

LEGISLATIVE COUNCIL.

Tuesday, September 4, 1951.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

DEATH OF HON. E. A. OATES.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—I move—

That the sitting of the Council be suspended for 30 minutes as a mark of respect to the memory of the Hon. Edgar Alfred Oates, and that the Council expresses its deep regret at the death of the honourable member and requests the President to send a letter of sympathy to his widow and family.

Since our adjournment on Thursday this Chamber has suffered a severe loss in the sudden passing of the Hon. E. A. Oates. He was a member of the Council for 18 years, having entered before I was a member, and during that period he endeared himself to all members irrespective of their political views. He was a member of the Library and Printing Committees, and since its inception was also a member of the Land Settlement Committee. The fact that he was on all those committees was evidence of the confidence in which he was held by every member of the Council. Up to the time of his death he was energetic and assiduous in his public duties and we will miss very greatly his contributions to the business of the Chamber. We all respected him because of his integrity and tolerance in debate. He certainly became loved of all of us. On behalf of the Council I express our deep sorrow at his passing and sympathy to the widow and members of his family.

The Hon. F. J. CONDON (Central No. 1—Leader of the Opposition)—It is rather difficult for me to express in words my regret and feelings at the passing of a dear, loyal colleague. For many years I had been associated with him in the industrial and political fields, and in connection with charitable organizations and many other bodies that worked in the interests of this State. He deputized for me with credit on many occasions, and I appreciate the services he rendered to the Australian Labor Party, Parliament, and the public generally. He passed on nobly, having done a great work in helping fellow citizens who were in distress. That is how he would have liked to pass on. As the Chief Secretary said, he was a member of the Chamber for 18 years, and a member of the Land Settlement Committee and other committees associated with Parliament, and as has

already been said he filled those positions with great credit. Our late member was always to be found fighting for the principles for which he stood. He was a straight goer and would not injure anyone, and was a man who had the respect and friendship of every honourable member. There is a great deal, Mr. President, I could say, but members appreciate my position. We all knew him as "Oscar," a gentleman. He has now completed his last journey. We will always remember him as a man who played a noble part in the welfare and interests of the State. The high opinion in which he was held by the public was shown yesterday at the grave-side. It was a wonderful tribute—a tribute well deserved. May it be some consolation to Mrs. Oates and members of the family who were so dear to him to know that he was honoured and respected by everyone. We mourn his loss. May God help the family to bear their sad trial is my earnest prayer.

The Hon. Sir WALLACE SANDFORD (Central No. 2)—We meet today under the shadow of a great sorrow, an experience that is a heavy blow to every one of us. In so small an assembly as this, a bare score of us, we have the opportunity to acquaint ourselves with all the qualities of our fellow members in a degree which perhaps is not possible in many other spheres. We learn to appreciate the real value and work of our colleagues. It is only a few days ago since our friend sat here with us, and now the seat is empty. We were all stunned by the suddenness of the blow, which at the moment appears to us to be irreparable. In endeavouring to express the magnitude of our loss and extend to the members of his family our heartfelt sympathy, I express the hope that they will gain some comfort in the knowledge that we mourn the great loss that has overtaken them and in their sad hour we offer our profound condolence. I support the motion.

The PRESIDENT (Hon. Sir Walter DUNCAN)—I would like to add to the tributes of respect to the late honourable member. It will be my regretful duty to convey to Mrs. Oates and her family the expressions of regret so universally expressed this afternoon. For myself, I can speak of the honourable member as having always been loyal to his Party and true to the traditions of this Council. We shall all miss his genial and persuasive personality. He was always good tempered, and ready to conform to the Standing Orders and help to maintain the good

name of the Parliament he served in so faithfully and well. There was never any Party feeling on his part, and some of his best friends—and I was proud to consider myself one of them—were to be found amongst his political opponents. I hope that the resolution which I shall convey to his relatives may be some consolation to them in this time of trouble through which they are passing.

Members carried the motion by standing in their places.

Sitting suspended from 2.12 to 2.40 p.m.

SUPPLY ACT NO. 2.

His Excellency the Governor, by message, intimated his assent to the Act.

ONE BRAND PETROL STATIONS.

The Hon. K. E. J. BARDOLPH—Has the Chief Secretary a reply to the question I asked last week relative to one-brand petrol stations?

