HOUSE OF ASSEMBLY.

Tuesday, October 24, 1961.

The SPEAKER (Hon. B. H. Teusner) took the Chair at 2 p.m. and read prayers.

PETITION: ABORIGINES.

Mr. DUNSTAN presented a petition signed by 11,842 electors. It stated that aborigines and persons of aboriginal descent were, under the provisions of the Aborigines Act and the Licensing Act, subject to divers disabilities in law and restrictions upon their freedom, not because of their individual characteristics but solely because of their race, and prayed that legislation be passed to remove these disabilities and restrictions.

Received and read.

QUESTIONS.

MINISTER'S TRIP OVERSEAS.

Mr. FRANK WALSH: Members on both sides of the House are pleased that the Minister of Lands (Sir Cecil Hincks) has returned before the end of this session. It is most desirable that, when a Minister of the Crown has gone overseas, particularly on matters important to the State, we should be able to refer to his visit. The last two Ministers to go overseas have been from another place and this House has therefore not had the same opportunity to secure information from them as have members of the other place. I welcome the Minister and am pleased to see him looking so well. Can he give the House any information about his overseas trip, particularly about his inquiries into exporting salt to Japan or any other country?

The Hon. Sir CECIL HINCKS: Firstly, I thank the Leader for his kind references to me and the welcome back to this Chamber that he has extended. I can tell honourable members that my trip was most interesting and one that I shall not soon forget. Regarding salt and bulk handling, I have already reported to Cabinet and therefore I think at this moment I could not say anything on those subjects except that I was well received and that the people I met were interested in the various propositions. They were civil and courteous and helped me in every way; they were lavish in their entertainment, and the Japanese even had me sitting down to a true Japanese dinner for which the custom is to sit on the floor and cross one's legs. That was the only difficulty I experienced on the whole trip. I had heard much of the geisha girls, but I can tell members that they are lovely girls and much better than many people imagine. They were most attentive at the dinners and socials I attended.

I believe there are great opportunities for exports from this State and from Australia. I visited many countries, and most of the people I met were very pleased indeed to know that a Minister from Australia—and from this State in particular—had paid them (they said) the compliment of calling on them and discussing various matters. I in turn suggested to them, as they were so pleased, that it would be an excellent idea to send some of their people to this country and to this State to see how we did things, because I believe we can all still learn something from one another. I am firmly convinced that, apart from any business or political knowledge we might gain, the greatest advantage would be the creation of a better friendship between nations. I discussed that aspect freely with them, and they agreed with me. In one place I was asked in what part of Australia was New Zealand. That sort of thing is unbelievable. We must get to know one another and our different ways of living, for I think that would be one of the quickest ways for nations to understand each other and for us to have everlasting peace. I shall be happy later on to let the honourable member know something further about salt exports, bulk handling, and other matters.

QUEENSLAND BEEF ROADS.

Mr. HARDING: An important news item in today's *Advertiser* refers to the recent visit to Canberra of the Minister of Roads. In the article headed "Dissension over Beef Roads" the following appeared:

> A heated attack on the Queensland-Commonwealth beef roads deal, under which Queensland obtains £5,000,000 of Commonwealth aid moneys without matching subsidies, was launched at the Transport Advisory Council meeting today.

I was in Queensland at the time the Premier was on the Birdsville track last year, and I recall that the Queensland newspapers were full of the possibility of South Australia's "pinching" cattle from Queensland. Will the Premier, as Leader of this House, comment now or would he prefer to obtain a full report from the Minister of Roads?

The Hon. Sir THOMAS PLAYFORD: I have not seen the Minister of Roads since his return last night. Therefore, I do not know the position but I will get a report and advise the honourable member in due course.

EGG PRICES.

Mr. LAUCKE: At the week-end the price to the producer of first quality hen eggs was reduced 9d. a dozen to 2s. 7d. a dozen, and of first quality medium by 6d. to 2s. 2d. a dozen. These prices, less pool deductions and grading charges of 9d. a dozen, are less than the cost of production to the most efficient producer. Today's prices are 1s. 3d. a dozen lower than the prices for first quality eggs ruling 12 months ago today, and 11d. lower than the price for first quality medium eggs. The situation constitutes the greatest crisis the poultry industry in Australia has ever faced. First, to what does the Minister of Agriculture attribute the present collapse in prices? Secondly, are the self-sufficient policies of European countries with their systems of heavily subsidizing home production a potent factor? Thirdly, what steps are contemplated to meet the impasse the industry is now experiencing?

The Hon. D. N. BROOKMAN: At this stage, I can only say that the initial cause of the trouble is the present low market in London, which has had repercussions throughout the industry. I will get a report from the Chairman of the Egg Board and bring it down with his replies to the many questions asked by the honourable member.

Mr. BYWATERS: I agree with everything the member for Barossa has said about egg prices. On September 28 I asked the Minister whether he would get a report from the Chairman of the Egg Board on the future of the industry, but so far I have had no reply. When the Minister refers the question of the member for Barossa to the Chairman of the Egg Board, will he also draw my remarks of September 28 to his attention?

The Hon. D. N. BROOKMAN: I will bear in mind that the honourable member asked me that question. I think the highly complex nature of recent developments has probably delayed the report the honourable member asked for.

Later:

Mr. BYWATERS: Earlier this afternoon the member for Barossa and I asked a question about egg prices. Has the Minister of Agriculture any further information on this matter?

The Hon. D. N. BROOKMAN: In replying to the questions asked by the members for Barossa and Murray, as they were most concerned about egg prices I thought I would try to furnish a reply today. Although this is not a report from the Chairman of the Egg Board, it is based on notes I have from him. The two main factors in the sudden reduction in egg prices are as follows. First, the South Australian Egg Board in July and August shipped 15,000 cases (each of 30 dozen eggs in shell) to the United Kingdom and Europe. About half have arrived and the remaining half are in transit. The prices paid to producers by the board for these eggs range from 3s. 10d. to 4s. 2d. a dozen. Although not all the eggs have arrived, the board believes that the net returns from sales in the United Kingdom and Europe will approximate 1s. 5d. to 1s. 6d. a dozen, out of which the board has to supply cases and fillers (about 5d. to 6d. a dozen). This means that the net return to the board will be about 1s. a dozen.

In this connection, it will also be noted that the board has always to anticipate the overseas market. If it could sell everything on the local market, its difficulties would not be so great, but it has to anticipate and, naturally, one would not have expected it at that time to pay greatly reduced prices to the producers. That is the first factor mentioned by the Chairman of the board.

The second factor is that a Victorian buyer, who was last year buying 80,000 dozen eggs from South Australian producers, has ceased buying in South Australia. The additional 80,000 dozen eggs are sent by the producers to the South Australian board which, therefore, has those many more eggs to clear than it had this time last year. Honourable members will appreciate that it has always been the policy of the board to encourage people to send their eggs to it and to discourage them from trying to escape board levies by trading interstate as permitted under section 92 of the Commonwealth Constitution. However, it can also be appreciated that it is a serious dislocation of the board's programme when, the moment there is some trouble, interstate trading suddenly ceases and the board is given the job of disposing of many eggs that were being traded away in other respects. Generally, I say that the Chairman of the Egg Board (Mr. Anderson) is a particularly experienced administrator and his activities show that he is doing everything possible in the interests of the producers at present.

Mr. BYWATERS: I agree with the Minister of Agriculture that Mr. Anderson is an efficient administrator. I have had the utmost co-operation from him. I appreciate the difficulties associated with the export of eggs.

However, will the Minister take up with Mr. Anderson the question of the home consumption of eggs? At a meeting last night I was told that if all persons in South Australia ate five eggs a week each they would consume our egg production. With eggs so cheap, could an advertising campaign be implemented to draw the public's attention to the fact that eggs are so cheap, particularly as they are much cheaper than is meat?

The Hon. D. N. BROOKMAN: I will refer the question to the Chairman of the Egg Board, but I hope that the honourable member will not talk to people interested in the production of beef, pig products, honey and the other food we consume, because they might all adopt this idea.

OVERCROWDING ON TRAINS.

Mr. CLARK: A few weeks ago I addressed a question to the Minister of Railways, through the Minister of Works, about overcrowding on trains during show week between Gawler and Adelaide. In the reply I received it was explained that that was an isolated case. I regret that a similar occurrence has been brought to my notice as having happened on Friday last when, I am reliably informed, the driver and guard of the 2.10 p.m. Adelaide to Gawler train protested, when they reached Adelaide, to the stationmaster about overcrowding. It was then claimed that about 20 passengers were standing in the single-carriage train creating, they said, a dangerous situation as it made it almost impossible for them to get at the emergency handbrake or the fire extinguisher. Will the Minister of Works get a report from the Minister of Railways on this happening?

The Hon. G. G. PEARSON: Yes.

ELECTRICITY TARIFFS.

Mr. JENKINS: Following the announcement of the reduction in electricity tariffs last week, there appeared in the press a statement attributed to the Leader of the Opposition in which he is alleged to have said that the reduction in tariff costs was niggardly. In the press, the Leader of the Opposition attributed the reduction to his resolution in this House and to pressure in the country following that resolution. As the Premier announced to our Party some weeks ago that the board of the trust was working on a reduction in the tariffs, will he now comment?

The Hon. Sir THOMAS PLAYFORD: I should like to comment, if I may, on the suggestion that the reduction was niggardly. I did not see the article but I think the Leader of the Opposition based his remarks upon the fact that the Electricity Trust last year had a surplus of about £450,000 whereas the reductions were only about £150,000. I do not think, however, that the Leader is aware that two important things have happened. First of all, substantial increases have occurred in the awards for operatives in the Electricity Trust. Secondly, there has been a considerable falling-off in the use of electricity this year. Whether that is due to the credit squeeze or to the mild weather conditions I could not say, but the fact still remains that at present the number of units being used is much lower than the number used during the previous year. If the present usage continues, the answer will be that the present reductions are probably too great.

Also, it has been the policy of the Electricity Trust for some years to discuss tariffs with me in October, and tariff adjustments have usually been made about October each year. A number of adjustments of the type announced last week have been made. They are nothing new; they have been going on almost continuously for some years. But the real issue of whether the trust has been generous or niggardly in this matter could be determined by looking at the last consumer index. From that it will be seen that, whereas in South Australia a reduction in electricity costs has been announced, there have been substantial increases in both New South Wales and Tasmania. So that in itself answers the question.

HILLS SCHOOLS.

Mr. MILLHOUSE: Last Friday morning, with the member for Onkaparinga, I spent some time at the Sturt Valley combined schools' sports meeting. While there, the question of the lavatory accommodation at the Upper Sturt primary school—and especially the method of waste disposal—was raised. The position is apparently unsatisfactory. It is realized that if a new school is to be built at Upper Sturt it is hardly worth-while asking for the expenditure of large sums to improve the present conditions, but can the Minister of Education indicate what the plans are for the erection in the future of a new school at Upper Sturt? If he has the information with him, can he disclose the plans for the erection of a school at Hawthorndene?

The Hon. B. PATTINSON: For a long time the Education Department endeavoured to secure a site for a new school at Upper Sturt, but met with disappointments. Recently, it secured an area of over five acres of land at

Manoah Estate and when the 1962-63 building programme is being planned the proposal for a new school at Upper Sturt will be considered with others. The school enrolment, as the honourable member knows, is small and there has been no significant change in recent years, therefore it is not on a high priority.

An area of about eight acres has been secured for the Hawthorndene school and sketch plans have been prepared. The Director of the Public Buildings Department has been asked to prepare plans and specifications and bills of quantity. However, the Hawthorndene school is not on a high priority in the Director of Education's list and I cannot say how soon the plans will be completed. As soon as I have any further information I will let the honourable member know.

OPAL FIELDS.

Mr. LOVEDAY: Two reports have appeared in the press recently concerning people leaving Coober Pedy. The first report said that about 70 aborigines left the field for Kingoonya, and in today's paper there is mention of the Minister for Shipping and Transport (Mr. Opperman) inquiring into the amount of water the Commonwealth Railways Department is supplying to Coober Pedy and Andamooka. I have received a letter from the Secretary of the Coober Pedy Progress Association stating that 280 cards for water rationing have been issued to the white people on the field. With a ration of 25 gallons a week to each person, that represents a weekly consumption of 7,000 gallons. There are still aborigines at Coober Pedy and I understand that the Engineering and Water Supply Department's trucks are carting between 7,200 and 7,500 gallons a week. Can the Minister of Works say whether the aborigines who left the field were those who were supposed to have come from Yalata or whether they included aborigines who would normally be working on the field and who had been there for some time? Can he say whether any undue pressure has been put on them to leave the field, especially as it would seem that those normally on the field should have as much right to stay there as anybody else? Can he say whether there is any truth in the suggestion that the Commonwealth Railways Department is supplying water to either of those areas? Further, can he say whether the amount of water can be increased in view of the present inadequate quantity available for all concerned?

The Hon. G. G. PEARSON: The aborigines referred to in the report arrived at Yalata in early July and remained there until recently when they apparently decided to return to Coober Pedy. When they arrived at Coober Pedy they were informed that there were difficulties with the water supply and they were persuaded to return to Yalata where there is an ample water supply and plenty of game for them to hunt. Those who returned were substantially the same party, although there may have been a few from the field. I have been informed this morning that about 70 decided to return to Yalata and that transport to Kingoonya was provided for them by the Aborigines Department's officer at Coober Pedy.

The department has no desire, nor has it any power for that matter, to order natives to leave Coober Pedy. We can offer them advice, which was done on this occasion, but no person would be asked to leave who had good and compelling reasons to stay at Coober Pedy. The facts are that everybody in that area—whites as well as natives—are in real trouble over water supplies. There is no point in adding to the population at Coober Pedy or Andamooka if that can be avoided under present circumstances. The Engineering and Water Supply Department has a large road tanker doing nothing but carting water, and it has to travel about 80 miles to get decent quality water. The water in the Stuart Range bore is poor and people do not like using it, although I suggest that some of that water ought to be used in the interests of adding to the sum total available.

The department is doing everything it can reasonably do. The water is costing the progress association nothing at all. It is being delivered by the department at no cost to the progress association which is making a charge for supervising its distribution to the people. The figures that the honourable member gave are fairly close to the mark. I understand the department is carting 7,500 gallons of water and the population would be about as he indicated, although it would be impossible to estimate with certainty the population from day to day. As far as I know no water is being carted from Kingoonya to Coober Pedy but from beyond Willoughby Station. Andamooka is getting water from other sources, but that is not involved in these discussions.

SKELETON WEED.

Mr. NANKIVELL: Last night I was alarmed to see, on television, an announcement that skeleton weed had been found over an area at Farrell Flat in the Lower North in

our better wheatgrowing areas. As I have personal knowledge of the problems associated with the control of this weed, can the Minister of Agriculture indicate what area is involved and what measures the department proposes to take in an effort to control the weed?

The Hon. D. N. BROOKMAN: I cannot give a comprehensive reply now. The discovery was made recently and the landholders were warned of the dangers of the weed and we emphasized the need for vigilance on their part. The next course was to make a survey of the district to establish accurately the incidence of the weed. When that report is available I can give full information about its incidence and can indicate what steps will be taken to deal with it. Skeleton weed is one of the most serious weeds in cereal-growing districts. It has crept into a wide area of the mallee districts in the last few years and strenuous efforts are being made in South Australia and in other States to combat its spread. Joint action is being taken in field research and other research under the supervision of the Agricultural Council. When I get a full statement on the occurrence in the Farrell Flat area, I shall let the honourable member know.

MILLICENT COURT.

Mr. CORCORAN: As my question involves Government policy, I direct it to the Premier in response to a request by Mr. G. B. Hutchesson, of Millicent. I understand that the discontinuance of the local court work at Millicent is likely to deprive litigants of facilities they have had for many years. If the court work is undertaken by the Clerk of Court at Mount Gambier, will he or any of his staff visit Millicent regularly to provide facilities for the people in that town and the surrounding area? In view of the growing population of the district, the closing of this court is a retrograde step and not conducive to decentralization, for which I and my Party stand. Will the Premier reconsider this matter with a view to retaining the present facilities?

The Hon. Sir THOMAS PLAYFORD: I am surprised at the statements made by the honourable member; I have not received any information along the lines his question suggests. Some time ago the honourable member asked me about work on the courthouse and I promised to see what the programme was. The present planning is that a contract for a new courthouse will be let later this financial year, and funds are provided on the Estimates for this purpose.

Mr. CORCORAN: The Premier said he had not heard anything about this matter, but I have heard much of it. I urge the Premier to treat it as urgent, because I understand that it is intended to discontinue local court work at the end of this month.

The Hon. Sir THOMAS PLAYFORD: I shall inquire for the honourable member.

THIRD-PARTY INSURANCE.

Mr. McKEE: Has the Premier a reply to a question I asked last week about third-party insurance premiums?

The Hon. Sir THOMAS PLAYFORD: The information has to come from outside sources, and I have not yet received a reply.

NORWOOD GIRLS TECHNICAL HIGH SCHOOL.

Mr. DUNSTAN: Much concern has been expressed to me by the council of the Norwood girls technical high school and by many parents in the area about the development of the girls technical high school in Norwood. So far there has been no overall plan for the development of the site in Osmond Terrace and the school on that site is overcrowded, even though part of it is accommodated in the buildings which formerly accommodated the boys technical school and which were condemned for that purpose some time ago. Present enrolments indicate that next year's attendances will be probably not less than 650, and possibly more, depending upon job opportunities for girls leaving this year, so there will be insufficient classroom accommodation. The home science block for the school is provided for in the Estimates but has not yet been commenced. Parents are keen to see an extension of the main building of the school, together with the clearing away of some small structures on the site so that four additional classrooms can be provided in the main building. Can the Minister of Education say whether the home science block at the school is to be started soon; whether the original homestead on the site (which has a cellar; there has been some gas escape in the area recently and it is not known where the gas mains are, so there is danger from the continued use of that building) is to be bulldozed shortly; and whether an investigation can be promptly made into the possibility of providing in the reasonably near future four additional classrooms on the existing main building? I also seek some information about the intended use of the present Norwood high school site.

