forecast the future, it is a general condition of affairs in the rest of the world that where a blast furnace is established, coke ovens and steelworks follow. That has been the general trend of things in the countries I have visited. Again, without committing myself, I hope I can visualize the necessary coke ovens and steelworks being built behind the blast furnace at Whyalla. I can give no guarantee of the company's policy or of what might happen in the future, but the first step, and the most definite one, is the establishment of a blast furnace. When a blast furnace is established, it is usual to follow it up with coke ovens and steelworks. What could be more clear to the Select Committee than that the principals of the company were not committing themselves on that subject. The committee had to decide whether to accept the condition that the company would not guarantee the establishment of a steelworks. Following on the committee's report the Bill was passed by Parliament. After the receipt of the report speakers drew attention to the fact that there was no promise of a steelworks. Mr. Playford, in his speech on the Bill, made a strong point that the establishment of steel mills could be ruled out of consideration. Parliament had a clear case put before it. It had all the evidence given before the Select Committee, yet the Opposition now persists in speaking of broken promises and continues to say that the company has let the people of South Australia down.

The Indenture Act was passed only 18 years ago, yet already the Opposition is talking about breaking its conditions. I stress that the company has not ruled out the possibility of its establishing steelworks in South Australia. The Labor Party enthusiastically adopted the recommendation of the Director of Mines that the Government should take over the B.H.P. Company's leases, and, talking politically, why shouldn't the Labor Party adopt it? After all, no report by a technical officer could have followed more accurately the lines of Labor policy and, naturally, the Labor Party used it for political purposes. Close examination of the argument, however, reveals one flaw that made it unacceptable to fair-minded people: it had to be shown that the company broke the agreement, and that could not be shown no matter how many words were used. Parliament is indebted to speakers on this side, including the Premier, for exposing that flaw, and I do not know how members opposite can persist in using that argument. Apparently, the Labor Party has doubts about the course it should follow in this matter because, as recently as May last in discussing the Premier's statement that the Government did not intend to repudiate the agreement, Mr. O'Halloran said:—

Why was that statement made? Was it with a view to inducing me to say that I would favour the repudiation of the company's indenture? I do not stand for that sort of thing, nor does any other member on this side. Before saying that South Australia has been victimized members should remember what this State has received as a result of the agreement. At the time it was made members were satisfied with it—indeed, strongly in favour of it—and South Australia has received immense value because the company has done a wonderful job in South Australia for South Australia. In a lecture delivered on May 20 last to the Australasian Institute of Mining and Metallurgy, S.A. Branch, Mr. Ian McLennan (General Manager of the B.H.P. Co. Limited) said:—

Whyalla for instance has long since ceased to be merely a point of trans-shipment for ironstone. In recent years B.H.P. Company has spent millions of pounds in developing it into South Australia's second centre of heavy industry and its third centre of provincial population. In the wake of what was originally merely a quarrying and trans-shipment operation, the company has built an artificial deep water harbour and provided the facilities that go with it. It has built a modern blast furnace, power plant and ancillary installations as well as Australia's most modern and largest shipbuilding yard. A forge shop, an electric steel furnace and foundry and Australia's most modern marine gear cutting annexe and heavy machine shop have been installed. These are only the more obvious fruits of Whyalla's industrial development, all of it the results of the B.H.P. Company's expenditure. Thus quite apart from ironstone, Whyalla has steadily figured more and more in the industry's operations. Today it provides Australia with its needs of foundry pig iron. It helps to produce much needed alloy steels and to cut and finish a wide range of gears and heavy machines required by Australian industry. Most important of all, the iron and steel industry looks to Whyalla to build the ships it so badly needs and which Australia is so gravely short of at the present time . . . Whyalla began as a company settlement and until as late as 1944, the B.H.P. Company was almost wholly responsible for its building and its administration. During that period its population rose to 7,000 and it emerged as a centre of heavy industry. Home building, the making and paving of roads, the reticulation of power and water throughout the town and the provision of a wide range of amenities have also been undertaken.

Mr. McLennan then gave a list of the associated industries at Whyalla that have been established as a result of the company's activities. It must be remembered that steel is sold at a uniform price in Australian capital ports, which means that we get our steel at the same price as the eastern States; this eliminates to some extent any disadvantage we might suffer by not having a steelworks here. What does a steelworks involve? In this connection it is as well to remember some of the important difficulties involved in establishing steelworks. A project with a capacity of 1,000,000 tons (the figure mentioned by the Director of Mines) would need thousands of men; these would have to be brought into the State. Whyalla has four ship-building berths and at one stage of the war all those berths were fully manned, whereas today only two are occupied. On only one is work being done at the maximum capacity and at the other work is proceeding slowly. Of the 1,500 men required to work the ship-building yard at full capacity only 900 are employed today; in other words, the company has only 60 per cent of the manpower required for the maximum ship-building capacity, and many more men would be required to establish a steelworks.