The Hon. A. L. McEWIN—Yes. The question was submitted to the Crown Solicitor and he reports:—

There is no evidence, that I am aware of, that the Shell Company of Australia Limited has established, or will establish a monopoly in South Australia, nor am I aware of any existing statute the provisions of which would be contravened by the action which that company has taken to obtain agreements from resellers to vend only the company's products.

ACCOMMODATION FOR MENTALLY RETARDED CHILDREN.

The Hon. E. ANTHONY—Has the Minister of Education any further information regarding the provision of accommodation for mentally retarded children?

The Hon. R. J. RUDALL—Yes. Since the matter was raised by the honourable member about ten months ago, the Education Department has been investigating the whole question in order to determine the nature of the various groups which need this special training and the numbers in each group. An investigation has also been made into the methods used in other countries to provide for these children, and, in consultation with the Children's Welfare Department, a plan has now been drawn up. At present the department is preparing a report to the Government on the best way of providing the kind of training which is suitable for these children.

TARPAULINS FOR WHEAT TRUCKS.

The Hon. E. ANTHONY—Has the Chief Secretary a reply to the question I asked him on Tuesday last, relative to damage to wheat?

The Hon. A. L. McEWIN—The Railways Commissioner reports:—

With reference to the Hon. E. Anthony's inquiry in the Legislative Council yesterday regarding wheat and barley coming into Port Adelaide in a very wet condition due to lack of suitable waterproof coverings on trucks, this matter has been taken up with the Barley Board who state that in recent weeks they have experienced little or no trouble. Earlier in the season considerable trouble was experienced by both the Barley and Wheat Boards in this respect. We are increasing the number of tarpaulins for covering grain and other goods by approximately 16 per cent, but it will not be possible for the department to provide tarpaulins to cover all trucks loaded with grain during the peak period of transport when, for the greater portion of the year, these coverings would not be required.

ROSEWORTHY AGRICULTURAL COLLEGE CHEMISTRY LABORATORY.

The President laid on the table the final report of the Public Works Standing Committee on the new chemistry laboratory at Roseworthy Agricultural College, together with minutes of evidence.

ARGENTINE ANT.

The Hon. R. R. WILSON (on notice)—As it has been reported that the Argentine Ant has now appeared in Tasmania, does the Government intend to take immediate action to closely examine all goods imported from the infested States of New South Wales, Western Australia, and Tasmania, so that this destructive pest is not introduced into South Australia?

The Hon. R. J. RUDALL—Argentine Ant is one of the several serious insect pests against which continual and very close watch indeed is kept on all goods with which it is likely to be introduced from interstate or overseas. This pest is established in metropolitan Perth, Melbourne, and Sydney, as well as in Tasmania, and the chief danger of introduction appears to lie in the introduction of potted nursery stock from these districts. This material is particularly carefully examined on arrival. Within the State every report of ants occurring in unusual circumstances is immediately investigated with the view of eliminating or preventing its spread if it gets past the quarantine barriers.

IMPRINT BILL.

The Hon. A. L. McEWIN, having obtained leave, introduced a Bill for an Act to repeal the Imprint Act, 1863-1935, and to enact in its place other provisions requiring printers to print their names and addresses on books and papers and for purposes incidental thereto. Read a first time.

PHARMACY ACT AMENDMENT BILL.

The Hon. A. L. McEWIN, having obtained leave, introduced a Bill for an Act to amend the Pharmacy Act, 1935-47. Read a first time.

POLICE ACT AMENDMENT BILL.

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

INDUSTRIAL CODE AMENDMENT BILL.

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

Second reading.

The Hon. A. L. McEWIN (Northern—Chief Secretary)—This Bill makes some amendments to the Industrial Code dealing with several different topics. The first matter dealt with is the definition of “metropolitan area.” This expression occurs several times in the Code, and last year the definitions of it were altered. Previously it had been defined as including a number of obsolete electoral districts and some parts of certain hundreds; but in last year’s Bill it was declared to include a number of municipalities and portion of a district council district. By accident, when the new area was being worked out, the municipality of Walkerville was omitted. Walkerville is not an industrial area and no harm has resulted so far from the omission; but it is desirable to correct the oversight as soon as possible. For this reason clause 3 amends the definition of “metropolitan area” wherever it occurs in the Code so as to include Walkerville.