Several proposals have been made from time to time for the opening of a further girls technical high school at the present Norwood high school site. As I understand that the Norwood high school will be completely transferred to its new site at Magill by about September next year, can the Minister indicate what use will be made of the Norwood site, as this will indicate whether relief will be given to the present site at Osmond Terrace?

The Hon. B. PATTINSON: I am not able on the spur of the moment to give detailed replies to all the questions. I am familiar with several of them, and I have been to the site on several occasions and have inspected the schools and the proposed sites, but some of these matters have now left my hands and are in the hands of the Public Buildings Department. Both schools are well-conducted and highly popular (as the honourable member will be the first to admit) and I can well understand the rapidly increasing enrolments. We are anxious to place the schools on a footing befitting their importance. As soon as I get a comprehensive report on these matters I shall be pleased to supply it to the honourable member.

TRAFFIC OFFENCES.

Mr. FRANK WALSH: Last Saturday's *News* contained an article written, I believe, by a reporter, which stated that that reporter while travelling in a small car had been overtaken by a bigger car which was known to have been driven around the surrounding areas and to have been forcing other people off the roads. Although I consider this to be a criminal offence, it does not appear to have been dealt with in the recent Road Traffic Bill. Has the Premier considered an appropriate punishment for this type of offence?

The Hon. Sir THOMAS PLAYFORD: I did not see the article and I hesitate to reply to a newspaper comment without first seeing a police report on the matter. The Road Traffic Act deals with a number of general offences, such as driving to the danger of the public, and without being a lawyer I would have thought that the type of offence to which the Leader has referred could come within that category. I will obtain a report, and if the matter is not specifically covered I will see whether an appropriate amendment is warranted.

METROPOLITAN MILK SUPPLY.

Mr. BYWATERS: Has the Minister of Agriculture further information regarding the admitting of the Cooke Plains area to the metropolitan milk pick-up area?

The Hon. D. N. BROOKMAN: I have not yet received the information from the Chairman of the Metropolitan Milk Board, but I will see that I get it this week, possibly tomorrow.

FIREWORKS.

Mr. TAPPING: I think all members have read the criticism by press correspondents and by doctors about the use of fire crackers and the consequent injuries sustained by juveniles, particularly in the metropolitan area. I was concerned at some remarks made by two medicos, who claim that the cracker is released for sale too early and that in some cases the crackers are too powerful. Although I do not want to pre-judge this case, will the Premier ask the Minister of Health to ascertain from the Superintendent of the Royal Adelaide Hospital whether the press reports are exaggerated?

The Hon. Sir THOMAS PLAYFORD: Yes.

TAXATION ALLOWANCES.

Mr. McKEE: Has the Premier any further information regarding my recent questions concerning concession fares for country people visiting specialists in Adelaide and taxation deductions for housekeeping expenses in the event of the sickness of a spouse?

The Hon. Sir THOMAS PLAYFORD: I shall obtain the information for the honourable member, but I point out that the concession available to country pensioners has been availed of surprisingly little. I know the honourable member's question refers more particularly to country people who have to come to Adelaide for medical treatment, but up to the present the concession granted to country pensioners has been used only sparingly. I will obtain a report as soon as I can.

HOUSING.

Mr. RYAN: Recently, when explaining the Housing Agreement Bill, the Premier stated that he would obtain for members details of the allocation being made to building societies. During the course of those remarks I asked whether Starr Bowkett was included amongst the building societies. Has the Premier any information on this matter?

The Hon. Sir THOMAS PLAYFORD: I have not that statement but I have the following report regarding the allocation of rental houses by the Housing Trust. The Chairman of the trust reports:

When allotting rental houses, the following matters are taken into consideration by the Housing Trust. Firstly, the need of the family

in question for accommodation or better accommodation is considered. Secondly, the family must meet not too exacting standards of housekeeping, cleanliness and ability to care for the premises. Thirdly, the applicant must be in a position to pay the rent for the particular premises. However, as a very great number of the Trust's applicants meet these requirements, considerable attention is paid to the date of the application as, otherwise, the last applicant to command the sympathies of the Trust would be given preference over the earlier and equally deserving applicant who may have been waiting for a house for a considerable time.

Even though the Trust is being provided with loan funds sufficient to carry out a large housing programme annually, the number of applications received by the Trust from suitable applicants is always in excess of the supply of houses, particularly in the metropolitan area, and it is thus inevitable that there must be a waiting list. In the metropolitan area, the Trust is now able to house normal families whose applications were made in 1956. The waiting time in Elizabeth, Salisbury North and other country towns ranges from a few months to about two years. However, in exceptional circumstances, such as where a widow or deserted wife with a family of young children needs housing, applications are given special consideration.

KANGAROO INN AREA SCHOOL.

Mr. CORCORAN: Last week, the Minister of Education, when replying to me about the Kangaroo Inn area school, said he would look at the matter again but he expected that whatever further information he got would more or less substantiate what he told me then. Has he a further report on the matter?

The Hon. B. PATTINSON: I obtained a report on the matter but it only confirms the information I supplied to the honourable member last week: that plans are being prepared for the Kangaroo Inn area school and on-site works will be commenced early in the new year; it is expected that the building will be completed in time for the beginning of the 1963 school year.

RIVER LEVELS.

Mr. KING: At this time of the year it is usual for us to be wondering whether the Loxton ferry will be going out of action because of the high river, but this year we are more worried about the level of the water stretching back from Lock 5 at Renmark not being sufficient to enable full pumping to be done by the Renmark Irrigation Trust. Can the Minister of Works say whether the lack of flow is caused by the blocking-off of the Darling River or the inadequacy of water in the Murray River? Is the storage of Lake Victoria sufficient to see us through the irrigation season? Also, at this stage, can the Minister say whether it will be possible to increase the flow a little from Lake Victoria to build up the lock pool's level?

The Hon. G. G. PEARSON: I will consult the Engineer-in-Chief and bring the honourable member's remarks to his notice to see if he has any comment to make. I have not heard of the Engineer-in-Chief or any other authority on the River Murray in my department expressing concern about the total water available for irrigation and maintaining pool levels, but I will inquire and let the honourable member know.

BREAD PRICES.

Mr. LAWN: Has the Premier a reply to my recent question about the price of bread?

The Hon. Sir THOMAS PLAYFORD: The Prices Commissioner reports:

The current annual cost of advertising on bread does not exceed 1 per cent of total sales and would be less in country areas. Prior to the last increase the baking industry desired to have this advertising cost allowed in the price structure of bread. I gave a ruling that only one-third of the total cost spent should be recognized in the cost structure and asked the chairman of the committee to inform it of the department's views on this matter. Although the baking industry representatives desired the whole cost to be incorporated the consumer members agreed with the department on this ruling and as a result only one-third of the total cost (1 per cent) spent on advertising is allowed in the structure. The allowable amount represents one-seventeenth of a penny on a 2 lb. loaf.

The Prices Commissioner reports that the amount of advertising on bread expressed as a percentage of sales is lower than the percentage of advertising spent on most items. Furthermore he reports that in the cost structure on bread prices for this State only one-third of the actual cost incurred in advertising is recognized and allowed. The Prices Commissioner also points out that the baking industry does have to compete with alternative foods such as breakfast cereals and biscuits in view of which some advertising is necessary. Due to the oath of secrecy it is not possible to divulge the actual amount allowed for advertising but I can assure the member that it is an infinitesimal amount in the price of a loaf of bread and is nowhere near a farthing a loaf.

PORT PIRIE MEAT PRICES.

Mr. McKEE: Has the Premier a reply to my recent question about Port Pirie meat prices?

The Hon. Sir THOMAS PLAYFORD: No, except that the Prices Commissioner sent two officers to Port Pirie to investigate. That investigation would necessarily take time and the report has not yet come to hand.

GOVERNMENT BUILDING AT PORT AUGUSTA.

Mr. RICHES: The question of the erection of a new Government building at Port Augusta has been discussed for several years and the people are looking for some definite statement about it. On October 11 the Minister of Works said that he had not received a report from the Director of Public Buildings on the estimate of costs and therefore the matter had not been submitted to Cabinet. However, as I had again raised the matter, he said he would ask the Director when the estimates might be forthcoming so that the matter could be determined. Is the Minister able to give any further information today? If not, will he use his best endeavours to supply some concrete information before the Houses rises?

The Hon. G. G. PEARSON: It so happens that I have in my possession some information on this matter. I usually notify members when I have replies to their questions. I looked for the honourable member, but apparently he was not in the House at the time so I did not send him the usual notice to ask his question. However, the Director, Public Buildings Department, has advised me that amendments to the sketch plans are now being carried out and are nearing completion. The final sketches, with estimated costs, will be forwarded for consideration as soon as possible. The honourable member will see that the matter has not been pigeonholed but is being proceeded with and I should soon have the estimate of costs for submission to Cabinet.

WHYALLA TECHNICAL HIGH SCHOOL.

Mr. LOVEDAY: The Whyalla technical high school council is seriously perturbed by the delay in the provision of awnings for craft shops at the Whyalla technical high school. These are necessary to make the buildings habitable in the summer months. The council considers that the existing conditions are a serious handicap to the efficient working of the children. This matter has been raised without satisfaction over a period of three years, and complaints from parents are increasing. Conditions become intolerable during the summer because of the great expanse of glass on the northern side. The last letter from the Education Department on the subject in November, 1960, indicated that plans were being prepared in the Public Buildings Department. Will the Minister of Education see whether the awnings can be installed soon so that students can benefit from them this summer?

The Hon. B. PATTINSON: I shall be pleased to do so.

TAILEM BEND RAILWAY EMPLOYEES.

Mr. BYWATERS (on notice):

1. What is the present number of employees at the Tailem Bend locomotive workshops?

2. What was the number employed there at October 31, 1955?

3. How many houses does the South Australian Railways Department own at Tailem Bend?

4. What is the policy of the Government for the future of railway employees at Tailem Bend?

The Hon. G. G. PEARSON: The replies are:

1. 52.

2. 94.

3. 289.

4. A continuation of the servicing of locomotives and rolling stock, as has been done in the past.

PRIVATE MEMBERS' BUSINESS.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved:

That for the remainder of the session, Government business take precedence over all other business except questions.

Motion carried.

PERSONAL EXPLANATION: ANGAS RIVER RESERVOIR.

Mr. JENKINS: I ask leave to make a personal explanation.

Leave granted.

Mr. JENKINS: Last Wednesday, in reply to the member for Barossa, the Minister of Works said:

The two projects we are considering at the present are these: one is a reservoir at Sixth Creek, or Kangaroo Creek, as it may be known, and the other is on the Angas River. The latter is being considered as one alternative for eventually improving the supply to that area.

A report of this matter in the press the following day stated—and it was a logical mistake to make—that this water supply from the Angas River would serve the Victor Harbour area. I am sure the people in the Strathalbyn area would take a dim view of that if they thought that that was so. Actually, it would be geographically impossible for this supply to serve the Victor Harbour area. However, I make this statement for the sake of the peace of mind of the people in the Strathalbyn area.

PUBLIC SERVICE ARBITRATION BILL.

Adjourned debate on second reading.

(Continued from October 17. Page 1313.)

Mr. FRANK WALSH (Leader of the Opposition): In concluding his remarks, the Premier said that the provisions of the Bill were similar to those which operated in the Commonwealth Public Service. As far as that statement goes, it is correct, but he did not elaborate on the fact that, by comparison, ours is to be a very restrictive measure because the Arbitrator will only deal with the salary question whereas the Commonwealth Arbitrator deals with the full conditions of employment. Let me explain further what happens under the Commonwealth system. The Commonwealth Public Service Arbitration Act provides for an Arbitrator who is appointed for a term of seven years but must retire at the age of 65. All awards of the Commonwealth Court of Conciliation and Arbitration are deemed to be determinations of the Arbitrator where they apply to the Commonwealth Public Service. No claims may be made by an organization of employees in the Commonwealth Public Service to the Conciliation and Arbitration Commission without the consent of the Arbitrator unless he refrains from hearing their claims. The Arbitrator has power to determine all matters relating to conditions of employment.

Any organization registered under Commonwealth laws can submit claims and the Arbitrator must forward a copy to the board or the Minister who may object to the claim within a prescribed time. If an objection is lodged, the Arbitrator shall call a conference and determine the claim, and if no objection is lodged, the Arbitrator shall determine the claim in favour of the claimant organization. Similarly, the board, a Minister or a department may apply to vary any determination in whole or in part, and if they do the Arbitrator shall forward copies to the other parties concerned. Any registered organization may object within the prescribed time, and in that case the Arbitrator shall call a conference, hear evidence and determine the claim. If no objection is lodged, the Arbitrator shall determine the claim in favour of the claimant board, Minister or department.

The Commonwealth Conciliation and Arbitration Act gives power to make awards when there is a dispute as to industrial matters, which it defines by listing no less than 17 items. The Commonwealth Public Service Arbitration Act gives the Arbitrator power to determine all matters relating to conditions of employment, which are defined in that Act as salaries, wages, rates of pay or other terms or conditions of service or employment. This means his determinations may cover all or any of the industrial matters. The Industrial Code gives the South Australian Industrial Court power to deal with "industrial matters", which it defines almost co-extensively with the Commonwealth. The Industrial Code gives industrial boards power to make determinations with regard to a number of specified matters which are almost co-extensive with "industrial matters" as defined. The main items embraced by the phrase "industrial matters" in both the Commonwealth and State legislation include salaries, wages, allowances, overtime rates, holiday rates, rates for special work, hours, age, sex and qualifications, custom and usage, interpretation of awards, agreements and determinations, but the Bill before us merely picks out the salaries reference with which the proposed Arbitrator in this State may deal. In addition, clause 2, by the definitions of "officer" and "Public Service", restricts the applicability of the Bill. For example, nurse attendants in the Hospitals Department and warders and wardresses in the Gaols and Prisons Department would not be covered by the provisions of this Bill. These are members of the Australian Government Workers' Association. There are similar other persons concerned who are employed under agreements under the Public Service Act, and all these persons should have right of access to the Arbitrator *via* their respective organizations.

There is some similarity between the Commonwealth measure and this Bill but, from what I have said, members must realize that the Bill placed before us is most restrictive. It deals only with one section of the Public Service, and even with that section it deals only with salary matters whereas the comparable Commonwealth Act deals with all employees of the Commonwealth Public Service; it also deals with all conditions of employment, not only with salaries. I am sure that it will not be long before the Commissioner, the Association or other interested organizations will be agitating for an expanded scope of jurisdiction by the Arbitrator in order to make the system workable in this State. For the present, under the definition of "Public Service" in the Public Service Act, there is ample scope for the Government to issue proclamations to cover all employees of the State and, if the Government is genuine in its endeavours to give wage justice to all employees, it

will so issue these proclamations should any group of employees make a reasonable request.

However, the Bill does make some improvements on past practice; therefore, even though it does not cover the same desirable field as the Commonwealth legislation, I am prepared to support it provided that I receive co-operation from Government members on several amendments I shall introduce. The proviso to clause 3 (2) refers to the appointment of an Arbitrator after 58 years of age, but it does not deal with the subject of re-appointment. After the word "appointment" in this proviso wherever occurring, the words "or re-appointment" should be inserted. I am sure this is the intention of the Government but, in my view, the amendment I shall seek makes it clear that the Arbitrator is obliged to retire at 65 years of age.

Clause 8 (2) provides for the procedure to deal with objections in the event of a case being presented by the Commissioner, but different wording has been used in clause 8 (3) when a case has been presented by an organization or group. I consider that the same wording should be used in each case as has been done in the Commonwealth legislation, but, as it appears to be a minor matter, I do not wish to take up the time of the House with any amendment. However, I should like the views of the Premier on why different wording is used in clause 8 (2) from that in clause 8 (3) when similar subject matter is concerned. Further to this matter of objection, however, there is still one matter that requires clarification in clause 8 (2). When the Commissioner has lodged a claim with the board, it is obliged to notify the Secretary of the Public Service Association. Within the present scope of the Bill, it is possible for an organization (which means an association registered in the Industrial Court pursuant to the provisions of the Industrial Code, 1920-1958) to appear before the Arbitrator. Therefore, I consider that, where these organizations are affected by any claim by the Commissioner to the board, they should also be notified by the board. I propose to move an amendment to clause 8 (2) to achieve this desirable end.

Section 30 (3) of the Public Service Act provides for retrospectivity of returns issued by the board provided that it is satisfied that there are reasonable grounds for issuing the order. There are many claims before the Public Service Board that have been postponed in anticipation of the appointment of an Arbitrator. According to my information, some of these claims have been outstanding since last year, and my view is that, when the Arbitrator determines these claims, he should have the right also to determine that the findings should be retrospective to the date of the application to the board if he considers this to be justified. This is covered by my amendment to clause 8 (4), which provides:—

Provided that if the Arbitrator is satisfied by such evidence as he requires that any salary fixed by him or any variation should be payable as from a day earlier than the day when the determination or variation comes into operation he may make the determination that that salary shall be so payable; but the day fixed by such determination shall not be earlier than the day on which the application for the fixation of salary in question was made to the board.

This is exactly the same provision as contained in section 30 (3) of the Public Service Act.

I believe it is the object of this Bill to make it possible for the Arbitrator to arrive at the best and most informed determination in each instance. In order to do this, it may be desirable for an expert witness to be summoned to appear before the Arbitrator. Under the Bill the Government may call any witness and pay the expenses, but if the association or the organization desires a witness they have to pay the expenses. Bringing expert witnesses from other States could be very expensive, and it is not thought desirable to impose a hardship upon the association or the organization when appearing before the Arbitrator. In Committee, I shall move an amendment to clause 9 (1) (*c*), dealing with the payment of witness fees, as follows:

except where the Arbitrator certifies that the witness has been called as an expert witness, in which case the Government shall pay the witness fee to that witness.

If the Arbitrator is prepared to certify that a witness may be classified as an expert witness, then I contend that the expense in connection with that witness should be borne by the Government. I wish to emphasize to members that this does not apply to all witnesses but only to those the Arbitrator is prepared to classify as expert witnesses.