Further, coke would be required and that could only be obtained from coal imported from the Eastern States. At present, quantities of pig iron and iron ore are taken from Whyalla to the Eastern States and on the return trip the ships are loaded with fuel for the Whyalla blast furnace; this back loading keeps shipping costs down. I assume, however, that if steelworks were established here coke ovens would be built, and then it would be necessary to ship coal from New South Wales at a shipping cost at least twice as great as that paid at present on iron ore under the present back loading arrangement. Were coke to be shipped it would cost over three times the rate of ore.

Another big obstacle to the establishment of a steelworks is the enormous cost involved. The Director of Mines estimated that it would cost £100,000,000 to erect a steelworks with a capacity of 1,000,000 tons and that another £20,000,000 would be required as working capital. That is an enormous figure, and it is by no means the largest estimate I have seen for the establishment of a steelworks. The Economic and Social Council of the United Nations reported in 1954 that the cost of an integrated steelworks on the basis of current prices was between 300 and 400 American dollars per ingot ton on installed capacity, and, taking into account exchange rates and the lower figure of 300 dollars, that would mean an estimated cost of steelworks at Whyalla of £135,000,000. That is £35,000,000 more than the Director's estimate, and we would still need £20,000,000 working capital. It is as well for members to remember that there are plenty of other intelligent estimates apart from the Director's estimate, but they can only be approximate. Who will find this money and where will it come from?

The Leader of the Opposition (Mr. O'Halloran) claimed that he was misrepresented by the Premier when he suggested that Mr. O'Halloran visualized a Government steelworks at Whyalla; in other words, he said he did not imply the threat of a Government steelworks there, but does any member opposite think that a private steelworks would be established by any company other than the B.H.P. Company? Obviously, no private company would undertake the establishment of a steelworks at Whyalla if we repudiated our agreement with the B.H.P. Company. If we did that we would not only fail to get the slightest response from other private industries, but probably begin to lose industries. Whether what is proposed is considered the repudiation of an agreement or whether it is denied, the fact is that private industry would interpret it as repudiation. I do not know whether members opposite realize what great harm can be done by the loose talk of acquisition and the breaking of agreements. Even this debate has harmed the State's name to some extent.

In the United States of America particularly and in other wealthy countries, many investors are looking for somewhere to invest in under-developed countries; and looking upon South Australia as being an under-developed country in that sense they would be scared about coming here. I have had something to do with pastoral people in the U.S.A. and know that many of them are looking for pastoral investments elsewhere, but they are hamstrung with rotten political systems. South America is an enormous continent which could take much more of American investments, but because of the unstable political situation it gets much less than the land deserves. I know of American pastoral people who would like to go to Queensland, where huge areas could be developed, but they will not do so because of the lack of secure tenure. South Australia has a good name for investment but if we talk of repudiation very much we will lose that good name.

Many industries have come to this State in the last 10 to 15 years because we have had a stable Government, and they know they will get a fair go. However, if they read this debate they would have serious doubts about coming here. They would know that one political Party stood for the repudiation of an agreement only 18 years after it was signed. In justifying their stand, the Opposition says that we are entitled to repudiate an agreement any time after it is signed, not even having to wait 18 years. Let there be no repudiation. It has been said, I think by the member for Hindmarsh, and certainly by the member for Gawler, that the people of South Australia are the shareholders in the State and Mr. Hutchens said that we, as members of Parliament, are the directors. If that is so, I remind members that shareholders in reputable companies like their directors to stick to ethical business standards, and if they do not they are dropped at the next annual meeting. Let us stick to lawful ways. Mr. Riches speaks of the rights of the people of South Australia being disregarded in the face of a legal document. That reminds me of a statement by former Foreign Minister for Germany, Bethman-Hollweg, in 1914 about a "scrap of paper." He said:—

> Just for a word "neutrality," a word which in wartime had so often been disregarded—just for a scrap of paper, Great Britain is going to make war on a kindred nation who desires nothing better than to be friends with her.