Clause 9 (2) gives power to the Arbitrator to summon a witness, but it does not provide any protection for this witness if he should be compelled to answer incriminating questions. A similar provision to that made in section 23 (3) of the Public Service Act, dealing with the power of the Commissioner and the board when examining witnesses, should be inserted in this Bill, namely, "Provided that no person shall be compelled to answer any question, the answer to which would tend to incriminate

him''. This contingency is covered by my proposed amendment to clause 9 (2) of the Bill.

The appointment of the Arbitrator puts him in a similar position to that of a judge in the Industrial Court, and, in my view, the operations of his jurisdiction should be along similar lines to those of the Industrial Court, which is classified as a court of record. As the Arbitrator is carrying out a similar function to that of the court, I consider that he should state reasons for his determinations. In addition, the expenditure of public funds is involved, and therefore the public should be kept informed of the reasons for any change in salary of Public Service officers who come before the Arbitrator. This House is also entitled to know the reasons and, of course, the officer or officers involved are also entitled to be informed of the reasons behind the particular determination. I propose to provide for this by adding, at the end of clause 10, the words ''Provided that the Arbitrator shall state his reasons for any determination made by him''. Sections 33 and 34 of the Public Service Act provide that any decisions of the board are still subject to any award or order of the court, and that the power of the Industrial Court is superior. In order to clarify the position in regard to the Arbitrator, I shall move an amendment to clause 10 as follows:

(2) Any determination of the arbitrator under this Act shall be subject to any award or order of the Industrial Court and of any industrial agreement filed in the said court.

(3) Nothing in this act shall be so construed as to abridge any power of the Industrial Court under the Industrial Code, 1920, and the Acts amending same.

All the amendments which I shall move and which are contained on members' files are with the genuine intention of improving the Bill, and I am sure that if the members opposite give serious consideration to them we can obtain the basis of a workable arrangement for the appointment of an Arbitrator to determine the salary claims of officers by groups within the Public Service, even though it is my firm belief that further amendments will still be required fairly shortly to widen the scope of reference. I support the second reading.

Mr. DUNSTAN (Norwood): I wish very briefly to refer to clause 7 of the Bill, which appears to me to go insufficiently far. I agree with the words used by the Leader in addressing himself to the second reading of this Bill, namely, that before long we will have some demands for further jurisdiction for the Arbitrator. Clause 7 (1) states:

The arbitrator shall, subject to the provisions of this Act, determine the salaries, or ranges thereof and incremental steps therein, applicable to offices other than those of permanent heads of departments, first division offices and offices in the State Bank of South Australia.

Clause 7 (2) states that the Arbitrator shall not determine conditions of employment other than those specified in subsection (1). The result of this is that the board will determine the positions in the Public Service and the Arbitrator may then fix the salaries in relation to those positions. But, Sir, if the salaries fixed by the Arbitrator in relation to those positions on any reference to the Arbitrator are not satisfactory to the board, the positions can be altered, and the protection that is given under the ordinary arbitration provisions are not there for members of the Public Service.

Complaints have been made previously that there have been occasions when insufficient salaries have been fixed in relation to positions created in the Public Service, and, what is more, that in certain areas of semi-governmental undertakings in South Australia where an appeal has been made that a certain salary is applicable to a certain position, the position disappears. I do not think the powers of the Arbitrator under the present proposal are sufficient, and I foresee considerable trouble arising in the future out of the restriction of his jurisdiction in clause 7. Specifically, I wonder at the exclusion from the proposal of officers in the State Bank. I am concerned particularly because some time ago certain officers in the State Bank were taken over from the Public Service. These people have not been paid the ordinary rates of pay applicable to other people in the State Public Service, although some have qualifications and experience commensurate with those of other officers who previously occupied those positions. This, too, I think may lead to trouble in due course, and I should think it appropriate that these people should have recourse to the Public Service Arbitrator.

On the other hand, I agree that the appointment of the Public Service Arbitrator will, to some extent, overcome the difficulties of the situation with which we were faced earlier in the year when the Government considered that it should have the power to appoint to the senior position on the board somebody who would be primarily concerned with the structure of the Public Service, and when the association was not in agreement that this was in accordance with the original intention of the Act and wanted somebody who was completely independent in that position. In

consequence, I welcome this proposal as a step in the right direction, but I fear it is only a step and that before long we shall have to take further steps in relation to the jurisdiction of the Public Service Arbitrator. With that qualification, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—''Public Service Arbitrator.''

Mr. FRANK WALSH (Leader of the Opposition): I move:

After ''appointment'' first occurring in subclause (2) to add ''or re-appointment''.

This clause provides for the appointment of an Arbitrator who, provided he is over the age of 58 at the time of his appointment, shall retain his appointment until attaining the age of 65. As amended, subclause (2) will read:

The arbitrator shall be appointed for a term of seven years and shall be eligible for re-appointment: Provided that if the person who is appointed arbitrator is at the time of his appointment or re-appointment over the age of 58 years the term of his appointment or re-appointment shall be the period which will expire on his attaining the age of sixty-five years.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I do not think this amendment does any harm. In a certain circumstance it could do good. I do not regard it as detrimental to the Bill and am prepared to accept it.

Amendment carried.

Mr. FRANK WALSH moved:

After ''appointment'' second occurring in subclause (2) to add ''or re-appointment''.

Amendment carried; clause as amended passed.

Clauses 4 to 7 passed.

Clause 8—''Procedure.''

Mr. FRANK WALSH: I move:

After ''Australia'' in subclause (2) (*a*) to add ''and the secretary of the organization concerned''.

As I said on the second reading, some other organization, not necessarily the Public Service Association, may be concerned. As amended, subclause (2) (*a*) would read, after ''Commissioner'':

The board shall forthwith forward a copy thereof to the General Secretary, Public Service Association of South Australia, and the secretary of the organization concerned, and shall give notice of the claim by publication in the *Gazette*.

The Hon. Sir THOMAS PLAYFORD: I ask the Committee not to accept this amendment. The position is that this has to be gazetted anyway. Most applications will be made by members of the Public Service Association but it is conceivable that the applicant may not be affiliated with the Public Service Association, so the authorities would not even know with whom he was affiliated. Consequently the matter could be held up. I have been advised that this amendment should be opposed, for these reasons.

Mr. FRANK WALSH: On the second reading I indicated that applicants would not necessarily be officers in the Public Service: they could be members of the Australian Government Workers' Association. If the claim goes before the Arbitrator, ''the board shall forthwith forward a copy thereof to the General Secretary, Public Service Association of South Australia'', and I see no reason why ''the secretary of the organization concerned'' should not also be included. I am concerned with the appropriate organization, not with individuals. I insist on my amendment.

Mr. LAWN: I cannot understand the Premier's reasoning. I listened intently to see whether he had any valid objection to the amendment. The amendment is in accord with the actual practice in the Commonwealth Public Service. The Premier said that the board might not know the organization of the person concerned, but that applies in other industrial jurisdictions. An employer's application affecting wages and conditions of employees may relate to persons who are not members of any organization, but the application may affect the determination and, consequently, the practice laid down in the Commonwealth Act and the procedure adopted by industrial tribunals—including the Commonwealth Public Service Arbitrator—is to notify the organization so that it can appear and either accept or oppose the employer's application. The employees concerned are not asked whether they are members of a union and, if so, what union. All parties to the determination are notified. All organizations which are or may be concerned should be notified of the proceedings before the Arbitrator. I ask the Premier to reflect on the matter and to accept the fact that the amendment does not represent a departure from the normal procedure in industrial tribunals.

The Hon. Sir THOMAS PLAYFORD: I do not know where the honourable member got his information, but it is not in accordance with the information I have been given. When this Bill was drawn up the Chief Secretary showed it to the Public Service Association which pointed out that under the Commonwealth law the Public Service Association was

the only authority able to go to the Arbitrator. It desired that to be the position in South Australia. We took the view that if only one person were doing a job he should have the right to go to the Arbitrator. I believe that any person employed in the Public Service should be able to put his case to the Arbitrator. The only question is whether notice should be given to the secretary of the union concerned. It has been pointed out to me that in many instances the union, of which the employee is a member, would not be known, and so the union could not be notified. If the applicant wanted his union to know he could inform it. A claim by the Commissioner must be gazetted in any case. As about 95 per cent of the Public Service are members of the Public Service Association we have provided that the association shall be notified of claims. The question of whether the appropriate union has been notified could delay proceedings. If, as an individual, I apply and I am not a member of the Public Service Association, I can notify my union that I want its support, and there is nothing to stop my doing that. The claim will be gazetted and the A.G.W.A. will undoubtedly examine the *Government Gazette* to see whether any claims affect its members.

Mr. FRANK WALSH: The Premier spoke of an individual's being heard and said that an individual might not be a member of the Public Service Association. If the Public Service Commissioner made a claim the association would receive notice of it. However, I am not referring to the individual. I am concerned with a person who is not a member of the Public Service Association, but who is involved in a claim before the Public Service Arbitrator. If it is a claim by the Commissioner the Secretary of the Public Service Association would be notified, but the employee would not be. That is wrong, and I believe the organization of which the employee is a member should be notified.

The Hon. Sir THOMAS PLAYFORD: This amendment is not innocuous, but could be vicious because many people who will apply for salary increases are not members of the association or of any union. Who must be notified under those circumstances, and what would be the effect if no-one were notified? This legislation is not limited to the Public Service Association, although I believe the Commonwealth legislation is. I will check on that. It has been reported to me that the South Australian Public Service Association wanted to be the only official body. The Government did not say, "We will stand on that position. This Bill is to fix salaries for people who are employed by the Government and who would like to come under it." What is the position if a person or a group of persons applies for an adjustment of salaries and they are not members of any union or association? Whom do we notify then? Is the application abortive? I should not be prepared to say it was. I cannot accept this amendment.

Mr. LAWN: I think the Premier either misunderstands the position or has been wrongly advised. Our criticism is not a condemnation of the Bill; we want to make it as near perfect as possible so we are trying to be helpful. The Premier said he had been informed that under the Commonwealth Public Service Act the only people notified were public servants.

The Hon. Sir Thomas Playford: We are speaking at cross purposes.

Mr. LAWN: About 95 per cent of Commonwealth employees covered by the Arbitrator's decision are members of the Public Service. My organization has between 50 and 70 members at Port Augusta and since 1938 has gone before the Public Service Arbitrator. Although there would be a few hundred members of other unions, they would be a small minority of Commonwealth employees. However, this organization and the Commonwealth Railways Commissioner have the right to apply to the Arbitrator, and in each instance a copy of the claim is forwarded to other organizations that have members at Port Augusta. That is only right. If applications are made by boilermakers or car builders, the other organizations must be served copies; we are seeking something similar in this Bill. The Premier said that the Bill provided that any single employee could apply, and I agree that that is so. However, whether the claim is made by an individual or by an organization is not the point at issue. Clause 8 (2) (*a*) refers to a claim made by the Commissioner (which means the Public Service Commissioner); as the Leader mentioned, a warden or some other official at the Adelaide Gaol could be involved, and the Public Service Association would be notified of the application. All we are asking is that the secretary of the Australian Government Workers Association be notified, no matter whether the officer is a member of the organization or not, so that the union can appear and state its objection. Surely there is nothing wrong with that?

Amendment negatived.

Mr. FRANK WALSH: Can the Premier explain why the wording of clause 8 (2) should be different from that of clause 8 (3)? I thought we were trying to get uniformity, and I cannot see why the wording of these two subclauses should be different.

The Hon. Sir THOMAS PLAYFORD: Under subclause (3), if the Commissioner agrees with a claim, it does not have to go to the Arbitrator; it can be gazetted forthwith. Only cases where the Commissioner is not in agreement with a request go to the Arbitrator. Obviously, that is the reason for the difference.

Mr. FRANK WALSH: I move:

After "giving effect to the determination" in subclause (4) to insert:

> Provided that if the Arbitrator is satisfied by such evidence as he requires that any salary fixed by him or any variation should be payable as from a day earlier than the day when the determination or variation comes into operation he may make the determination that that salary shall be so payable, but the day fixed by such determination shall not be earlier than the day on which the application for the fixation of the salary in question was made to the board.

I have moved this amendment because it is not unusual for applications to be before the board for a long time, for one reason or another. It has been the practice of the Commonwealth Conciliation and Arbitration Court and of the Industrial Court to grant retrospectivity, and I consider that it should be granted in this instance.

The Hon. Sir THOMAS PLAYFORD: I should be prepared to accept the Leader's amendment if he deleted the word "board" and inserted "Arbitrator". As soon as there is disagreement between the board and the applicant, under the Bill the matter has to go to the Arbitrator within three weeks, and in those circumstances I think it is reasonable to give the Arbitrator the power to make a retrospective determination to the time when the matter was first submitted to him. However, I could not agree to its going back beyond that period, because it would be going back to a period before a dispute arose. The Arbitration Court generally does not give retrospective decisions at all. On an application for an alteration of the basic wage, it is sometimes five or six months before a decision is ultimately given, and any increase is usually paid on the first pay day after the decision has been given. If the Leader amends his amendment to include the word "Arbitrator" instead of "board", I shall be prepared to accept it. If we did that I think the Parliamentary Draftsman would require some slight consequential amendments, but these could be dealt with later.

Mr. LAWN: Before the Premier finally concludes that his suggestion would be acceptable, I shall make a few comments. The Leader said that many applications had been outstanding for many months, some since last year. If the Premier's suggestion is accepted, none of those cases would be eligible for retrospectivity: it would be granted only to the date when the matters were referred to the Arbitrator, who has not yet been appointed.

Mr. Dunstan: This is only permissive, anyhow; it is not mandatory.

Mr. LAWN: That is another point I was going to make. It does not state that the determination shall date back to the date the application was made to the board, and there is nothing mandatory in it at all. Many of the employees have been patiently awaiting a satisfactory settlement of their disputes, but under the Premier's suggestion they would get no retrospectivity. After hearing the facts the Arbitrator can please himself whether retrospectivity should be granted. The Premier referred to the basic wage hearing, but that is a totally different matter. The Commonwealth Arbitration Commission will be hearing a basic wage application next year, and all the organizations concerned have the opportunity to apply to be present at that hearing, but when a dispute arises regarding salaries a Conciliation Commissioner often makes retrospective adjustments. I have had personal contact with many industrial disputes, and between the employer and myself we have been able to get the employees back to work on the understanding that I would file an application with the Commonwealth court and that there would be no objection to retrospective payments being made. The Leader's amendment does not make the granting of retrospectivity mandatory. The outstanding matters to which the Leader referred would not be covered by this clause if the Premier's amendment were accepted.

The Hon. Sir THOMAS PLAYFORD: What the honourable member has said is sound, but does he suggest that the Arbitrator, who is not yet appointed, should grant retrospectivity for years back in the case of some applications?

Mr. Lawn: I did not say I wanted to go back years.

The Hon. Sir THOMAS PLAYFORD: The honourable member referred to applications that were outstanding at present. If that

is what the amendment means, I say frankly that the Government cannot consider it. If it is suggested that the Arbitrator is to be asked to go back into the dim and distant past, all I can say is that I will have to seriously reconsider what I said about accepting the amendment at all, because that is not reasonable. The Arbitrator is to be appointed to fix salaries, and he is to fix salaries in respect of applications made after this Bill is passed. If that was not the position, I think the Government would drop the Bill forthwith, otherwise where would we end up? I have never heard of a Bill that would have retrospective operation in respect of a period before it was actually passed, yet that is what the honourable member is suggesting. I am prepared to accept the fact that when this Bill becomes law many cases may be going before the Arbitrator very quickly. Any group or classification of persons in the Public Service Association will no doubt go before the Arbitrator forthwith. In those circumstances it may be some time before he can clear up what may be a backlog of applications made under the Bill when it becomes an Act.

I am prepared to accept the position the honourable member put forward on that but I would not accept the other suggestion because, after it is raised to the Public Service Commissioner, he has three weeks in which to decide whether or not he agrees. If he does not, it has to be referred to the Arbitrator and, from that time onwards, I am happy for the Arbitrator to have the right to say, "It shall operate from the day on which it was referred to me". But I am not prepared to accept retrospectivity back to a date before the legislation is passed. The Government could not accept that. I remember the time when Parliament would not automatically accept alterations in salaries, and no salary of any public officer operated until Parliament had met after the determination had been made. I altered that practice myself.

Mr. Riches: Surely Parliament had something to do with that alteration?

The Hon. Sir THOMAS PLAYFORD: I introduced the amendment which was accepted by Parliament and has become standard practice in every Supply Bill each year, anticipating alterations that may be made. The Parliamentary Draftsman points out that a drafting amendment is necessary, and I am prepared to alter the word "board" to "Arbitrator" if the Leader is prepared to accept that. But, if he is not, in no circumstances could I accept the word "board" because the very points raised by the member for Adelaide would make it undesirable.

Mr. FRANK WALSH: There are some outstanding applications before the board that have been delayed for months pending this legislation. We have had to wait. We have not got over the hurdles but we have to concern ourselves with the new legislation, which is a proposal to try to eliminate unsatisfactory delays. I do not believe we should agree to appoint an Arbitrator and ask him to deal with matters now before the present tribunal. Whatever the present tribunal may have on its hands, I hope it will deal with the applications now before it. That return having been made, if the applicants are not satisfied, they can then go before the Arbitrator after he is appointed. I do not think my colleague would desire to wait for the appointment of an Arbitrator before the backlog could be dealt with. After all, we have never really been satisfied with our own salaries.

Mr. LAWN: The Premier misrepresented me to the Committee just now. I did not say what he suggested I said. When I was speaking, the Premier was talking to the Parliamentary Draftsman and it was only when he came back that I mentioned it briefly again because I had not had his ear! I had been talking to myself. If members cannot get the ear of the Premier, they are talking to themselves. I did not say I wanted to go back years and I did not refer to the "dim and distant past", as he did. I repeated the words of the Leader of the Opposition on the second reading: that I understood that these applications before the board that were banking up and being deferred were all pending this legislation. Apparently we are wrong. I believe, and I understand the association believes, that when this legislation is proclaimed all the applications that have been waiting for months will be dealt with by the Arbitrator instead of the board. I did not suggest that the Arbitrator would be permitted to allow retrospectivity for a period of years, nor did I refer to the dim distant past. The Arbitrator, whoever he may be, may possibly have another Government job. If he is the President or Deputy President of the Industrial Court and is engaged on official duties it may be some weeks before he can determine a claim and we suggest he should have the right to determine it back to the date on which the application was lodged with the board.

The Hon. Sir THOMAS PLAYFORD: I did not wish to misinterpret the honourable member's remarks but the condition under which this legislation was introduced by the Government was that all matters, except salary claims, that were dealt with by the board before the passing of this legislation would continue to be dealt with under the existing legislation by the board. The board has the power to determine salaries and to grant retrospectivity if it believes it is warranted. The day this Act is proclaimed and the Arbitrator operates a new set of circumstances will apply. All applications for salary adjustments will go to the board and the Public Service Commissioner will have three weeks in which to accept or reject them. If he rejects them they will automatically go to the Arbitrator. If the Arbitrator takes time in considering them and he believes his determinations should be retrospective he can make them retrospective to the day he received the applications. Retrospectivity is provided for all but three weeks from the day of application. That is a reasonable proposition and I understand the Leader of the Opposition has an amendment to that effect.

Mr. FRANK WALSH: I ask leave to withdraw my amendment with a view to moving a further amendment.

Leave granted.

Mr. FRANK WALSH: I move:

After "giving effect to the determination" in subclause (4) to insert:

> Provided that if the arbitrator is satisfied by such evidence as he requires that any salary fixed by him or any variation should be payable as from a day earlier than the day when the return comes into operation he may fix the date from which that salary shall be payable but the day fixed by such determination shall not be earlier than the day on which the application for the fixation of the salary in question was referred to the arbitrator.

The Hon. Sir THOMAS PLAYFORD: I accept the amendment.

Mr. DUNSTAN: I appreciate that the amendment achieves something for those employed under the Act, but I am concerned with the situation that has agitated the mind of the member for Adelaide. As I understand the position there are many claims outstanding before the board. It is possible that finality will not be reached on them before this Act comes into force. If that is so I assume that what may happen is that the association will make a fresh application for fixation and then if the Public Service Commissioner does not agree it will go to the Arbitrator. Will this not mean that all the claims that have been pending before the board can be given no further retrospectivity than to the date fixed by the Arbitrator? If that is correct, and that is as I understand the position, is not some possible injustice being done to those people in the Public Service who have been waiting for their claims to be dealt with during the period of the dispute over the appointment of the Chairman of the Public Service Board and who will now not have the right to retrospectivity in relation to those claims because the board will not have reached finality upon them before the Arbitrator is appointed? Will the Premier comment on that situation?

The Hon. Sir THOMAS PLAYFORD: The board no doubt has many claims before it. Under the present law a person can get a determination today and can lodge another claim tomorrow, so that there are always many claims before the board. Obviously there will always be some claims outstanding. There has never been a time when all members of the Public Service have been satisfied with their pay conditions. The legislation proposes the introduction of a new system. All applications will be dealt with expeditiously, because the Public Service Commissioner will have three weeks within which to accept or reject a claim. If he rejects it, it will go to the Arbitrator who will have power, if he thinks it fair, to make his determination retrospective to the day he received it. The Government would not be prepared to go further than that.

Amendment carried.

Mr. DUNSTAN: Subclause (3) provides:

(*a*) In the case of a claim by an organization or a group, the board shall forthwith forward a copy thereof to the Commissioner, who shall within twenty-one days of receipt thereof inform the board whether or not he is in agreement therewith.

(*b*) If the Commissioner is in agreement with the claim the board shall forthwith make a return under the Public Service Act, 1936-1959, giving effect to the claim.

A group (which may be an individual officer) may apply for a salary increase and the Public Service Commissioner can agree; the salary is then fixed. If the individual (or group) is not a member of the Public Service Association and agrees to conditions less than those which had previously been obtained by the association, a new fixation about which the association would have no say could be made. In other words, conditions which would not directly affect members of the association but which

might affect their chances of promotion and future conditions if promoted to the appropriate positions might be approved.

Members of the association could be indirectly affected by the decision yet they would not have had any say in the matter. This is not usual before tribunals of this nature. Where there is to be any alteration of conditions, it is common for other associations or groups of individuals who might be affected in the future by a determination to have the right to have some say in the matter. That is common before the Commonwealth Public Service Arbitrator. I am concerned that a new fixation could be made by agreement between an individual or group and the Public Service Commissioner without the Public Service Association or group likely to be affected having a say, as they would not necessarily know about it. A matter comes before the board, which must make a return. What protection has the Public Service Association or any members of the Public Service who may be affected indirectly by the agreement?

The Hon. Sir THOMAS PLAYFORD: The Public Service Association covers probably 95 per cent of officers in the Public Service. There are some small groups outside the association. The Australian Government Workers' Association has several groups, and there are one or two "spare parts" that may not be members of the association. However, the Public Service Association has previously sponsored nearly all applications. The position mentioned by the honourable member is not new; under the existing scheme a person who may not be a member of the association can apply for a salary alteration and submit a case without the association's knowing anything about it, although the association's members may be vitally interested in the result. I have never heard of any difficulty arising out of this.

This legislation is new and I doubt whether it will not be necessary to amend it next year. As far as I know, no other State has an Arbitrator of this description; the Commonwealth Government has an Arbitrator, who works under somewhat different conditions. As the Public Service Association desired a tribunal away from the Public Service Board, the Government agreed to the suggestion and, with the exception I mentioned earlier, it approved the Bill. This is a useful measure and I believe it will to a great extent meet the difficulties that have arisen. If an amendment is necessary, it will not be the first time that original legislation has had to be altered before it has operated for long. I do not see any way to meet the position mentioned by the honourable member except by providing that all applications shall be made by one authority, and I do not think that would be acceptable to him or to the Government.

Clause as amended passed.

Clause 9.—"Powers of Arbitrator."

Mr. FRANK WALSH: I move:

After "the witness" in paragraph (c) to add "except where the Arbitrator certifies that the witness has been called as an expert witness, in which case the Government shall pay a witness fee to that witness."

Such provision is not unusual; it is contained in the Commonwealth Conciliation and Arbitration Act. Expert witnesses may have to be called from other States; an organization may wish to call them but, if the Arbitrator says they should be called, the Government should be obliged to pay their fees.

The Hon. Sir THOMAS PLAYFORD: The amendment goes much farther than the Leader has indicated. It does not refer to a witness called by the Arbitrator; the Act provides that such witnesses shall be paid. The amendment could relate to any expert witness brought from anyhere.

Mr. Lawn: The Arbitrator must certify that he is an expert witness.

The Hon. Sir THOMAS PLAYFORD: It could apply to any expert witness brought from anywhere and not sought by the Arbitrator.

Mr. Lawn: That is a reflection on the Arbitrator. He would not certify if he were not satisfied.

The Hon. Sir THOMAS PLAYFORD: He would have to certify only that he was an expert witness, not that he brought him or wanted him or that his evidence was of any consequence. So long as the person posed as an expert witness, the Government would be liable to pay his fees. If the Arbitrator sends for an expert witness, the Bill provides that fees shall be paid. However, if the amendment is carried, an expert witness may be brought from Sydney but the Arbitrator may not consider his evidence relevant yet, under the amendment, his fees would have to be paid.

Mr. Shannon: He may be a Queen's Counsel, which would immediately qualify him as an expert.

The Hon. Sir THOMAS PLAYFORD: I think the member for Norwood would say that a Q.C. might be an expert on a number of questions. If the Arbitrator wants to hear an expert witness, he has power to call and pay

him. However, the amendment provides for payment to a witness produced by applicants.

Mr. Shannon: Many experts would be brought here.

The Hon. Sir THOMAS PLAYFORD: Yes, provided that the Government paid. No costs are allowed in these proceedings. All the expenses of setting up this machinery are borne by the Government, and in the circumstances I ask the Committee not to accept the amendment.

Mr. LAWN: I would not have spoken but for the way the Premier attempted to "rubbish" the amendment and but for the interjection of the member for Onkaparinga. When he has no valid arguments, the Premier tries to brush matters off. He has no valid argument against this amendment and suggests that a party (and by this he means a union or the Public Service Association) would bring a witness from Sydney when, in fact, his evidence would have nothing to do with the case. Unless he were an expert witness associated with the matter before the Arbitrator he would not be so recognized and the Arbitrator would not so certify. Therefore, the party concerned would have to pay the expenses.

It is rubbish to suggest that a Queen's Counsel would be an expert witness. He may be on points of law, but not necessarily in regard to any matter that may come before the Arbitrator, who therefore would not certify him. Honourable members opposite accuse us of having a lack of confidence in certain people when we criticize certain matters. If there were any expression of a lack of confidence in the future Arbitrator, it was the suggestion by the Premier. When he suggests that a party may get an expert witness who had nothing to do with the case, that is a reflection on the Arbitrator. I have sufficient faith in people who have held such positions to know that they would not issue a certificate unless the person was an expert witness on the matter before the Arbitrator. The purpose of arbitration is to arbitrate to arrive at a fair and just settlement. Expert evidence should be available to the Arbitrator so that he may give a fair and just decision.

Mr. SHANNON: The Government has been generous in accepting full responsibility for the expense associated with this scheme. If the Arbitrator wants expert advice, he has full power under the Bill to obtain it, and the witness's fee will be paid by the Government. If we accept the amendment there will never be a case before the Arbitrator in which there will not be some experts. The poor, unfortunate Arbitrator will have the very odious task of rejecting expert evidence brought forward by the people who want an increased salary. It is obvious that the Opposition does not care how much cost is involved.

Amendment negatived; clause passed.

Mr. FRANK WALSH: I move:

At the end of subclause (2) to add the following proviso:

> Provided that no person shall be compelled to answer any question the answer to which would tend to incriminate him.

I believe that if the person concerned is likely to be incriminated on the evidence he may give, he should be excused from giving evidence.

The Hon. Sir THOMAS PLAYFORD: I do not believe that the amendment is necessary. I do not know common law very well, but I have always understood that any person at any time in any court of law may refuse to answer questions that may incriminate him. Apart from that, this is an arbitration matter, and the question of prosecuting persons for offences does not arise. The arbitrator's function is to seek the truth about matters on which there has been an application. The only occasion on which the question of incrimination could arise is where a person is asked whether he is a competent person, and it might tend to incriminate him if he had to say he was not! I think that on general grounds the amendment is not necessary, because in any event it is a well-established principle of law that no person in any court is obliged to answer any question which in any way might tend to incriminate him.

Amendment negatived; clause passed.

Clause 10—"Arbitrator to act according to good conscience."

Mr. FRANK WALSH: I move:

At the end of subclause (1) to add the following proviso:

> Provided that the Arbitrator shall state his reasons for any determination made by him.

This is a reasonable provision.

The Hon. Sir THOMAS PLAYFORD: I have tried to find a precedent for this amendment, but I can find none. I am informed by the Crown Solicitor that the Commonwealth Act certainly does not provide any such precedent, and I consider that this provision, far from improving it, would hinder the legislation. The Arbitrator is required to hear a case and, having heard it, to make a determination, and if he has to spend his time writing out reasons for his determinations he certainly will not give a determination so quickly. This amendment would not help him. In any event, it was not asked for in the first place,

and, as far as I know, it has never been a feature of arbitration law. In fact, on numerous occasions with Commonwealth tribunals three judges have given totally different figures and all for the same reason, namely, that they thought that the application was justified or that it was justified only to a certain extent. It is a matter of judgment. I hope the amendment will not be accepted.

Amendment negatived.

Mr. FRANK WALSH: I move to insert the following new subclauses:

(2) Any determination of the Arbitrator under this Act shall be subject to any award or order of the Industrial Court and to any industrial agreement filed in the said court.

(3) Nothing in this Act shall be so constructed as to abridge any power of the Industrial Court under the Industrial Code, 1920, and the Acts amending same.

These provisions are practically the same as sections 33 and 34 of the Public Service Act, and they should be included in this legislation for the Arbitrator.

The Hon. Sir THOMAS PLAYFORD: When the legislation was drawn up it was not proposed to take away any right of appeal. The legislation was drawn up with the object of leaving intact the existing right of appeal and it was considered that the legislation provided for that. Since that time a contrary opinion has been expressed, I think by the Crown Solicitor, that as the legislation deals with specific matters it could interfere with the existing rights of appeal, and under those circumstances I have no objection to the Leader's amendment.

I suggest to the honourable member that an amendment made earlier should be incorporated in his present amendment. It was always the Government's intention that the right of appeal should be maintained. When the legislation was drafted there was a provision taking away the right of appeal but on my instructions it was struck out. I suggest that the Leader amend his amendment by inserting after "any" where first occurring in new subclause (2) the words "return giving effect to a". It is a drafting amendment but it makes the position clearer. If the Leader's amendment is amended as I suggest the Government will accept it.

Mr. FRANK WALSH: I agree with the suggestion and ask that I have leave to amend my amendment by inserting after "any" where first occurring in new subclause (2) the words "return giving effect to a".

Leave granted.

Amendment as amended carried; clause as amended passed.

Remaining clauses (11 to 15) and title passed.

Bill reported with amendments.

WILD DOGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1393.)

Mr. LOVEDAY (Whyalla): This Bill has been introduced with a view to aligning the Act with the Dog Fence Act in its main provisions. As most members are aware, the provisions of that Act and of the Wild Dogs Act apply to the same people—pastoralists in outback areas that are permanently fenced—so it is desirable to bring these two Acts into line as much as possible. The Wild Dogs Act was introduced in 1931 to provide for the destruction of wild dogs, and it has been amended on five occasions. The provision relating to aerial baiting was inserted by amendment in 1951, which provided that an expenditure not exceeding £2,000 in any one year was to be made from the rates obtained under the Act on purchasing and dropping baits. The original rate under the Act was 1s. a square mile. That was fixed in 1931, and in 1953 it was increased to 1s. 6d. a square mile. It does not appear to have been necessary to increase that rate since and, in fact, the financial position of the administrative body, as I will show later, indicates that there appears to be no reason now for an increase in that rate.

The rate is applicable to all land within a vermin-fenced district or other land proclaimed by the Governor, subject to a number of specified exceptions. It also covers land under lease or agreement from the Crown, which is liable for half of the annual rental or the annual instalment for every square mile. The minimum rate was fixed in 1931 at 5s., but that does not appear to need any reference except to say that owing to the way in which the Wild Dogs Act is lined up under this Bill to meet the provisions of the Dog Fence Act there has to be a small difference relating to the rating period, which is altered in one clause to make these two Acts uniform. The rates have to be paid into a fund, and the fund is augmented by a Government subsidy on a pound for pound basis for rates received, plus any sums advanced by the Governor to the Treasurer out of general revenue for carrying out the objects of the Act. These advances were not to exceed £2,000

at any one time. This provision was fixed in 1931, and an amendment in 1953 increased the amount from £2,000 to £4,000.

The object of the Bill is to make the rating period the financial year instead of the calendar year, as it is in the principal Act. This will enable the account for the two rates, that is, the rate under the Dog Fence Act and the rate under the Wild Dogs Act, to be sent out at the same time. All rates are to be paid directly into the Wild Dogs Fund, instead of being paid in after deducting the cost of aerial baiting and administration. This will also save cost in departmental administration. The maximum amount to be spent in any year on aerial baiting is to be increased from £2,000 to £3,000. The original figure was set 10 years ago, so that increase is reasonable, in view of the change in the value of money. Rates will be charged only on the square mile and not on portions of a square mile, and that again brings this Act into line with the Dog Fence Act. The minimum ratable area is increased from three square miles to four square miles, and this also brings the provision into line with a similar one in the Dog Fence Act.

The rest of the amendments are consequential, except where an error is rectified and more appropriate language is used. The Auditor-General's report on this fund shows that the income paid into the Wild Dogs Fund in 1959 amounted to £11,387, including the subsidy from the Government of £4,000. There was a slight increase in 1960, when the total income was £11,464, including a subsidy of the same amount—£4,000. The expenditure for these two years was £3,523 in 1959 and a somewhat lesser amount— £2,081—in 1960. The cost of aerial baiting in 1960 was somewhat higher than in 1959, and the extra expenses associated with aerial baiting justify the increase in the allowable amount every year for this feature. The balance-sheet for the fund shows a sound position, with assets of more than £18,000, so there seems no reason why the rate should be increased, although it has remained for a long time at 1s. 6d. The Bill seems to be desirable in all its aspects, and therefore I have much pleasure in supporting the second reading.

Mr. QUIRKE (Burra): I wish to say only a few words regarding aerial baiting of wild dogs. I do not oppose the aerial baiting of wild dogs, but I wonder whether information has been gathered on the losses to dog packs through aerial baiting. I should say that certainly no statistics have been compiled of the losses of our native fauna which, once destroyed, can never be replaced; it is unique in the world, and I sometimes think that in the interests of certain features of our economy we blatantly disregard the valuable heritage that we have in the rather priceless animals that are indigenous to this country. Recently, I was reading of what happened to bird life in England. Birds that were common there 10 years ago are now almost museum pieces because of the terrific losses occasioned through the use of poison sprays. It is well known that we might be going the same way in the poisoning of rabbits. We would be doing this in the interests of economics and production, but if we upset the balance of this country too much, for instance, through the destruction of our birds, we will find that other pests will come in and we will need more and more poison sprays to combat them.

We perhaps kill the crows in the interior, although that is not an easy thing to do because crows regurgitate a poison. The crow, although damaging in some respects, is extremely valuable in other respects as a scavenger, and if it were not for this bird the blowfly pest would undoubtedly be of far greater proportions. We tend to think along the lines of monetary values and production, with a complete disregard of what we are doing to the balance of nature. We seem to completely disregard what we are doing to the types of animals which are unknown anywhere else on the face of the earth and which are rapidly being extinguished by the imported fox and other media, now, I suppose, likely to be exterminated *en masse* with poison baits. I feel strongly that we are doing so little to protect the natural fauna of this country, and when we see mass destruction like this I think we are likely to be branded in the future as guilty people.