It is a close parallel to Mr. Riches' statement about the rights of the people of South Australia being disregarded in the face of a legal document. I am sure that South Australians would like steelworks to be established in this State, but they would like to get them fairly. Mazzini said, "Get back to first principles and the people will follow you." The first principle is the honouring of an agreement. I oppose the motion.

Mr. JOHN CLARK (Gawler)—I support the motion. I regret I did not have the opportunity to hear all Mr. Brookman's remarks because I was called out of the House. I disagreed with everything I did hear him say, and no doubt he will disagree with everything I say. It would be useless for me to try to influence him, although I am hopeful that other honourable members can have their opinions influenced. There are always two parties to a contract. It might be as well if, at this juncture, I referred to some of the remarks made by Government speakers on the motion and examined their arguments, or lack of arguments. The arguments of Government supporters have been most contradictory. Some in their awe and idolatory of the Broken Hill Proprietary Company have turned a complete somersault and shifted their ground entirely since 1953, when some of these same members voted in favour of a motion which was passed unanimously in the House as to the advisability of establishing steelworks at Whyalla. I think the Premier's contribution to the debate was one of his poorer efforts, but it was certainly the best from the Government side. I admit that the competition from the other side has not been very good. Other honourable members might have been wise to have held their peace and let the Premier's arguments, poor as they were, stand. I have much sympathy with him as to the establishment of steelworks. To me, as he spoke, he almost gave the impression he would have preferred to support our claim. I do not think we can blame him, considering all the snubs he received from the company. The treatment meted out to him would have been hard on any Premier, no matter how thick his skin. During the debate the Premier made the following statements:—

> For many years I believed that I had personal friends in the directors of the B.H.P., but at the moment I feel estranged from them. My great regret today is that Mr. Harold Darling has passed on and that Mr. Essington Lewis, through advancing years, is not able to take a more personal control of the B.H.P. If those men could stretch a point in favour of this State they would do it, but unfortunately times change and new men take control. If I were asked where the State stood today with the B.H.P. I could not answer. The document I was handed at the last meeting with the company staggered me. It was not addressed to me and it commenced with the words, "That the Premier of South Australia be informed." We have never experienced that type of negotiation with the company before.

Mr. Riches—A clear act of repudiation.

Mr. JOHN CLARK—No one in this House has a closer or more intimate knowledge of the long fight to get steelworks than the honourable member. It appears that it was a clear act of repudiation, and the Premier even implied such when he spoke. I heartily agree with what he had to say regarding the lessening of influence with the company, since Mr. Lewis has not been so closely connected with it, and that this has been most unfortunate for South Australia. Although possibly there was not a great deal of valid argument in the Premier's case, most of his followers who have followed in the debate have detracted from it. That was rather surprising because usually they are

hard to get on their feet and probably it would have been better for their case on this occasion if they had observed their usual procedure and had sat tight.

The next speaker in this debate was the honourable member for Torrens (Mr. Travers) and those who were privileged to hear him will remember that he told a tearful story, visualizing all South Australian citizens hanging their heads in shame for what he called repudiation. I admit quite frankly and openly that I would be proud to hold my head not lower but higher in doing something for the benefit of the whole State instead of basing my arguments on legalistic jingoism. When a member, however learned, descends to the depths of spicing his remarks with vindictive accusations and innuendos of Communism against those who fully realize the curse of Communism and have spent half their lives fighting it, his arguments must be barren. Imagine any member of this House having the colossal impertinence to cast innuendos of Communistic sympathy against a man of the type of the present Leader of the Opposition. The word "stupid" has been used, but that is worse than stupid. Such tactics as plunging to such depths do not fail to conceal the paucity of their argument. Unfortunately there are always some people, peculiarly enough, who can be influenced by that type of argument which I believe was brought forward with the idea that if we throw enough muck it will stick, but I do not think it will stick in this case.

I was very pleased to hear the beginning of the speech of the honourable member for Burra (Mr. Hawker). Obviously he does not like compulsory acquisition, but he did say:—

> 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.

He agreed that this Parliament cannot definitely bind future Parliaments. I hope that the honourable member for Mitcham will take the trouble to read those few sentences again and digest them. The honourable member for Burra is no lawyer but he realizes, and I agree with him, that we could terminate the agreement. Members who were in the House will remember more clearly than I do what transpired when the Adelaide Electric Supply Company was acquired, but I doubt if any can remember any members who, in the pitiful words of the honourable member for Torrens, hung their heads in shame. Possibly some hung their heads to hide their rage but I do not think it was ever their shame for doing such wicked deeds. The honourable member for Burra gave strong arguments in favour of the sovereignty of the State, although I am not certain that was his intention. I read through his speech twice to see if I could find on just what reasons he based his opposition to the motion. It certainly was not the normal reason that we expect from honourable members opposite, this absurd veneration of the Broken Hill Proprietary Company Limited that seems to be so popular. At the end of his speech I eventually found a clue, and here again we had the use of invective instead of argument. Apparently, he opposed the motion because in his opinion it represented rank stupidity. That statement might have had some value if he had demonstrated its stupidity, but if he intended to do so he very cunningly concealed his intention, as the results were not very evident.