Mr. Loveday: Has any investigation been made as to other effects?

Mr. QUIRKE: No, and I am querying whether any statistics can be given. It would be difficult to compile them, I suggest, but a bait that will kill a dog will also kill other types of animals, and birds too. There must be some losses and, as the wild dogs are probably fewer than some other creatures, probably the native life suffers most heavily. I should like that to be considered. If anything can be produced to show me that my fears in this regard are groundless, I should like to know, because I have a high regard for the type of

animal indigenous to this country, in the main perfectly harmless animals belonging to past geological ages. We think nothing or little of them, yet other countries will go to any lengths to obtain specimens of them.

The dingo does not get the ground bird. The dingo was here before we came, and he never upset the balance of nature; the birds persisted. Many things have gone out of existence since we arrived. The dingo is still with us because he is more cunning, but the fox has done more damage than the dingo ever did in thousands of years of habitation in this country. I voice these remarks because of my fear that, in our regard for the saving of some sheep and lambs (and we have to save them), we may be completely disregarding the natural fauna of this country. I should like to see extensive arrangements made for the preservation of some of that marsupial life that inhabits the centre of this country by protecting it even to the extent of fencing large areas, from which the fox and other like animals can be excluded, where the animals could follow their natural habitat. We should be thanked for that in years to come, whereas we shall probably be marked down as wholesale destructors. In Africa, no attempt was made to protect some animals there and they are gone completely. Once they are gone, they are gone forever. I hope that we can obtain some data on whether any observations have been made to show that my fears in this matter are groundless.

The Hon. D. N. BROOKMAN (Minister of Agriculture): I want to refer to honourable members' comments. I think I have interpreted the wishes of honourable members correctly in anticipating that there will be no opposition to this Bill, but the questions posed by the member for Burra require, to my mind, some attention. I shall tell him what I know about the present position and shall get some further information for him if it is available. This Bill comes under the Minister of Lands. As Acting Minister of Lands I introduced it but I do not claim to have a deep knowledge of the subject. As regards fauna in the far north of South Australia, the baits used are possibly attractive to some kinds of birds. A study of the file reveals this definition of baits as used in 1960—and I presume it is the same today. The definition reads:

> ½in. cubes of prepared brisket or cane fat, each cube containing one-half grain strychnine tablet wrapped in greaseproof paper.

I have never been able to poison a crow myself although I have tried. I think most people would find it difficult—but that may be beside the point. I should not like to see many native birds destroyed by this aerial baiting. The general information from ornithologists about the bird population in the outback is that it is more controlled by the seasons than by any act of man. This is natural pastoral country, the sort of country where wild dog baiting goes on. Such birds as the parrot family would depend largely on the seasons. They become extinct in certain areas with a bad season, and they gradually come back after a series of good seasons. That is my first point. The kind of birds that would pick up poisoned greasepaper such as this may well be crows. There may be other birds that live on carrion that could be destroyed. I will attempt to get some useful evidence upon this but, generally, I have not heard of any concern by ornithologists about this.

I have information about where the baits were laid in 1960. It can be described as being outside the dog fence from New South Wales to the east-west line and north towards Oodnadatta; not within five miles of the dog fence or in the channel country. That is a rough definition of where they were laid. I have a report here by Captain N. S. D. Buckley, well-known to honourable members for his experience in these things. He has done much flying for bait-laying and has taken a personal interest in this problem. I shall pick out of the report one or two sentences that appear to be relevant. This is a report on aerial bait-laying from October 20 to October 28, 1960—a year ago. This part reads:

> It is interesting to note two rather significant features of this continued campaign: (1) The absence of the dingo in the numerical strength noted in the first two or three years of operation, and (2) the increasing numbers of sheep being run outside the dingo-proof fence. One, however, needs to temper one's satisfaction at this evidence of what could be taken as apparent success with the fact that the area not far to the north in all directions (100 to 150 miles) is still heavily infested. Under good conditions the animal has been known to travel in excess of 30 miles overnight.

There is no report on actual bodies, because this was done by an Auster aircraft. However, I will try to get the information. We must pay more and more attention to the preservation of our native fauna and, in particular, our native birds. The dingo is obviously a pest that has to be eradicated where possible, and the same applies to introduced pests. There is much bird life but little of it harms anyone.

Mr. Shannon: Sometimes it does much good.

The Hon. D. N. BROOKMAN: Yes, and, if we find that this baiting affects the bird life numbers, it may be possible to amend the procedure to improve the situation. I thank honourable members for their support.

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

BOTANIC GARDEN ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

DOG FENCE ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION.

The Legislative Council intimated that it had appointed the Hon. A. F. Kneebone to fill the vacancy on the Joint Committee on Subordinate Legislation in the place of the Hon. A. J. Shard.

SUPERANNUATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 18. Page 1391.)

Mr. FRANK WALSH (Leader of the Opposition): I support the Bill. Contributors to the Superannuation Fund are pleased that they are to receive some increase in benefits to bring the South Australian scheme more into line with the benefits being paid by the other State schemes and by the Commonwealth. It should be noted that the increases granted, to a large extent meet the recommendations made by the Labor Party since at least 1958, but at this stage I would point out that these increases, although welcome, still do not measure up to what we on this side of the House believe should be paid. The Government has repeatedly told us that the superannuation scheme could not carry additional benefits without going bankrupt, but apparently Labor's efforts over the years have at least penetrated the financial barrier of the Government and convinced it of the reasonableness of our claims. However, as I said before, the conditions granted do not go far enough and I shall have something further to say on this later.

There has been much dissatisfaction among contributors to the South Australian Superannuation Fund over contributions and benefits. Perhaps the true test of fair treatment is a comparison with other funds provided by the Governments of the other States and of the Commonwealth. Contributors to the South Australian fund do not expect fantastic generosity, but they do expect to receive treatment that compares favourably with that provided by similar funds for similar workers in this State and in other parts of Australia. Contributors to this fund pay higher contributions for the same amount of pension or get a smaller pension for the same contributions than their counterparts employed by other State Governments and by the Commonwealth Government. Even with the increased benefits, our scheme is still open to the same criticism.

With the increases granted under the present Bill, it is not now possible to compare the Commonwealth scheme unit by unit with the South Australian scheme, but it can be converted to a comparable basis by comparing, for example, 16 units of the Commonwealth scheme with 14 units of our scheme. A contribution for this scale would provide a benefit of £728 per annum on retirement in each case at 65 years of age, and this rate approximates closely the present State basic wage of £14 3s. per week. The following table illustrates the fortnightly contribution necessary at various ages to qualify a contributor for a pension of £728 per annum:

Age in years.	Fortnightly contribution by contributor. State scheme.			Commonwealth scheme.		
	£	s.	d.	£	s.	d.
16	1	1	5	1	0	0
20	1	6	1	1	3	8
30	2	1	5	1	17	0
40	3	10	7	3	1	0
50	6	17	0	5	18	4
60	22	16	8	19	15	8

Members can see from this illustration that the criticism we made last year (that benefits paid by our scheme were not as generous as those provided under the Commonwealth scheme) still applies. Members can see from the table that contributors to the South Australian scheme pay more than the contributors to the Commonwealth scheme in all age groups. There is some variation over the ages, and the increased contribution necessary from contributors to our State scheme when compared with the Commonwealth scheme ranges from about 7½ per cent at 16 years of age to 16 per cent at 60 years of age. The increase of one-seventh in the pension payable has overtaken some of the injustice, but, in my view, it goes only half way. If there had been an increase of two-sevenths in the pension

payable without any increase in the contributions payable, our scheme would have been on about the same footing as the Commonwealth scheme, and, in that case, I consider that this Government would have then done justice to its employees.

Over the years, the Treasurer has always said that this Government has contributed more to the South Australian superannuation scheme on a percentage basis than have other Governments with comparable schemes. The Treasurer is well aware that it is not possible to make such comparisons truly comparable without making some adjustments for special factors, such as the age of the scheme and additional benefits granted to selected groups of contributors. The present Government contribution is 80 per cent, but it is gradually falling and will eventually be on a 60-40 basis. The present increased contribution from the Government is caused by extra benefits being granted to special sections of contributors and for which the Government accepted the major part of the expense. As an example, several years ago pension eligibility was extended and many officers were approaching the retiring age who, by reason of the stringent years of the 1930's as well as lower salaries, had not been able or had not been eligible to contribute for a large number of units. In this instance, the Government allowed these officers to contribute at the rate for age 50 and, in effect, carried the additional expense.

According to *Hansard* of October 1, 1958, the Treasurer, when presenting a report of the Public Actuary, said that Commonwealth contributors paid only £13, or 28.3 per cent, of the £45 10s. unit. Under the South Australian scheme, contributors paid £18 4s., or 40 per cent, of the £45 10s. unit. With the increased benefits proposed by the Bill, the South Australian contributor will now pay 35.4 per cent of the unit, and that is why I say that this Bill goes only half way in providing justice for contributors in this State. The fact still remains that both the Commonwealth and the State schemes are on a 60-40 basis and contributors to the State scheme still pay more than do contributors to the Commonwealth scheme for the same benefit. If the Public Actuary certifies that the fund cannot stand additional benefits without increased contributions, the Government should be prepared to consider making additional contributions to the scheme to cover special factors that operate under the South Australian scheme but do not operate under the Commonwealth scheme.

I was pleased to see increased benefits for widows, children and orphan children. This is a measure which has been raised repeatedly by members on this side of the House and which has just as repeatedly been refused by members of the Government. When pointing this out previously, we stated that this improvement would not cost the Government much financially but would provide a desirable protection for widows and children. It is gratifying that the Government is at last convinced that this improvement is possible. However, once again the Government has gone only half way with this measure, because the proposed increase raises widows' benefits from 57 per cent to 60 per cent of the benefit payable to a contributor, whereas, under the Commonwealth scheme, a widow receives five-eighths, or 62½ per cent.

Talking in percentages does not give a clear picture. Also, members may say that the Commonwealth unit is worth only £45 10s. and therefore does not give a true comparison. Consequently, I have chosen two examples: officers on £1,000 a year and £2,000 a year. An officer receiving £1,000 a year is eligible under the proposed scheme to contribute for 12 units, entitling him to a pension of £624 a year, and, in the event of his death, his widow is entitled to £374 8s. a year. Now let us see what would happen to a comparable officer in the Commonwealth Public Service. He would be eligible for 15 units, entitling him to a pension of £682 10s. a year, and, in the event of his death, his widow would receive £426 11s. 3d. a year. In other words, the widow of a State Public Service officer would receive about £1 a week less than a comparable Commonwealth widow. Similarly, where an officer receives a salary of £2,000 a year, under the State scheme he is eligible to contribute for 24 units, entitling him to a pension of £1,248 per annum, or his widow to £748 16s. per annum. The comparable figures under the Commonwealth scheme are 30 units, £1,365 pension for the officer, and £853 2s. 6d. pension for his widow, respectively. In other words, the widow of a State officer on this salary would receive about £2 a week less than the comparable Commonwealth widow. Members may think that £1 or £2 a week is not a large figure, but when one considers that these widows would be existing on from £7 to £15 a week, the differences I have mentioned could make a difference between living in reasonable conditions and merely existing.

Even though the Government has gone only half-way, it is better to have half a loaf than

no bread at all, but I request that, when the Government again considers the Superannuation Act, it give consideration to bringing the widow's proportionate pension to five-eighths of the contributor's pension, thus bringing it into line with the benefit under the Commonwealth legislation. I have examined all the machinery changes of the Act but, as I do not disagree with them, I do not see that I need weary the House with any comments on them. When the scheme was first introduced, contributors on the basic wage were limited to four units. In those days the unit was worth about 11 per cent of the basic wage, but today it is worth only about 7 per cent.

I mention that in passing because I—like many of my colleagues here—believe that under any superannuation scheme, unless its units can maintain their percentage value of the basic wage, hardships will be imposed somewhere along the line. A straightout insurance policy may have been taken out, say, 10 years ago for £1,000, but what value has the £1,000 today compared with what it had 10 years ago? When such a policy matures the asset has depreciated considerably. The same principle applies to superannuation. I consider that the superannuation provisions should always be linked to a percentage of the basic wage per unit. I know that outside authorities and a number of individuals desired that the value of the unit be increased to 22s. 6d. I consider that each unit should be worth 22s. 6d. and that the Government could afford to pay that increase, but that is the Treasurer's responsibility and the Opposition is prevented from moving an amendment along those lines. This seems to be a case where the contributors, if they do not accept the proposed increases, can go without. Subject to the foregoing comments, I support the second reading.

Mr. COUMBE (Torrens): I welcome the Bill and warmly commend the Government for introducing it. In effect, it is a major overhaul of the Act which has existed for many years. It also represents a re-write of certain sections of the legislation. In my view the provisions are generous, especially the all-round increases which the Bill effects. It seems that these provisions result from deputations and representations made to the Government by members of the Public Service Association, and I am sure the association and all those who are to benefit will welcome them. The association has apparently received what it requested, following a number of conferences. I know that the many public servants and superannuated officers who reside in my district certainly welcomed the Bill, and they have expressed to me their delight at its introduction.

The general effect of the Bill is to increase all the benefits, and when we consider that, together with the fact that no increase in the rates of contributions is called for, we see that the Bill is really worthwhile. However, I point out—and I think the House should note this fact—that when the Superannuation Act was first introduced many years ago the Government's contribution was on a 50-50 basis. Today we find that under these provisions the Treasury's contribution will be about 80 per cent and the contributor's about 20 per cent. I do not suggest that this should be changed in any way, but I remind members that the position has altered radically since this Act was first introduced, and it poses the question of how much the taxpayer should be called upon to contribute in this connection. I doubt whether this ratio can be increased much more without imposing too serious a burden on the taxpayers.

The provision regarding the number of units of pension which may be taken up has certainly been liberalized, because in future there will be no arbitrary maximum number of units that any contributor may take up. In the past there has been a definite limit to the number of units that could be contributed for, but that has now been eliminated. I consider that the provision whereby certain members of the Public Service may elect to contribute for pensions of not more than one-half of their salaries will not cause any hardship, because the provision must apply to only a handful of very senior public servants. The number of reserve units that may be taken out is doubled, and that is certainly a worthwhile aspect of the scheme.

The value of the unit is to be increased from £45 10s. to £52 a year. That will apply to all the units that are being contributed for now and those to be contributed for in the future. The net result is that greater benefits will be provided without any increase in contributions. Present contributors will not be affected by the new scale of unit entitlement, and all such contributors will receive, at no cost to themselves, an increase of one-seventh in the value of their pensions. Last year an amendment was made for the benefit of those who had retired at a certain time. Now an adjustment is to be made in that respect and not only will this rectify

a position that has been anomalous and criticized but future contributors will pay no more than present contributors pay for each unit. So this is a worthwhile clause.

There are some striking increases in benefits for dependants. For instance, the pensions for children of deceased contributors are doubled from £26 to £52, while the pensions for children of widows retiring through invalidity are doubled to £104 a year and orphans' pensions are also doubled to £104; so that all children's and orphans' rates are doubled. That alone is much to be commended.

The widow's pension is increased by one-fifth. In fact, the existing pension for widows is increased by one-fifth. The increase of one-seventh made last year for the first ten units has been applied to all units and, at the same time, the pension payable to pensioners who have since retired or reached retiring age before the unit increase is increased by a like amount. I am pleased that these anomalies are to be corrected. Many public servants in my district have approached me on this and expressed their delight that this Bill has been introduced in its present form. I welcome its introduction because it is a great step forward in this type of legislation. The Superannuation Bill in South Australia is on a par with similar Bills in other States, and the benefits are generous compared with those in other parts of Australia. I commend the Government for introducing it. It is appreciated by most public servants and certainly by retired officers, and widows and their children. I hope the Bill has a speedy passage through this House.

Mrs. STEELE (Burnside): I, too, rise with much pleasure to support this Bill which I think must surely answer any criticism previously levelled at the Government for its attitude towards and treatment of contributors to this fund. The Treasurer undertook (about this time last year, I think it was, when he introduced a Bill that corrected certain anomalies) that this session there would be a complete review of the whole Act. The Bill before us has done just that, and all the points raised from time to time have been considered. The main thing is, I think, the increase in the value of the unit of pension from £45 10s. to £52, which puts the South Australian contributor to the fund now on as good a basis as, or on an even better basis than, contributors to superannuation funds in other States.

When I was in New South Wales a few months ago, I read that the Minister of Justice in that State was about to place a proposition before his Cabinet to increase the value of each unit there from 17s. 6d. to £1. But I have heard since that such a move was not acceptable to the Ministry—and this, mark you, was in a Labor State! Furthermore, there will now be no limit to the number of units that a contributor may take up, but officers on higher salaries will be able to contribute to a pension not exceeding one-half of their salary. A further advantage is that some officers who now hold the present maximum of 36 units will, up to March 1 next, be able to take up extra units, which will have the effect of bringing their pension entitlement up to one-half of their salary. Further, the number of reserve units that may be taken up by a contributor has been doubled. Again, the value of the unit relating to widows' pensions has been increased by one-fifth, whilst in the case of children of deceased contributors, children of widows retiring through invalidity, and orphans, the unit value of pensions has been doubled. It is good to see that the increase of one-seventh applying to the first ten units, which was introduced last year, has been extended to all units. The Bill also increases the pensions payable to those who have since retired or reached the retiring age before this present move to increase the value of the units. Of course, none of these liberalized benefits will incur a greater contribution on the part of the contributors to the fund.

One amendment that I am particularly pleased to see is in clause 30—inserting after the words "female contributor" the words "who does not leave any child of herself in respect of whom pension is payable under section 43a of this Act" so that the same benefit will be extended to women contributors as has always been the case as far as men contributors to the fund are concerned. This is desirable and just because many women in this day and age are the bread-winners and support their families. For instance, a woman public servant could well be the sole means of support for, say, an invalid brother or sister. She retires at 60 and enjoys her pension for perhaps only a year and then dies. The member of her family whom she supported may well become a charge on the State because his or her means of support has vanished and the money that the contributor has paid into the fund over a good many years reverts to the fund.

I was given an instance only a few days ago where a woman teacher who had reached a high position in her profession retired after 40 years in the department and after only one

year she died, but the accumulated contributions she had made for all those years reverted to the fund. None of that money, which, if she had put it into insurance or any other form of investment, would have been paid to her dependants, was paid into her estate.

Clause 30 brings women into line for the benefits applicable previously only to a male contributor. At his death, if we look at section 45, it says:

There shall be paid to his personal representatives, or, failing them, to such persons as the Board determines, a sum equal to the actual amount of the contributions paid by him to the Fund . . .

I believe this to be a very good Bill. This is confirmed by the few representations made to me since the Treasurer's second reading explanation was made public. This is different from previous occasions on which the Act has been amended when I was more or less inundated by visits and letters from retired public servants, of whom there are many in my electorate, who felt that the previous Bills had not gone far enough. I read in the press (I think on Friday of last week) that the Secretary of the Public Service Association had expressed himself as happy with the Bill. I think that that indicates that there is general approval by members of the Public Service Association. I support this Bill which generally liberalizes the benefits under the Superannuation Act as outlined by the Treasurer.

Mr. LAWN (Adelaide): I disagree with the member for Burnside when she says that public servants have expressed general satisfaction with the Bill. We are restricted in our consideration of this Bill because no member can move to improve it along the lines requested by members of the Public Service. However, like others, I am prepared to accept half a loaf if I cannot get a full loaf. No matter for whom I have worked, I have always maintained that I have not been paid enough, but when I have been offered more I have accepted it. I have always accepted improved conditions. I have been informed by contributors to this scheme of their discontent with the Superannuation Fund. Members of my union, who contribute to this scheme, constantly complain about it.

In 1926 the contributors to this fund were on a par with contributors to schemes in other States, but the position has since deteriorated. Of course, from 1924 to 1927 we had a Labor Government. From 1927 to 1930 we had a Liberal Party Government, then we had three years of the Premiers' Plan, and since 1933 we have had a Liberal Party Government.

Mr. Hall: Hear, hear!

Mr. LAWN: It is all very well for the honourable member to say "hear, hear", but we have not had worse conditions than we have had under a Liberal Party Government. Our Workmen's Compensation Act is the worst in Australia, despite occasional minor improvements. According to contributors, our superannuation scheme is the worst in Australia. Of course, big landholders naturally say "hear, hear" to the Government's proposals, but what about the workers who are employed by the Government or in industry? How do they get on?

Mr. Laucke: Very well under this legislation. The Government's contribution—

Mr. LAWN: To bring this into line with other superannuation schemes in the Commonwealth the Bill should provide for 22s. 6d. a week for each unit.

Mr. Shannon: Why didn't the New South Wales Government do that?

Mr. LAWN: The member for Burnside said that when she was in Sydney a Minister was going to introduce a Bill but could not get agreement in Cabinet. I ask the member for Onkaparinga whether that position could arise. If a Minister here could not get approval of Cabinet would that become public knowledge? Would people come here and on their return to another State say, "The Treasurer of South Australia wanted to introduce a Bill but the other members of the Cabinet wouldn't let him"? They might be able to say that the Minister of Lands wanted to do something but the Treasurer wouldn't let him. No-one will convince me that the rumour mentioned by Mrs. Steele was based on fact. I am sure that if a Minister in New South Wales wanted to do what Mrs. Steele suggested, he would have the support of all other Cabinet members.

Mr. Hall: How much is a unit worth in New South Wales?

Mr. LAWN: I have not the figures for all States: they all vary. I was not going to participate in this debate until I heard the remarks of the members for Torrens and Burnside. In April the Treasurer was asked to increase the value of each unit to 22s. 6d. and to make the payment to a widow two-thirds of the amount of the pension contributed for. The Bill, however, provides that a widow shall receive only three-fifths of the pension. The contributors asked the Treasurer

to increase the payment for children to £2 a week, but the Bill provides for £1 a week—half of what was asked for.

I have always argued that workmen should not be penalized because they live in one State. The South Australian employee should be entitled to comparable superannuation benefits and comparable workmen's compensation with employees in other States. We are one nation, or should be. Of course, the Liberal Party wants to increase the number of States to further divide the people. The cost of living in South Australia is constantly increasing, and that fact should be considered when determining superannuation benefits. Earlier this year the Treasurer was pleased to announce a £2,000,000 surplus on the year's activities. He gave £1,000,000 to the Electricity Trust and £1,000,000 to some other activities. This State is apparently in a healthy position, so why should the member for Torrens complain about the burden on the taxpayer?

In 1926 our fund was comparable with the funds in other States, but it has fallen behind. When the unit value was increased in the Commonwealth, Victorian, Tasmanian and Western Australian funds from £32 10s. to £39 and then from £39 to £45 10s., the contributions were not increased. Until now, in South Australia every time some slight benefit has been conferred upon contributors to the fund their contributions have been increased.

Mr. Shannon: Except this time.

Mr. LAWN: I said that. A small increase is now proposed. In reply to the member for Torrens, I ask whether that is a burden on the taxpayer. Superannuation funds or other similar schemes are recognized in industry. The Government will not pay over-award rates, which are recognized in industry. In other fields, when a man starts work he always gets a few shillings over the award rates (let members opposite deny that if they can). After three months they get a considerable sum over the award and, after a certain period, they get as much as £2 over the award rate. Sometimes they get a substantial increase after only a short service. The Government, however, does not pay public servants over the rates prescribed by the tribunal that fixes their wages. Surely it is not asking too much to seek for them what workers in other States, or those in South Australia working under Commonwealth awards, get?

The member for Burnside mentioned women contributors and recipients; the easiest way to keep such arguments out of these debates would be to give equal pay for the sexes so that women would make equal contributions and receive equal benefits. We should then not have the discrepancies mentioned by the honourable member. We are not mentioning these things without being prepared to cure them. I advocate now, as I have done earlier this session and in 1959, equal pay for the sexes; this would eliminate much of the criticism raised by the honourable member. She said she knew of a female contributor who was the sole means of support of a brother and sister and that either one or both subsequently became a charge on the State. Does that not apply in all cases everywhere? While we perpetuate a system that discriminates between the sexes, these anomalies must come up from time to time. If we want to eliminate them we can do so only by giving equal pay for the sexes. With the reservations I have mentioned, I support the second reading.

Mr. DUNSTAN (Norwood): I welcome this move by the Government to improve the position of superannuated public servants and those contributing to the Superannuation Fund. However, as pointed out by the member for Adelaide and the Leader, the Bill as it stands does not go far enough. The association requested that a unit be valued at 22s. 6d., but the Bill does not provide that. For a long time this State has been lagging behind other States and the Commonwealth; contributors in other States have been able to contribute for a greater pension and their contributions have been less than in this State. In more recent years, increases have been made in other States without any increase in contributions, whereas there have been increases in contributions in South Australia. In consequence, there has been a long and anguished cry from public servants in this State that they have not been fairly treated by this Government. Many have been the superannuated public servants in my district and widows on pensions who have said, "We have found that the original promises made to an officer on joining the Public Service have been broken because, in effect, inflation has been allowed to erode our pensions and, instead of being in a position of relative comfort (which we would have been entitled to expect from the contributions made at a time when they were a real sacrifice), we are instead in a position of shabby penury because of the eroding of the value of the Public Service pensions."

Although this Bill goes some way and will fairly cope with some previous anomalies, it still does not do justice to the Public Service, which not only does not get the over-award payments to which the honourable member for Adelaide referred but does not get cost of living adjustments to awards as are given by the Labor Government of New South Wales, where not only have public servants been in a better position in relation to pensions over a long period but salaries have been much better because cost of living adjustments have been given to them. Although this Bill goes some way, it still does not do sufficient justice to South Australian public servants. I believe it should provide for 22s. 6d. a unit for pensioners, and that this would be the only fair thing in the circumstances. However, as other members have said, we are forced to accept half a loaf or get no bread. In consequence, since this alleviates the position of pensioners and widows and copes with some of the anomalies that have existed, it deserves the support of members. I hope that next year this State will be in a position to have a Government that will give 22s. 6d. a unit to Public Service pensioners and put them in a position similar to that which they were in under a previous Labor Government, when they were getting benefits comparable with those received by public servants elsewhere in the Commonwealth.

Mr. SHANNON (Onkaparinga): When the Government introduces amending legislation giving material advantages to certain sections, it is said by members opposite that it does not go far enough or that it does not do as much as a Labor Government would do. I am surprised that members opposite are so modest. Fancy offering only 22s. 6d. a unit! Why not make it at least 25s. while they are on the job?

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr. SHANNON: I indicated that I proposed to seek certain information. Although that information is available I understand that it cannot be provided immediately, and as I should like the matter clarified I ask leave to continue my remarks.

Leave granted; debate adjourned.

HOSPITALS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 5. Page 1101.)

Mr. DUNSTAN (Norwood): Like the Leader of the Opposition, I oppose this Bill, which provides that after its passing the board or committee of management of a hospital which is not a Government hospital may from time to time fix, in respect of the hospital, the charges to be levied by that hospital. Following an amendment moved by the late Leader of the Opposition to section 47 of the principal Act, those charges can be made now only if they are fixed by regulation, which regulation has to come before this House and can be disallowed by the House. The proposal in this amendment is that the hospital board, without the approval of this House, will be able to fix the amount of the charge. That might seem very reasonable in a case where the hospital board was simply fixing a charge which it could recover under the normal law of contract and in the circumstances where people did not have to pay those charges if they did not want to because they did not need to take the hospital treatment. But, Mr. Speaker, that is not the position under the Hospitals Act. What the Act provides in relation to these charges is that the hospital concerned is authorized to collect them not merely from the patient but from the patient's relatives. In other words, it goes far beyond the normal law of contract. The hospital may make these charges, collect them, and enforce them against people who need have no knowledge whatever that the patient was even in the hospital and in fact have little connection with the patient in the way of support or maintenance for the patient. They may be people completely at loggerheads with the patient. They may have been treated rather churlishly by the patient and in consequence have been unable to have anything to do with him or her, yet they suddenly find themselves faced with being sued by the hospital for the hospital account.

Mr. Hall: How far does the Act go in that regard?

Mr. DUNSTAN: I do not remember how far it goes, but its provisions are fairly wide. This is a provision rather like that in the Maintenance Act which allows maintenance to be collected from relatives. In the same way, under the Hospitals Act, Government hospitals can collect the charges from relatives. The present provision is that the amount may be recovered from the patient; the husband or wife of the patient; if the patient is under the age of 21 years, the father; if the father is dead, the mother; or the children of the patient who were over 21 years of age at the time the liability was incurred. So it may be, in effect, the spouse, the father or mother, or the child of the person concerned who is liable.

I have known of cases where children, for instance, of aged parents have been faced with

the payment of hospital bills for hospital treatment about which they have known nothing, and in circumstances where they have had considerable commitments themselves. Even though they have those considerable commitments they can be faced with the recovery of this amount against them by the hospital concerned. If that is to be allowed—and my Party has never opposed the allowance of that provision—then I think this House ought to be in a position to scrutinize the charges so that it could say, "Well, if the hospital is going to have this right, which goes far beyond the normal right of contract and gives a special legal right to the hospital to recover charges against people with whom the hospital has had no contract whatever, then this House should be able to scrutinize the charges and say whether they are proper."

This amendment proposes that that shall not be the case, but that a hospital board or committee of management may simply fix the charges; they will not be subject to disallowance by this House, and the hospital may then collect whatever charges it seeks to fix, not just against the patients but against the relatives. The Chief Secretary himself has recently made one or two fairly unfavourable comments about the charges that have been levied in certain instances by subsidized hospitals, and I think those remarks on that occasion were very proper. He himself has expressed disquiet in relation to these matters, and I think it quite proper for the House to view with some disquiet, sometimes, the charges that are made. The charges fixed by committees of management can be recovered by the committees from patients, but they cannot use the provision in this Bill against people who have not contracted with the hospital for treatment, unless they have their charges fixed by regulation which is laid on the table of the House. I cannot see what harm there is in having the charges for subsidized hospitals fixed by regulation in the same way as for public hospitals. If they were perfectly proper charges no one here would object to them. If they went beyond what is proper they could be carefully scrutinized by Parliament and disallowed.

Mr. NICHOLSON (Light): The reason for this Bill is to correct the wrong impression that was given when the 1959 amendment was made on the initiative of the Leader of the Opposition.

Mr. Bywaters: In whose opinion?

Mr. NICHOLSON: The opinion of the House. The amendment then was that all public hospitals should be responsible to the Government for the charges levied, but that was not intended. Subsidized hospitals automatically become public hospitals when they provide a public bed. The 1959 amendment made it obligatory for each of the 49 subsidized hospitals to apply to the Director-General of Medical Services before it could fix fees. This Bill deletes the reference to public subsidized hospitals. Some members opposite are associated with subsidized hospitals in their areas. I think of the members for Gawler, Murray and Frome, and they should have every confidence in their boards to fix fees in accordance with the hospital accommodation provided. If we compare the average daily cost per bed for subsidized hospitals with the same cost for Government hospitals we get evidence of the satisfactory and economical way in which the boards control the subsidized hospitals. Their charges are about 66 per cent of the charges made in Government hospitals. Subsidized hospitals are run by boards which meet fortnightly or monthly. I have been associated with a number of such hospitals in the lower north and the boards have given good and satisfactory service to the hospitals, and the hospitals themselves have rendered outstanding service to the people treated. The boards have never abused their rights, except for the one instance mentioned by the member for Norwood, but that was an isolated accident case.

Mr. McKee: What about Riverton?

Mr. NICHOLSON: I have been close to Riverton and I have not heard of any particular cases, except accident cases. Members connected with boards must see the justification for charging higher fees for accident cases because of the long wait that is necessary whilst arrangements for compensation are made with insurance companies. Sometimes two or three years elapse. I know of no case where less than one year has elapsed. All members are aware of the possibility of effecting insurance against hospital treatment. It is possible for an insurance costing 9d. a week to be effected covering a man, his wife and family. Generally, this insurance meets the charges for ward accommodation in subsidized hospitals, which range from 45s. to 53s. a day. In the insurance, hospitals in the Lower North come within Group I. If the circumstances warrant it, settlement for the accommodation can be arranged in accordance with the insurance. That is recommended for subsidized hospitals.

It is accepted as a settlement for old-age pensioners. The Bill frees public subsidized hospitals from the obligation to apply to the Director-General of Medical Services about the charges to be made for hospital accommodation. It will be agreed that the boards of these hospitals are in the best position to fix the fees.

Mr. Dunstan: Subsidized hospitals must refer their charges to the Director-General of Medical Services.

Mr. NICHOLSON: Yes. That was the position under the regulation. This amendment relieves them of the responsibility of sending along to the Director-General a list of the charges that they wish to make in connection with their hospital.

Mr. Dunstan: That is, if they want to recover them against somebody other than the patient.

Mr. NICHOLSON: But they are responsible for what they have done, and it has been successful. There is no need for it. They would have to make recommendations to the Director-General.

Mr. Hughes: Why is the Government making a further amendment to this legislation?

Mr. NICHOLSON: That is as plain as a pikestaff—to relieve subsidized hospitals of the responsibility of applying to the Director-General in fixing their charges.

Mr. Frank Walsh: Read it again and you will find it deals with insurance companies!

Mr. NICHOLSON: I favour the amendment. There is no doubt in my mind that the public subsidized hospitals of this State have carried out their administrative work satisfactorily. There is no need for them to apply to the Director-General. They have proved themselves by their charges, the satisfaction they have given, and their voluntary effort in hospitalization in South Australia.

Mr. McKee: It is commercialized.

Mr. NICHOLSON: It is necessary for them from time to time (and this will apply to some subsidized hospitals that have been built for 25 to 30 years) to increase their charges in order to replace obsolete equipment. I can assure honourable members that generally they do not spend their money too freely. Should they be expected to apply to the Director-General before they can increase their charges in order to replace that equipment and bring their hospitals up to date? Under this amendment they are required to, but they have proved over the years that they are responsible for satisfactory administration. I support the second reading.

Mr. LOVEDAY (Whyalla): I oppose the Bill and endorse the remarks made by the member for Norwood (Mr. Dunstan). There is another aspect of this that has not yet been mentioned. I have in mind a hospital that has to raise considerable loan money for the purpose of extending. Ways and means are being considered of raising this amount of money, one being the raising of patients' fees. Personally, I am wholly opposed to the raising of patients' fees to meet the capital costs for the extension of a hospital. If hospital boards have the right to increase their fees, as suggested by the honourable member who has just resumed his seat, that could easily happen. That is a particularly good reason why the fixing of these charges should be subject to regulation and not be just at the will of the board. This particular instance is receiving serious consideration and I think most members here will agree that the policy of raising patients' fees to meet the capital cost of hospital extension is fundamentally wrong and cannot be justified; yet it is being seriously considered because of the difficulties being faced by that hospital in raising the necessary funds. For that reason alone, I think that solid opposition to this Bill is justified. I oppose it also on the grounds mentioned by the member for Norwood and hope that it will not be passed.

Mr. LAWN (Adelaide): Briefly, I oppose the Bill on the grounds previously expressed by members on this side, but I wish to draw the attention of the House to two positions arising from this legislation. Earlier this year, the Leader of the Opposition had some complaints lodged with him in regard to charges by private hospitals. The Leader wrote to the Minister of Health about them, and the Minister replied pointing out that there was no control over private hospitals. The matter in dispute was this. It is the usual practice in Government and subsidized hospitals (and, I think, in most private hospitals) that the patient is not charged for the day of admission if he comes in after 12 o'clock. In most cases patients come in late, at about tea-time, and prepare for an operation the next day. A charge is made for the day he goes out and, when the patient recovers Commonwealth benefits and from the hospital benefit fund, he is reimbursed in the way I have just described: no reimbursement for the first day, but reimbursement for the last day. The case brought to the notice of the Leader of the Opposition was one where a hospital charged both for the day of admission where a patient

went in at about 5 o'clock in the evening (it was not before 12 noon because in that case he would have been charged for the day of admission) and was discharged at 10 o'clock two days later. He was charged for the day of admission. The Minister replied to the Leader that the Government had no say in such matters in regard to private hospitals. Private hospitals should be brought under the provisions of the Act in that the fixation of their charges should be on the same basis as applies to Government and subsidized hospitals. Why should subsidized hospitals be exempt? The charges proposed to be made must be made by regulation and submitted to this House.