I do not wish to spend very long in repeating what has been said, but a few of the remarks that have been made are worthy of comment. The member for Onkaparinga (Mr. Shannon) made it quite clear that he did not think it would be in the interests of South Australia to establish a steelworks in this State. A motion to that effect was carried unanimously in this House in 1953, but apparently he has changed his mind. He had something to say on whether we should carry the iron to the coal or the coal to the iron. In this respect it is worthy to note that Mr. Essington Lewis in his Joseph Fisher lecture in 1948 said, "One ton of coal will now melt one ton of iron ore." After all, transport costs have very little to do with the matter under present industrial conditions. Possibly there have been some improvements in the last seven years, but that was the position then. I was surprised to hear the member for Alexandra (Mr. Brookman) this afternoon echo the same thing. Apparently he thinks the company is the only company in the world capable of establishing a steelworks in that vicinity.

Mr. Shannon—That is one thing he did not say.

Mr. JOHN CLARK—Surely he knows that we have probably the richest iron ore deposits in the world and I think they would be sufficient inducement for capital to be invested. The member for Mitcham gave a very nice speech with highly professional gestures, which would

have gained high marks from any adjudicator in Australia provided that the adjudicator was prepared to accept the naive personal opinions, not facts with proofs, on the horrors and degradations of Socialism. They are his opinions, Heaven help him, which he is entitled to have, but surely he knows from his wide and varied experience that personal opinions must be backed up with reasons and at least some facts. I regret that apparently he has considered newspaper reports and hearsay as reliable evidence and that he did not have the opportunity to hear the Honourable Kenneth Younger a few weeks ago. I was privileged to hear his talk on political affairs particularly from the point of view of the present Opposition in England, the present esteem of Socialism and the present policy of the Labor Party in Great Britain, which disagreed entirely with what the member for Mitcham was pleased to use as argument in this motion. Possibly he has read widely but I rather prefer to listen to a man who has not only read widely but is also in close contact with the place where these things have happened. The honourable member implied that he gave us a masterly analysis of this motion, something that he said no member on this side in his abysmal ignorance was capable of doing. I am sorry, he did give a special dispensation to the member for Norwood (Mr. Dunstan) who did not desire it. He gave us a learned law lecture amply dosed with wide quotations from authorities and I am quite sure his dissertation would have made a law bench prick up its ears. At the end we were still waiting patiently for his analysis and I could not help noticing that, when he said he was going to analyse, the heads of the Government members turned towards him in awe and anticipation. However, at the end of his speech we were still waiting for the promised analysis. Possibly at some future date he will give us a further lesson, which I shall await with anticipation.

I remind members that this is a sovereign Parliament and we certainly can amend and repeal Acts of Parliament. To say anything else is complete nonsense. None of us is perfect, with possibly one or two exceptions, and we must give future Parliaments the right to repeal the same as we have the right to amend or repeal the Acts of previous Parliaments. Times change; the events over the years may prove that something that was considered right at one time is wrong in the light of subsequent experience. Let me remind the House, and the member for Mitcham will know this much better than I, that the judges have been known to declare certain kinds of contracts unenforceable as contrary to the public interest. There is no question at all that this particular Indenture Act is contrary to public interest. As I have mentioned before, in 1953 we unanimously passed this motion:—

That this House believes in the desirability of establishing a steelworks in the vicinity of Whyalla.

Apparently some members who supported that motion have changed their views. I think Mr. Shannon said he was not in favour of steelworks being established at Whyalla, and I believe Mr. Hawker is of the same opinion. In this debate we have had argument of varying value as to whether there was a legal obligation on the company to establish steelworks at Whyalla. I do not think there was a legal obligation, but there was a general belief that it would be done. Undoubtedly there was a moral and ethical obligation, especially after water was taken to Whyalla. In its report on that matter the Public Works Committee recommended:—

1. The provision of a water scheme to improve the water supply to the northern water district and the lands extending north of that district as far as Port Augusta and to furnish a supply of water to Whyalla for the purpose of enabling the Broken Hill Proprietary Co. Ltd. to establish and operate steel and other plants..