Another point I desire to draw to the attention of the House it that the Premier (it is eight o'clock now) less than three hours ago was hotly attacking me in particular because I suggested that the Bill then under consideration should provide for retrospectivity. One would have thought that I was committing a crime by asking this House to make the provisions of a Bill retrospective. Of course, it is not surprising when you know the Premier, but anyone who was in the gallery this afternoon and heard the Premier would be much surprised to know of clause 4 of this Bill, which reads:

The amendment effected by section 3 of this Act shall be deemed to have taken effect as from the passing of the Hospitals Act Amendment Act, 1959.

That is two years ago.

Mr. Dunstan: So they can go back two years.

Mr. LAWN: This afternoon I was only suggesting that matters lodged with a certain wages tribunal last year should be dealt with by that tribunal that we were discussing, and that the Arbitrator should have the right to make a determination retrospective to last year. The Premier got up . . .

The SPEAKER: Order! The honourable member cannot refer to another debate.

Mr. LAWN: I am not referring to the actual matter of the other debate; I am referring to a principle which was argued by the Premier this afternoon and is contained in this Bill.

The SPEAKER: Order! The honourable member is out of order in doing so.

Mr. LAWN: I am talking about this one.

The SPEAKER: Order!

Mr. LAWN: You cannot say that I cannot oppose that.

The SPEAKER: Order! The honourable member cannot refer to another debate. I ask him to submit himself to my ruling.

Mr. LAWN: Are you saying I cannot discuss clause 4?

The SPEAKER: I have not said anything of the kind.

Mr. LAWN: I am alluding to the retrospectivity contained in this Bill as a principle.

The SPEAKER: The honourable member is in order in debating clause 4, but I have told him that he is out of order if he alludes to another debate that was conducted in this House this afternoon not dealing with this Bill.

Mr. LAWN: With all due deference to you, Sir, I am not out of order in referring to the principle contained in clause 4 and in saying that only three hours ago the Premier condemned the very same principle.

Mr. Jenkins: This is a different thing altogether.

Mr. LAWN: I am talking about the principle. I am not debating the matter. This afternoon the Premier referred to making an Act retrospective.

Mr. Jenkins: This is not retrospective.

Mr. LAWN: It is. I just quoted the clause. The honourable member must have been out of the Chamber. Clause 4 states:

The amendment effected by section 3 of this Act shall be deemed to have taken effect as from the passing of the Hospitals Act Amendment Act, 1959.

If that is not retrospectivity, I do not know what retrospectivity is. If this Bill is carried it will be effective back to 1959. The argument that the Premier used this afternoon about retrospectivity can be used now. One would have thought it a crime this afternoon to make legislation retrospective, but I only wanted that legislation to be retrospective for a few months; this Bill will be retrospective for two years.

Mr. Quirke: Perhaps it is to be retrospective for a different purpose.

Mr. LAWN: This provision will suit the Government, but the provision this afternoon would not have.

Mr. Jenkins: You believe that people should not pay their debts?

Mr. Dunstan: Nonsense! This is a debt they did not have. You are going to put it back on them.

Mr. LAWN: Yes, the Bill will put a debt back on the patients of a hospital.

Mr. Hall: You are not crediting the hospital boards with much humanity. This is a reflection on the boards of country subsidized hospitals.

Mr. LAWN: One would not have to go far to find a reflection on the member for Gouger, but we will let that pass. I would prefer to bring all hospital charges under regulations. The Bill does not go that far and it intends to exempt some hospitals from bringing their charges before the House by regulation. Consequently I oppose the Bill. I also oppose it because some patients and their next of kin will be required to pay charges that they otherwise would not have had to pay and that is wrong. The Government would have better been able to stand the retrospectivity I mentioned this afternoon than the patients referred to in clause 4.

Mr. HALL (Gouger): This has been an unwarranted attack on the freedom of the actions of boards of country subsidized hospitals. It is an attack on the direction of their business. One would think that these hospitals operated at a great profit. Let members opposite come to my district to see what efforts have gone into maintaining these hospitals. They have been administered humanely and many aged pensioners live out their lives in country hospitals. The small amounts they receive are accepted as full payment for their hospital charges. Some have been in these hospitals for years. Who are we to fix a charge for a hospital which has so many different types of patients, some of whom remain there as a charge on the district? Different rates must be fixed and local people are willing to pay a little extra to maintain that social service. We are not capable of fixing a charge in such circumstances. I think Mr. Lawn's remarks have been a reflection on local boards which have administered their hospitals capably and humanely. I know full well how much effort goes into these hospitals. It is no coincidence that the members who have criticized this Bill are those whose districts are served by wholly subsidized and maintained hospitals.

Mr. Dunstan: Nonsense!

Mr. HALL: It is no coincidence that those who have hospitals in their districts which were built by local effort and maintained by women's auxiliaries are not vocal in criticizing this Bill. I pay a tribute to those auxiliaries which do so much to maintain our hospitals. Let us not forget that local councils are well represented on hospital boards which provide good and safe administration. I resent this attack on their ability and certainly support the Bill.

Mr. QUIRKE (Burra): From my reading of the Bill, I believe there has been some misunderstanding. In 1959 subsidized hospitals were included in the Act, and this Bill proposes to remove them from it. That is the main purpose. By providing retrospectivity to 1959 we move the responsibility to obey that provision back to the time when it originated. The provision does not mean that charges will be made retrospective to 1959 and that grandchildren of patients may be required to pay the charges. The provision was enacted in 1959 and therefore responsibility under that provision has to be removed from 1959.

Mr. Ryan: Is that a legal interpretation?

Mr. QUIRKE: No, it is mine.

Mr. Ryan: Then it won't count for much.

Mr. QUIRKE: It will count here. The subsidy a hospital receives from the Government is only part of the money that hospital is responsible for raising. There are many subsidized hospitals in South Australia which were built before the subsidies were paid. They were built by local residents and they have continued for years giving an invaluable service, rendered more efficient by the fact that they are now subsidized. The hospital boards include representatives of the ratepayers as well as nominees from district councils which have to pay subscriptions to the hospitals. Some hospitals receive money from as many as four councils, and each council has a representative on the board. The boards run the hospitals and in recognition of what they do the Government subsidizes them. It was never intended that these institutions, run voluntarily by people, should have been under this legislation, and this Bill removes them from it and restores to them their freedom of action.

To listen to some members, one would think that once this legislation is passed, the boards will demand abnormal charges from hospital patients. That argument cannot be given credence. In my district there are subsidized hospitals at Blyth, Clare, Burra, Balaklava and Riverton. If one hospital applied abnormal charges it would not have any patients. None of those people wish to impose disproportionate charges compared with the capacity of the people in the district to pay.

Mr. Nicholson: It is their hospital!

Mr. QUIRKE: Yes, and they are not going to endanger the hospital in their district. The hospital board is elected by the people and if it gets out of hand the people know how to handle it. They will not tolerate a dictatorial board forever. The hospitals are extremely well run and are hard-up all the time trying to make ends meet. The fact that they are in their present position is due mainly to good administration, good secretaries, and above all good devoted matrons who, with the help of devoted staffs, look after the hospitals. The subsidized hospitals of South Australia are magnificent and deserve fulsome praise for the work they do under extremely tiring conditions.

Mr. Nicholson: The auxiliaries, too, do good work!

Mr. QUIRKE: The hospitals have all sorts of auxiliaries. People mend the linen and the clothes and perform other work on a voluntary basis. The hospital charges are not exorbitant and the pensioner is not fleeced. The pensioner who joins a hospital fund and pays 9d. a week receives a return of £9 a week if he goes into hospital after a period of three months. That sum, together with £3 from his pension, enables the hospital to receive £12 a week in return for the payment by the pensioner of 9d. a week. In some cases, if the pensioner is in such poor circumstances that he cannot afford 9d. a week, the hospitals pay the 9d. The hospitals do not hammer the life out of the pensioners. Often if the charge is more than £12 a week the difference is written off and the hospital takes only £12. I want institutions like that to be removed from rigid control, because they are doing a good job. Why take the control away from them? If this is going to give that control back to them I am all in favour of it.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I wish to clear up what is obviously a misconception on the part of some members who have spoken. The Government, in 1959, introduced a Bill that was intended to deal with Government hospitals: it was never intended to deal with subsidized hospitals. Subsidized hospitals have never been subject to the type of legislation then introduced. That Bill provided that the Government, by proclamation, should fix Government hospital charges. Honourable members know the categories of Government hospitals. They comprise the Royal Adelaide, The Queen Elizabeth, Mount Gambier, Port Pirie, Port Augusta, Port Lincoln and Wallaroo hospitals. Those hospitals are completely maintained by the Government and the Bill was introduced to enable the Government, by proclamation, to fix the fees chargeable by Government hospitals. The Leader of the Opposition at that time (the late Mr. O'Halloran) said that he would prefer the fees to be fixed by regulation. He drew up an amendment, which Parliament accepted, designed to fix Government hospital charges by regulation. Regulations were drawn up and adopted in this House; they are now in operation. Since the establishment of subsidized hospitals regulations have not applied to subsidized hospitals because they are not Government hospitals. They operate under boards of control that are locally elected boards.

Mr. Riches: Similar to a local government body.

The Hon. Sir THOMAS PLAYFORD: Frequently local government bodies are required to provide certain small amounts towards the hospital revenue. The rating is usually about 2d. in the pound. My point is that the amendment moved by the then Leader of the Opposition did not set out to control the subsidized hospitals. The late Mr. O'Halloran would have been the last person to have wished that because he knew, as every honourable member who has subsidized hospitals in his district knows, of the devoted work done by the hospital boards, women's auxiliaries and everyone else towards keeping charges down. The whole purpose of the work done by the women's auxiliaries and others associated with subsidized hospitals is to keep charges down. It was not realized that that position was changed until recently when an insurance company, acting under a third-party assurance policy, challenged the proposition that it was obliged to pay certain hospital fees to any subsidized hospital on the ground that it should have had a regulation. When the position was examined it was found that the amendment moved by the late Leader of the Opposition was unwittingly wider than he had intended it to be and it brought subsidized hospitals within the scope of the regulations.

That is all that is involved in this matter. I shall move a slight amendment which has been drawn up by Mr. Alderman, Q.C., to cover a defect that has occurred in one or two instances regarding this matter. One or two hospitals have taken the view that, because a person is insured and the hospital frequently has to wait a year or more to recover the damages provided, it would be fair to charge the full amount of the cost of the patient's maintenance in the hospital to the insurance company. In other words, they wanted to

provide an amount that would cover all the hospital costs, which would be a differential amount to that paid by other people. Mr. Alderman and the insurance company realize that is a fair proposition and they do not object to insurance companies paying what might be the full amount, but they do not believe the insurance companies should have any amount at all specified. They want to be able, if they think the amount is excessive, to challenge it. That is the reason for the amendment I have on the file.

Coming back to the honourable member who believes these fees are covered by regulation, let me assure him they have never been governed by regulation. Not one of these hospitals has ever, in the history of subsidized hospitals, been under regulation and, with the exception of two insurance cases—one of which was brought to my notice and in which case the Chief Secretary communicated with the hospital board and cleared the matter up—I have never had any complaint from anyone regarding the question of the amounts charged. Usually they are infinitely less than those charged in Government hospitals. There is no more reason to put those hospitals under regulation than there is to put under regulation any private hospital the Government has assisted. The Government has heavily assisted community hospitals, but they are not controlled by regulation. In those circumstances, I hope members will appreciate the work done by the 49 subsidized hospitals which play a most important part in maintaining medical services throughout the length and breadth of this State.

The House divided on the second reading:

Ayes (14).—Messrs. Bockelberg, Brookman, Coumbe, and Dunnage, Sir Cecil Hincks, Messrs. Jenkins, King, Millhouse, Nankivell, Pattinson, and Pearson, Sir Thomas Playford (teller), Messrs. Quirke and Shannon.

Noes (12).—Messrs. Corcoran, Dunstan, Hughes, Jennings, Lawn, Loveday, McKee, Ralston, Riches, Ryan, Tapping, and Frank Walsh (teller).

Pairs.—Ayes—Messrs. Hall, Harding, Laucke, and Nicholson, and Mrs. Steele. Noes—Messrs. Bywaters, Casey, Clark, Hutchens, and Fred Walsh.

Majority of 2 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act, section 48."

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved:

To add the following proviso:

> Provided that any rate of payment or special rate fixed in respect of the hospital shall be reasonable.

Mr. DUNSTAN (Norwood): I am interested to learn that Mr. Alderman, Q.C., has drafted this. I have a great respect for his drafting ability, but I cannot but think that a clause of this kind will provide a feast for the profession. I cannot see exactly what criteria are to be laid down by the courts as to what shall be reasonable to a hospital or in relation to a special rate. No criterion is laid down in the Act. Is it to be reasonable from the point of view of the hospital's costs? Is it to be reasonable in relation to the other charges made by the hospital? Is it to be what an ordinary reasonable man considers to be reasonable? Nobody knows, as this is a special Act. I do not see how this amendment will give effect to what Mr. Alderman wants and, specifically, to those who need protection under this Act but for whom Mr. Alderman has no particular brief—the relatives.

The Premier would have us believe that there was no reason to treat subsidized hospitals in any different way from community or private hospitals in relation to the fixation of charges. There is a difference in the Act: that those other hospitals do not have the right to proceed against people with whom they have no contractual relationship. That particular right is given by the Hospitals Act to subsidized hospitals and, as they are in a special category, they can levy charges (they can make a particular charge if they choose under this amendment) against the relatives specified in the Act with whom they have no contractual relationship. If they find someone is well off they can "slug" him. They may not; being bodies that have been described here in praiseworthy terms (which apply to many of the hospital boards with which I have had to deal) they may not do anything of the kind. However, I have known of cases where charges have been made by some subsidized hospitals that have been heavy in relation to the people who have been treated. I cannot see any reason why the objection raised by Mr. Alderman cannot be applicable to everyone under this Act and be coped with in the most sensible manner; that is, by having standard charges fixed and subject to regulation. That would cope with the defect, as some special charge would not be made against an insurance com-

pany. If an unreasonable charge were proposed, this House could disallow it. If, as honourable members opposite have said, the boards would never charge anything that was unreasonable, there would be no difficulty to the hospital administration. The suggestion has been made that by insisting that it be done by regulation we are bringing the hospital boards under some kind of control. It is certain that we would bring their charges under scrutiny, but we would not be telling them what charges they were to make, unless they were unreasonable.

If they acted reasonably there would be no difficulty and they could fix and obtain their charges without difficulty. As it stands, I cannot see that this amendment is in any way clear or that it gives any clear protection. Undoubtedly, it would seem that there are some qualms by the Government that it may be that a hospital board will fix an unreasonable rate. That is all the more reason why it should be submitted here in the way at present provided and then there could be a motion for disallowance if the charges were unreasonable. Otherwise, it could pass through Parliament rapidly.

Mr. SHANNON: I do not think that the honourable member knows the position regarding small country subsidized hospitals. He said that there would be no problem for the House to deal with regulations. I see plenty of problems. In this instance it would be a question of how much they would charge patients per day for treatment at the hospital. I know from my knowledge in my electorate that the various hospitals there are run at varying costs per patient per day, and this is mainly brought about by the patronage which a particular hospital gets, due chiefly to the type of medical personnel working at that hospital. All these factors bring about varying costs in every one of these hospitals. We should be expected to understand all the varying factors that bring about the need for variation in the hospitals, and I should not like to have the task forced upon me unless I knew all the factors. I have had much to do with these hospitals and have served on the board of one of them and I have not heard any complaints regarding the charges made. If they have operated, as they have done to my knowledge for 25 years, without causing any problem, obviously we need not worry about that aspect now. If the Opposition had its way and provided for hospital fees to be fixed by regulation, I can see plenty of headaches for those who tried to decide whether the charges were reasonable or not.

Amendment carried; clause as amended passed.

Clause 4—"Operation."

Mr. DUNSTAN: The suggestion has been made that the effect of this clause is that charges made by subsidized hospitals since 1959 have been authorized. That is not the only effect. Another is that people, apart from the patient, may be sued for the money; in consequence may be sued for a debt that may be two years old. That is a considerable retrospectivity. People with whom there has been no contract may be sued for the recovery of moneys on charges that have been fixed by the hospital. They may not have known anything about it and may not have been sued in the interim; but this provision will make them liable for something for which they would not have been liable in the interim. It is the creation of an obligation that did not exist in law and I think it is an extremely bad position. I do not know of any precedent for making people liable in this way for something for which they have in no way contracted, and that is what this is doing.

Clause passed.

Title passed.

Bill reported with an amendment.

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT BILL.

In Committee.

(Continued from October 19. Page 1424.)

Clause 2 passed.

Clause 3—"Amendment of principal Act, section 6".

Mr. SHANNON: I move:

After "in part" to insert "and by inserting at the end thereof the following passage, 'or with respect to any dwellinghouse attached to any premises used as a shop' ".

I bring this amendment up on behalf of a number of people who have shops in the metropolitan area, and I make no apologies for doing so, even though it is more appropriately a metropolitan member's job. I agreed to attempt to get some relief for these people (many of them are friends of mine and their circumstances are well-known to me) because they are fighting for an existence in the savage competition that is going on. In order to compete, one must have a shop area which is large enough to display goods in such a manner that the customers may walk around and make their own selections. That has become the habit, and the old-fashioned over-the-counter service results in business being lost.

It is difficult to obtain figures on how many people are involved. The amendment provides that the shop and dwelling must be owned by the one person, but that the owner must dwell not in the attached dwelling but somewhere else. Those landlords, if they could get possession of the attached houses, could readily extend their shop accommodation and meet the competition which they must do to survive. I do not know whether the Premier has considered this matter, but I hope he will accept this very slight amendment.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I do not object to the proposal, but the honourable member's amendment, as worded, is much wider than he has stated it to be. I would accept it if he restricted it more definitely to a shop than what he has done.

Mr. Shannon: That is all I want.

The Hon. Sir THOMAS PLAYFORD: The amendment says "or with respect to any dwellinghouse attached to any premises used as a shop". I understand that the intention of the amendment is to enable a dwellinghouse to be removed, if necessary, to enable shop premises to be extended. If that is the purpose of the amendment, I am prepared to accept it if the honourable member attaches a few more words to limit it strictly to that purpose. For instance, if he added the words "and for the purpose of extending a shop" or something of that nature, that would limit their application, otherwise the clause would be as wide as the poles.

Mr. Shannon: I accept that.

Mr. DUNSTAN: I do not oppose what the member for Onkaparinga and the Premier want to do, but with very great respect to them I do not think at the moment they are doing it. Clause 3 amends section 6 (2) (*b*) of the principal Act by striking out certain words and adding certain words. Section 6 (2) (*b*) states that the provisions of this Act shall not apply—

> With respect to any lease entered into after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1953, of the whole of any premises which or any part of which was not let for the purpose of residence at any time between the first day of September, nineteen hundred and thirty-nine, and the time of the said passing.

Then it is proposed to add "or with respect to any dwellinghouse attached to any premises used as a shop, when that dwellinghouse is required for the purpose of extending a shop". This is now talking about a lease of a shop entered into after the passing of the Landlord and Tenant (Control of Rents) Act Amendment Act, 1953, and it does not seem to me that that is what the honourable member intends. To achieve what he proposes I think there should be a further subclause in subsection (2) to provide that the provisions of the Act should not apply with respect to a dwellinghouse attached to any premises used as a shop when the dwellinghouse is required for the purpose of extending the shop. However, we then have to provide for the means of establishing that the dwellinghouse is required for the purposes of extending a shop. It seems to me that what really needs to be done to achieve the honourable member's purpose is to amend section 49 of the Act to give landlords a right to recover premises in the circumstances outlined by the honourable member and the Premier. I do not think that would be difficult, and I think it would be the appropriate thing to do. I earnestly suggest to the Premier that if he were to put this matter on motion we could clear it up and draft the appropriate amendment, because, frankly, I think as it stands we would get into all kinds of trouble by having the amendment in the inappropriate section.

The Hon. Sir THOMAS PLAYFORD: I move the following amendment to Mr. Shannon's amendment:

After "shop" to insert "when that dwellinghouse is required for the purpose of extending the shop".

Amendment carried.

The Hon. Sir THOMAS PLAYFORD: I suggest that the proper way to deal with the matter is to carry the amended amendment and have the position checked when the Bill is dealt with in another place. I would like the Bill to go to the other place fairly promptly because it is a contentious measure and I would not like it to be one of the last Bills to go from here to that place. I will refer the honourable member's remarks to Mr. Cartledge (Chairman of the Housing Trust), who has an intimate knowledge of this matter, and if it is necessary to amend the legislation I will have it done in another place.

Mr. Shannon's amendment as amended carried; clause as amended passed.

Clause 4—"Amendment of principal Act, section 21".

Mr. DUNSTAN: I move:

To strike out "sixty" and insert "fifty".

In the second reading debate I gave my views on the proposed discretionary rental increase allowed. There was nothing in the Premier's speech to justify a further 20 per cent increase

in the base rental figure. It would not be just to allow an extra 20 per cent since the last amendment to the Act, which included a considerable increase since 1951. Present fixed rent would not be merely on the base rental increase because ever since the last increase in 1957 the increased cost of outgoings has always been added on. As the outgoings have increased from time to time the landlords have been able from time to time to get increases in rentals, that is, above the 40 per cent on the 1939 level. It does not seem to me that since 1957 there has been such a change in circumstances as to allow a further 20 per cent increase on the 1939 level, apart from what is already allowed. I do not understand on what criteria the trust is to act in fixing the amount according to its discretion. It already fixes the amount according to the increased cost of outgoings, which seems to be the only variable factor. What further discretion is it to have, and how is the local court to scrutinize that discretion when no criteria are laid down? If some increase is to be made and the Premier feels that there should be a discretionary increase, a generous one would be to raise the 40 per cent to 50 per cent. I cannot work out arithmetically how an increase to 60 per cent can be justified.

The Hon. Sir THOMAS PLAYFORD: I oppose the amendment. If we take into account the alteration in the value of money, the average wage paid today, and the rentals charged for houses, it will be seen that the 60 per cent is a restrictive figure. The Housing Trust has had much experience in this matter. Although this is controversial legislation I cannot remember once during this session when a member from either side has questioned the method adopted by the trust and the result achieved in the exercise of its discretion. This is difficult legislation because whatever rent is fixed one side will consider it to be too high and the other insufficient. I think that what is allowed is a fair discretion, and in any case there is provision for an appeal. Members should agree to the proposal in the Bill because it provides protection for many people who would find it difficult to meet the rental increases that would occur if this legislation lapsed. Also, this legislation is being accepted by everybody concerned because the Housing Trust from time to time has used a discretion of the type included in this clause. I hope that "sixty" is not deleted. Taking all factors into consideration, I think this is a fair compromise that should be accepted.

Mr. DUNSTAN: The Premier seems to be under some misapprehension that there is a discretion in the Housing Trust in the fixing of rents at the moment. In fact, what it has to do at the moment is fix the 1939 value, increase that by 40 per cent, adjudge the increased cost of outgoings since 1939, apportion those over the period to which the outgoings would apply (for instance, if a place had been painted, it would take the extra cost of painting into account), work out how long that is to last, amortize that, and fix an appropriate figure in the rent to meet it. That does not give it a wide discretion because it is told what to do. But it will be peculiarly difficult for the trust to have a discretion with no criteria laid down in the Act, saying, "You can fix it at between 40 and 60 per cent."

What new things will it act on that it has not acted upon in the past? That discretion of saying that in addition to the additional cost of outgoings there will be the possibility of fixing the increase somewhere between 40 per cent and 60 per cent is not one that it has had previously. The base increase has been set previously. If it is not to be related to the increased cost of outgoings, what will it be related to? The Bill does not say, and it is the first time this legislation has failed to tell the trust how it is to act.

The Hon. Sir THOMAS PLAYFORD: The honourable member makes it sound easy, but today we frequently have the greatest difficulty in determining the present-day value of something. Considerable variations in valuation are experienced by the most reputable land agents today. When we start to project values back to 1939, without knowing what the condition of a building was at that time, it is not nearly so simple as the honourable member suggests. The 1939 value is not recorded in the Domesday Book; it is still a matter of judgment.

Mr. Dunstan: I agree.

The Hon. Sir THOMAS PLAYFORD: One reason why we are trying to get away from what may be regarded as a rigid acceptance of the 1939 valuation is that it in itself is a figure about which there can frequently be contention and various views held. When I first entered Parliament, every year a Bill was introduced by the Opposition for a permanent fair rents court, to establish an authority and give it power to fix rents in a fair and reasonable way, and anybody could appeal against what could be regarded as a harsh or unfair rent, in exactly the same way as the Prices Commissioner today fixes prices. He does not

take the price of a commodity as at 1939 and add some formula to it: he tries to fix a price that is fair and reasonable in present-day conditions.

I hope that the Committee does not try to make this a rigid formula, because that in itself can defeat the very object that members desire—to have an authority able to fix rents fairly and squarely, taking everything into account. Of course, we get one landlord who is good and looks after his properties well, while another landlord may not look after his properties nearly so well. Often, it is not a question of spending money. If they spend money they can ensure that that money is included and taken care of in additional rent, but one landlord will see from day to day that little services necessary for the property are done while another will not. These things have a bearing upon the value of the property.

Mr. LAWN: I was interested in the Premier's statement that some years ago the Opposition continually put up a Bill for a fair rents court. I am glad to see that the Premier is apparently changing his position. It looks as though he now wants to make the Housing Trust a fair rents court, albeit on a yearly basis. He is coming round! We only want him to come round in another Bill—to give the State of South Australia electoral justice! If he will come our way and get rid of the gerrymander—

The SPEAKER: Order!

Mr. LAWN: Another point was money values. That is a perfectly valid matter to raise in this way: Having regard to money values at some time past and today, what is a fair amount to fix? On the second reading, I gave these figures, that in 1951 (the first Bill pegged rents at the 1939 level) the Premier introduced into this House an amending Bill to permit the Housing Trust to grant an increase of 22½ per cent on the 1939 level. The basic wage then was 195s.; today it is 283s. I am no mathematician but, in speaking on the second reading, I said that at today's values it would equal about a 40 per cent increase. Another honourable member, better at figures than I, said the figure would be better stated at 39 per cent. The Act today permits 40 per cent.

Mr. Dunstan: Plus the increased cost of outgoings.

Mr. LAWN: On the money the landlord spends on his property— on rates, taxes, painting and so forth—he receives 100 per cent increase on 1939 values. The Premier considered in 1951 that a fair rental increase on the 1939 level was 22½ per cent, and the Act was amended accordingly. The amount should be 39 per cent today, taking into account wage comparison. The Premier in this Bill wants to take that amount to 60 per cent. The member for Norwood is moving, as a compromise, for 50 per cent. I would support 50 per cent, which would still be 10 per cent over the 1951 figure, having regard to today's money values. If the Premier meant what he said just now—that we would have to have regard to present-day values—he should accept the amendment.

The Committee divided on the amendment:

Ayes (12).—Messrs. Bywaters, Dunstan (teller), Hughes, Jennings, Lawn, Loveday, McKee, Ralston, Riches, Ryan, Tapping, and Frank Walsh.

Noes (14).—Messrs. Bockelberg, Brookman, Coumbe, and Harding, Sir Cecil Hincks, Messrs. King, Laucke, Millhouse, Nankivell, Pattinson, and Pearson, Sir Thomas Playford (teller), Messrs. Quirke and Shannon.

Pairs.—Ayes—Messrs. Casey, Clark, Corcoran, Hutchens, and Fred Walsh. Noes—Messrs. Hall, Heaslip, Jenkins, and Nicholson, and Mrs. Steele.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 5—"Restriction on giving notice to quit where unlawful rent received."

Mr. MILLHOUSE: I completely oppose this clause, which is unjust. There is only one virtue in retaining it—and it will not commend itself to other members—and that is that it may render the Bill completely unacceptable in another place. The clause is completely unjust because it means that whether or not a person is convicted of an offence under this Act he will be saddled with the severe penalty of losing other rights that he now has under the Act. New section 48a (1) (*a*) refers to irrecoverable rent being received, but it does not say that the person who receives that rent need be convicted of an offence. It is an offence to receive rent in this manner under section 96 of the Act, but what does the proposed provision mean? It means that when a landlord gives notice to quit a tenant can say "Nine months ago you received rent which was irrecoverable", without the landlord's ever having been convicted of that offence. I do not know who is to prove that irrecoverable rent has been received. The provision is entirely unjust because it means that a landlord does not have to be convicted of an offence to be saddled with a penalty. I do not know whether it means that the tenant merely

has to make an allegation that irrecoverable rent was paid. If this provision is to be retained it should be tidied up so that the landlord should first be convicted of the offence of receiving irrecoverable rent.

It is also provided that a notice to quit shall, unless it is given with the consent in writing of the trust, be null and void. I do not know how proof of that is to be given or in what form the consent in writing is to be given. However, that is a minor point that can easily be overcome. The other big point is that this provision means that a person who, under section 96 I think, is liable to a penalty of up to £50 for receiving irrecoverable rent is, by virtue of this new section, saddled with the much heavier penalty in that his rights to give a notice to quit are taken away for a period of 12 months. That is a heavy additional hidden penalty, and something which would not be contemplated at the time the penalty under section 96 would be imposed if any charge were laid. It is completely contrary to the whole system, intent and spirit of our law that a person should have other rights taken away because he commits an offence for which a penalty is prescribed. That is what the Committee proposes to do in this amending clause. For those reasons the whole clause should be deleted if we are to have the Bill at all or, certainly, if the Committee insists that some such provision as this should be in it the Bill should be tidied up to meet these valid objections. The objections are, first of all the objection I had to paragraph (*a*), then the question of the heavy additional penalty and finally, although there may not be much sympathy with me on this score, the fact that we are leaving the discretion to an administrative body, the Housing Trust. That is not right at all. However, that is a minor point compared with the other two big points I raised.

The Hon. Sir THOMAS PLAYFORD: I do not see what the honourable member's objection is to paragraph (*a*).

Mr. MILLHOUSE: Under section 96 of the Act it is an offence to receive, be paid, or ask for any rent that is irrecoverable under the Act. In this case it is not necessary to show that the landlord has been convicted. The penalty applies if he has received irrecoverable rent. The landlord may give notice to quit in the normal way and the tenant . . .

The Hon. Sir Thomas Playford: Surely that would have to be proved.

Mr. MILLHOUSE: The Bill does not say so. How would it be proved?

Mr. Dunstan: How would you make it stick if it were not proved?

The Hon. Sir Thomas Playford: It would obviously have to be proved.

Mr. MILLHOUSE: If the Premier will tell me how it could be proved I shall be happy.

The Hon. Sir Thomas Playford: It would be proved in connection with the offence the member referred to under another section.

Mr. MILLHOUSE: It does not say that. If it is phrased differently to say that a person convicted of an offence under section 96 shall not within 12 months give notice to quit, part of my objection to the clause would fall to the ground. I do not know why it has not been worded in that way.

The Hon. Sir Thomas Playford: I think that is what it means.

Mr. MILLHOUSE: Why doesn't it say so?

The Hon. Sir Thomas Playford: I think it does say so.

Mr. MILLHOUSE: With great respect it does not say so. It should say that directly if that is what it means, but it does not say that. All it says is what is contained in paragraph (*a*). Why does it not say "If a person is convicted of an offence"?

The Hon. Sir Thomas Playford: With due deference to the member I think it does say so.

Mr. MILLHOUSE. I always hesitate to argue with the Premier on a legal point like this because he usually gets the better of me, but I cannot see how he is right in this case. Why shouldn't it say that if that were so? Why should not the Committee amend it to say that? I have stated, as strongly as I can, my objections to the clause. This is only one of them—one that can conveniently be got over—but as the clause stands it is a grave one and the worst of it is the additional penalty of 12 months. Section 48 prescribes a period of six months. I do not know why the period has been doubled. For those reasons, which I hope will be taken seriously, I oppose the clause. If my objection to the whole clause is not taken seriously at least the clause should be redrafted to meet some of my objections.

Mr. DUNSTAN: The effect of new section 48a is that if a landlord recovers any rent which by virtue of the Act he should not have recovered, (that is, if he recovers excess rent) and if within 12 months he gives a notice to quit to the tenant in respect of the premises for which he has not had permission from the trust, then that notice to quit is of no use to him. It is not legally valid.

Mr. Riches: It is a heavy penalty for the offence.

Mr. DUNSTAN: The member for Mitcham asks how are we going to establish that the rent was irrecoverable. The simple answer is that the tenant will take an objection and contest proceedings to put him out on the ground that he had not been given a valid notice to quit.

Mr. Millhouse: At the end of the 12 months' period?

Mr. DUNSTAN: Why at the end of 12 months? What has that to do with it? The honourable member should look at the clause more carefully. The position is that if the landlord has recovered rent, which is irrecoverable, and within 12 months after that gives notice to quit, the tenant can then say the notice to quit is not good and therefore he will contest the proceedings to put him out. It is on the tenant to prove that the notice to quit is null and void, because otherwise the landlord simply tenders in evidence the notice to quit drawn in accordance with the provisions of the tenancy laws and, if it is on the face a valid notice served in the proper manner, the onus is on the tenant to show that it is not a valid notice to quit by virtue of this section. The proof can proceed in a perfectly normal manner before the court. It seems perfectly obvious reading this section. I do not see how else the honourable member can come to any conclusion about it.

The only other way this could arise at all is under subsection (2) when a prosecution is brought against a landlord for having recovered irrecoverable rent and then having given notice to quit within 12 months without permission of the trust. Proof there is perfectly simple. Why does he have to get permission of the trust? That is not as an additional penalty but is a sensible safeguard because of what has happened. That is the whole reason for the amendment. It is where a complaint has been made to the trust and the landlord has been forced to bring his rent back to the fixed amount and to repay rent or to allow the tenant to take credit for the overpaid rent and where the landlord proceeds to worry the tenant out of the premises by giving notices to quit. This is what has happened. The Premier, in his second reading explanation, said that this is what the trust has had to face. What the landlord has to do is not to face an additional penalty but go to the trust and say, "I have a genuine reason for giving notice to quit. Here are my reasons."

Mr. Millhouse: Then it is up to the Housing Trust?

Mr. DUNSTAN: Yes, and properly up to the Housing Trust. I have not found on any occasion that the trust has been over-anxious to take action against landlords. I think Mr. Crafter and his officers have been understanding of the difficulties facing landlords from time to time. I have known of administrative decisions they have made on that score that have been very sensible.

Mr. Bywaters: The trust is a landlord.

Mr. DUNSTAN: Yes, and it appreciates the landlord's position. This clause contains none of the legal difficulties raised by the honourable member and I rather suspect him for having raised them in Committe as I thought his objections were a little synthetic or ersatz. This is not an additional penalty; it is simply a sensible administrative safeguard to see that a landlord who gives notice to quit after recovering an irrecoverable rent has some genuine reason for giving it. I think that is entirely proper.

The Hon. Sir THOMAS PLAYFORD: As I understand it, the member for Mitcham objects to the clause on two grounds. The first is the general ground that he is entirely out of sympathy with the Act.

Mr. Millhouse: That is in addition.

The Hon. Sir THOMAS PLAYFORD: The second ground is that he objects to the drafting of the amendment which, he says, provides an additional penalty and leaves the onus of proof in the air. I cannot agree with the first objection, which the honourable member has raised consistently for many years and about which I have been just as consistent. As the honourable member has criticized the drafting, however, I shall have the clause examined to be sure that it does what the Government desires. I ask that progress be reported.

Progress reported: Committee to sit again.

ADJOURNMENT.

At 10.04 p.m. the House adjourned until Wednesday, October 25, at 2 p.m.