That is quite plain to me, and in consequence of it Parliament agreed to the water being taken to Whyalla.

The Hon. M. McIntosh—Do you mean that if the reference to steel had been deleted the water would not have gone there?

Mr. JOHN CLARK—I have no criticism of the water being taken to Whyalla. It is there, but we are still waiting for steelworks to be established. The report of the Public Works Committee on the Northern Areas-Whyalla water scheme in 1940 said:—

Although the company cautiously refrained from giving the committee a definite undertaking that steelworks would be established in the near future at Whyalla the committee feels that the company would not spend more than £3,000,000 on works at Whyalla unless it envisaged further extensions. The committee regards the company's guarantee to take and pay for 343,000,000 gallons of water as indicative of its confidence in the expansion of Whyalla at no far distant date.

That statement was not made to hoodwink Parliament, but it had that effect. On page 239 of this year's *Hansard* appear some remarks made by Mr. Riches during the Address in Reply debate. He was speaking about the

establishment of steelworks at Whyalla and the taking of water to the town. He culled some of the evidence that had been given by Mr. Jones, representing the Broken Hill Proprietary Company, to the Public Works Committee. Some of it is worth repeating, and the first is as follows:—

Mr. Jones indicated that the establishment of the shipbuilding yards at Whyalla would be an added inducement towards the erection of a steel plant there. He said that if an adequate water supply were already established at a point it might easily be the deciding factor in the erection of a plant but otherwise there may be conditions which just balanced the proposition of whether there should be an expansion at Port Kembla or Newcastle, or a new departure at Whyalla.

The DEPUTY SPEAKER—Order! I refer the honourable member to Standing Order No. 143, which states:—

No member shall allude to any debate of the same session, upon a question or Bill not being then under discussion, except by the indulgence of the House or personal explanation.

Mr. JOHN CLARK—Actually this is not a Bill.

The DEPUTY SPEAKER—I understand the honourable member is reading from this session's *Hansard.*

Mr. JOHN CLARK—Yes.

The DEPUTY SPEAKER—The honourable member can refer to what was said earlier this session, but he cannot read the *Hansard* report of the debate.

Mr. JOHN CLARK—The evidence given to the committee proved that there was an implicit understanding that steelworks would be established. How wrong can we be? That was in 1940 and we are still waiting for steelworks. Apparently the committee firmly believed in the early establishment of such works, and so did Parliament, because it had, as it always has, complete faith in the findings of the committee. I repeat that there was strictly no legal obligation to establish steelworks, but there was a moral obligation, yet we are being accused of unethical conduct and repudiation. Surely, because of the ultimate benefit to the State, there should be no barriers in the way of petty legal loopholes. It is important to note that clause 13 of the Indenture said:—

In order to assist the company to further extend its works by the establishment in the vicinity of Whyalla of coke oven plant and of 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 was done, but we are still waiting for the steelworks. The clause looks suspiciously like an understanding that steelworks were to be established if water went to Whyalla. For the good of the State and for the ultimate good of the Commonwealth, we need the steelworks. Everyone agreed in 1953 that they were desirable, and most of us still hold that view. When the Indenture Act was being discussed the then chairman of the Public Works Committee (now Sir George Jenkins) said, "If we carry out our part of the undertaking the company should carry out its part." I agreed with that at the time, and I agree with it now. Sir George Jenkins knew the position, and I have a great respect for his opinion. What has happened to the company's undertaking? No member wishes to be unjust to the company.

Mr. Brookman—This is a funny way of showing it.

Mr. JOHN CLARK—It is not funny or laughable to me, but, of course, there are some people who have a perverted sense of humour. No-one wants to be unjust to a company that has been most valuable to Australia, even if its great work has been primarily in the interests of its shareholders and only incidentally in the interests of the State and the Commonwealth. Without our iron ore deposits it could not have reached its present position. Despite the searching analysis claimed to have been made by Mr. Millhouse, it seems that a number of members did not read what he said. Of course, his speech was lengthy, and members may have got tired before finishing it. The motion seeks (1) to terminate the leases held by the company, (2) to adequately compensate the company for its plant and machinery, and (3) to set up a Select Committee comprising members of both Houses to determine future policy.

Mr. Shannon—Would the termination of the leases be a friendly act?

Mr. JOHN CLARK—The payment of adequate compensation may be considered a friendly act.

Mr. Shannon—You said you did not want to harm the company. How will the company view the termination of its leases?

Mr. JOHN CLARK—I do not know. I think it would be happy if the compensation were adequate. If the motion is carried and action is taken by the Government, the State

will get back a right which it lost earlier, and a justifiable error by a past Parliament will have been remedied. It is our duty to try to save the natural rights of the people. They are shareholders in the State and we are entitled to fight for their interests in the same way as the company fights for the interests of its shareholders. Surely no member will maintain that South Australia's rights be thrown away for ever because one party to an agreement either cannot see its way clear or refuses to acknowledge its implicit undertakings. Certainly those undertakings were implied, although not plainly expressed in writing, and there is ample proof that they were made verbally. Apparently we are to believe that verbal promises mean nothing. With great respect, let us consider another contract—the contract of marriage. The purely legal part of the ceremony of marriage promises nothing: it is simply proof of marriage—a contract; the really binding promises are made verbally in the church, before the altar, in the sacrament of marriage.

Mr. Riches—That does not mean anything to the legal fraternity.

Mr. Shannon—I do not think it means much in a court of law either.

Mr. JOHN CLARK—I am not for one moment denying what the honourable member says. Of course it is the marriage lines that count, but is there one member here who will say that the purely verbal promises made before the altar mean nothing? Indeed, many of us think that a marriage is not really a marriage at all unless the religious ceremony has taken place, and yet we are asked to believe that verbal promises mean nothing. I do not think that one member would respect a person who freely and deliberately repudiated those purely verbal promises made before the altar when a man takes unto himself a wife; purely implicit promises, but they do mean something.

It is obvious that I am no lawyer, but our complex society exists because of two forms of law—the moral law, and what we may call the rule of law. The rule of law supports and complements and to a great extent should be based on moral law. Indeed, common law is largely based on moral law and common law is still important. Most of our Constitutional law, more particularly that part which relates to the liberty of the subject or the liability of servants of the Crown to answer for their wrongful acts, are to be found in common law and nowhere else. No doubt I will be accused of trying to use ethical instead of legal arguments, but after hearing some of the arguments of our friends opposite I will be happy to plead guilty to that accusation. I believe that the moral guilt for repudiation lies not on our shoulders but on the shoulders of those who have not honoured their implicit undertaking. Therefore I must support this motion and I am very proud and happy to have the opportunity to do so.

Mr. JENNINGS (Prospect)—I support the motion and do so because I believe that what it proposes is in the best interests of the State, and that is the attitude that I shall always take on any measure that comes before this House; I believe it is the attitude that all members should take. That this State is being very badly served by the present arrangement is undeniable, and the reason for the bad deal we are getting is the Indenture Act of 1937. I believe that Act was agreed to in all sincerity by the Parliament at that time, but I am sure that every member who voted for it and is still here must be very greatly disappointed by the results of the action he took then. I believe that members would not have voted as they did on that occasion had they not believed that in the very near foreseeable future steelworks would be established in South Australia. They regarded it as one of the most pressing needs of the State, as it was, and it is even more urgent now. That a steelworks is not only desirable in South Australia but an urgent necessity is self evident. If we want any confirmation of that we have only to realize the tremendous efforts made by the Premier to obtain steelworks here, and his obvious dismay at the lack of success which has attended his efforts.

Anyone who has read the warnings of Mr. Dickinson, the Director of Mines, about the rapid dissipation of our high grade iron ore resources must appreciate that the position is an alarming one which requires action—and drastic action if necessary. Therefore, the Opposition has brought down this motion in the belief that it contains the only means by which steelworks may be obtained in this State. It is obvious that the company has no intention of meeting our needs. It told the Premier that, and the Premier admitted it in his Address in Reply speech this year. I remind the House that the Premier admitted that he did not know where to go from here. He said, "I do not know the next step to take." We, however, do know the next step to take, and that is the reason for the introduction of this motion. It was a rather unusual admission that he made on that occasion.

Mr. O'Halloran—He usually has all the answers, or thinks he has.

Mr. JENNINGS—Yes, but when he comes up against the B.H.P. Company he finds it is rather a different proposition from a few people out at Tonsley. We on this side believe that the rights, assets and heritage of the people of this State are much more important, and merit our protection above and beyond the rights of any company or group of individuals. We must then look at what logical objection there can be to this motion, and I would like to deal with some of the rather astonishing arguments adduced by members on the other side. I should have said statements, because no-one in his wildest imagination could possibly admit that they were arguments. At the beginning the Premier took a very high moral stand. It is true that later he rather adulterated his high moral standard by discussing practical alternatives, but that is nothing unusual with the Premier. Apparently he has one of those very convenient consciences in which principle and expedience can be accommodated simultaneously and harmoniously, but we will discuss first the moral stand he took. "We cannot repudiate a solemn agreement," he said. The only inference we can possibly draw from that is that in the Premier's opinion any Act of Parliament which confers a right on an individual, or a group or company must remain inviolate for ever, irrespective of whether it proves to be in the interests of the people or, as this Act is, it is diametrically opposed to them.

Mr. Riches—People's homes or a railway.

Mr. JENNINGS—That is different; when things are different they are not the same. I submit that it is an abrogation of the sovereignty of Parliament to suggest that when one Parliament enters into an agreement a subsequent Parliament cannot repeal that agreement or amend it.

We must now look at some of the other far reaching consequences which could flow from the theory advanced by the Premier. A Parliament loaded with a majority of members with a distinct and, perhaps, even a personal interest in a company, organization or undertaking, could secure by Act of Parliament concessions for that company or organization against the interests of the people, secure in the knowledge and belief that succeeding Parliaments would not have the authority to undo what was done. It is absolutely absurd to talk about solemn, untouchable agreements when we know that circumstances vary from year to year, and that Parliaments are elected with authority to amend or repeal Acts. If we adopt the theory advanced by the Premier we might just as well forget all about going to the people every three years; there would be no need for that; it would be just a useless expense. We might just as well forget about approaching the electors for a new mandate, or allow them to pass judgment on our stewardship. We might just as well elect a perpetual Parliament if one Parliament is not to be entitled, quite untrammelled, to meet the circumstances of the moment, or remedy mistakes of the past, and that is precisely what this motion is designed to do—to remedy a tragic mistake made by the South Australian Parliament in 1937. Of course, there is a different point of view regarding the Premier's remarks. All these crocodile tears about repudiation, and solemn agreements and individuals' rights came very strangely indeed from the lips of the author of the Electricity Trust of South Australia Act, and the Leader of a Government which, without a second thought, was prepared to build a railway line through people's backyards. Of course, attempts have been made to differentiate between these things, but morally—and we are talking about morals—there is not the slightest difference. This motion is justifiable, just as the taking over of the Adelaide Electric Supply Company Limited was justifiable on the principle of doing the greatest good for the greatest number.

I have perused some of the reports of important debates of the past. During the debate in 1948 on the Land Settlement Bill the member for Glenelg (Hon. B. Pattinson), in a brilliant speech told the House of the undisputed right of the State or its assigns to take private property for public use or public undertakings, or for undertakings in the public interest, a right, the honourable member went on, qualified only by an obligation to pay compensation. When the Bill went to the Legislative Council the then Attorney-General, Hon. R. J. Rudall, whose stature as a statesman and a lawyer compares favourably with that of legal luminaries opposite who have spoken against this motion, told that Chamber unequivocally that security of the nation must always override security of tenure. That was a statesmanlike utterance. I now come to the remarks of the member for Torrens (Mr. Travers). He entered the debate, but contributed nothing to it, or

nothing that was calculated to raise his prestige in this Chamber, necessary as that is, or outside. He tried to make much of the point that the motion was tantamount to charging the 1937 Parliament with negligence. Well, what about it? The Premier himself, in effect, admitted during this debate that the 1937 Parliament was negligent.

Mr. Travers—I too say, what about it? Does that justify repudiation?

Mr. JENNINGS—I cannot see anything wrong with saying that a previous Parliament made a mistake; indeed, during the debate in 1937 the present Premier and the present Minister of Agriculture, as back bench members, pointed out that a mistake was being made. I only wish that Parliament had taken more notice of what they said. If a mistake is made it should be rectified, and if a wrong is committed it should be righted. The remainder of the speech made by the member for Torrens was unwarranted, ill-considered and ineffectual abuse of the Opposition. He reached an all-time low in debate when he introduced the name of the Sovereign to support his argument. That was something unique in my experience at least, and I sincerely and confidently hope it was unique in the experience of most members. I cannot think of anything more calculated to do damage to the institution of constitutional monarchy than that the name of the Sovereign should be bandied about in debate to support assertions.

The honourable member then told us of the shame that he and the people would feel if this motion were carried. Frankly, I am very suspicious of people who can turn their shame on and off like a tap. If the honourable member wants to be ashamed of anything, and he probably has just as much reason as the rest of us, he should be ashamed of the vile gerrymander he glorifies. He should be ashamed of the system he supports that prevents most people from voting for the Upper House. If he wants to be ashamed of anything he should be ashamed that his Party is not prepared to remedy the mistake that was made in 1937 when the Indenture Act was passed. I cannot leave the honourable member without mentioning the scurrilous suggestion he made that the Labor Party was adopting Communist technique in this matter, but no better answer can be given than the statements made by the member for Glenelg, who now adorns the front bench of the Government, when, as a private member in 1948, he spoke on the Land Settlement Bill, and said:—

We do not advance our cause by making accusations or innuendoes that all and sundry who do not conform to our own political orthodoxy are misled by Soviet-inspired propaganda. There can be no doubt that the overwhelming majority of the residents of this State are opposed to Communism. But I am firmly convinced that there is a rising tide of resentment in the public mind against the increasing licence which is permitted to make accusations of Communistic belief and practices against prominent public servants and others without proof or just cause. Apparently a new fashion is growing up in public debate and controversy wherein people of hitherto irreproachable character can be recklessly branded as Communists and fellow travellers. It is an ugly fashion which I hope will go out of favour just as quickly as it has come in.

I trust that the hope expressed by the member for Glenelg has been generally realized, but it is expecting too much to hope that this loathsome weapon will not continue to be used by those who are completely dependent on vilification and character assassination for their arguments. A very significant thing about that statement of the member for Torrens was that when the Leader of the Opposition interjected (when the honourable member said that the Labor Party had some sympathy with Communism) that that was a deliberate lie the member for Torrens did not accept the challenge.

Mr. Travers—I did not hear it.

Mr. JENNINGS—Everyone heard it.

Mr. Travers—*Hansard* didn't hear it.

Mr. JENNINGS—It was published in the *Advertiser*, but it was not in *Hansard* because interjections that are not answered do not appear in *Hansard*.

The SPEAKER—On that point I say that honourable members are not in order in quoting that interjection.

Mr. JENNINGS—It supports my argument that the member for Torrens had some particular reason for not wanting the House to adjudicate on whether or not the Opposition had Communist sympathies, or on whether it was more likely that he was telling a deliberate lie. The miserable chapter from the member for Torrens then ended. He obtained leave to continue his remarks, but when the discussion was resumed he was not here. Perhaps a more lucrative engagement intervened, but after getting leave to continue we heard no more from him. The House can survive quite well without having heard any more from him. We heard enough.

I am sorry the member for Mitcham (Mr. Millhouse) is not here, but he also participated in this debate. In all humility, I express my gratitude at the unparalleled service the honourable member gave in bringing to bear on this important matter his matchless eloquence, illimitable wisdom, and incomparable knowledge, and above all, his peerless sense of honour. However, heresy though it is, I must dispute some of his statements. He said that the argument was purely a legal one, but if he would take his nose out of his law books long enough he would realize that through some mysterious working of Providence he is now in Parliament, that this is a sovereign Parliament, and that it can amend or repeal any Act. I do not want to use legal terminology, for I have not a book from which to read as the honourable member did, but he read from one book by Cheshire and Kilkenny, or some names having a feline sound. If the problem is only a legal one there is no problem at all, for it cannot be seriously disputed that all this motion intends is that the Indenture Act of 1937 should be repealed, or amended to a considerable extent. There is no doubt that that can be constitutionally done.

I think it will be acknowledged that I have the greatest goodwill towards the member for Mitcham, and that may entitle me to offer him some advice, namely, that he can never hope to embarrass Labor members by calling them Socialists. He can never hope to embarrass them by telling them they are endeavouring to put into effect the policy on which they were elected. We on this side of the House would be entitled to be violently incensed if we could be accused, as members opposite can be accused, of being elected on one policy, but when it suits them they implement the opposite to that policy.

Mr. Travers—Dr. Evatt said before the last elections that your Party did not support Socialism.

Mr. JENNINGS—I do not think he said any such thing. I know Labor's policy quite well. This House must decide whether the State is being well served by the present arrangement with the company. I do not think there can be any argument about that because only two years ago this House unanimously carried a motion urging the early establishment of a steelworks at or near Whyalla. We still have not got the steelworks, but at least we now know we are not likely to get them, so what are we going to do about it? As people charged with the solemn obligation—and this is indeed a solemn obligation—to serve the interests of South Australians I submit that we have no alternative but to take the action proposed in the motion.

Mr. TAPPING secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

ADJOURNMENT.

At 5.04 p.m. the House adjourned until Thursday, October 6, at 2 p.m.