Clause 4 deals with the salaries of the President and Deputy President of the Industrial Court. As members know, Mr. President Morgan has recently inquired into and made recommendations upon the salaries which should be paid to judges of the Supreme Court, Ministers of the Crown, and the holders of certain Parliamentary and public offices. He has, however, not been asked to report on his own salary nor on that of the Deputy President. No doubt if he had been asked he would have felt that it was not proper for him to undertake any such task. The Government considers that the President and Deputy President are entitled to increases of salaries proportionate to those proposed for judges of the Supreme Court. The increase proposed for puisne judges of the Supreme Court is 30 per cent and the existing margin of the Chief Justice over the other judges is to be retained. The Government has decided to ask Parliament to apply the same principles to the President and Deputy President of the Industrial Court.

It is suggested that the salary of the Deputy President should be raised from £1,600 to £2,100, and that the margin of the President above the Deputy President—namely, £400—should be retained, thus making the President’s proposed salary £2,500. These rates are included in clause 4. Clauses 5 and 6 provide that when a wage rate is automatically adjusted on a quarterly variation and works out at $1\frac{1}{2}$ d. above a multiple of 3d.—*e.g.*, at an amount ending with $1\frac{1}{2}$ d., $4\frac{1}{2}$ d., $7\frac{1}{2}$ d., or $10\frac{1}{2}$ d.—the rate will be adjusted upwards to the next highest multiple of 3d.

Clause 7 deals with the employers’ representatives on the Board of Industry. At present section 255 of the Industrial Code provides that the two employers’ representatives shall both be nominated by the South Australian Employers’ Federation. The Government has acceded to a request made by the South Australian Chamber of Manufactures that it should have the right to nominate one of the employers’ representatives. Clause 7 provides for this change to be made, but it provides that the change will not affect the members of the present board, one of whom will be regarded as being a representative of the Chamber of Manufactures. The alteration in the constitution in the Board of Industry necessitates some consequential amendments of sections 255, 256 and 257 of the Code. These are made by clauses 8, 9, and 10. At the same time the opportunity has been taken to improve the drafting and arrangement of these sections and to include a provision, which experience has shown to be desirable—that a person appointed to a casual vacancy on the board shall hold office only for the balance of the term of his predecessor. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.

PORT PIRIE PARK LANDS ACT REPEAL BILL.

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

LAND SETTLEMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 22. Page 402.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I challenge the validity of a Bill submitted to us and recommended by an outside authority which is subservient to Parliament. The Land Settlement Committee was

appointed in 1944 by Act of Parliament and right throughout that Act the verbiage delegates powers to the Governor in which both Houses acquiesced. I submit that the measure presented for our consideration with regard to the reduction of fees which have been prescribed by Parliament is not in conformity with the desires and wishes which were expressed, not only by members of this Council, but by those of another place when the measure was enacted. The Government solemnly entered into a contract with those members and the Act specified the period of service and the emoluments attaching to those positions.

The Hon. Sir Wallace Sandford—Up to 1949.

The Hon. K. E. J. BARDOLPH—I do not deny that, but it does not alter the fact that the Government entered into a contract with those members to carry out certain work at a certain rate, and I say, without rancour, that we are belittling the work of Parliament by throwing the responsibility in this matter on an outside person. I say this with all graciousness because I have a very high regard for his ability in industrial matters, but this is not an industrial matter and not one which affects employee and employer because the Act distinctly lays down that the members of the committee shall not be subject to the provisions of the Public Service Act. Members may say that that provision was put in to protect members of Parliament and the Government, but that does not alter the fact that the Government has called in an outside party to determine what is, in effect, a wage rate for members of that committee—

The Hon. R. J. Rudall—Doesn't the honourable member know the difference between a determination and a recommendation?

The Hon. K. E. J. BARDOLPH—I shall not split straws with the Minister. I am merely expressing my views, and completely without rancour, but I believe that Parliament should be supreme, and it is supreme by the fact that an outside authority is directed to make a recommendation which has to be ratified by Parliament.

The Hon. Sir Wallace Sandford—Not necessarily.

The Hon. K. E. J. BARDOLPH—It is a fact. It is laid down in the Act quite clearly that the chairman shall receive a salary of £400 per annum, with a proportionate part thereof for every fraction of a year during which he holds office.

The Hon. Sir Wallace Sandford—For five years.

The Hon. K. E. J. BARDOLPH—Even taking it on that basis, the office of the chairman is still the same because the committee will still have matters referred to it by the Government.

The Hon. Sir Wallace Sandford—The Act died in 1949.

The Hon. K. E. J. BARDOLPH—If that is so why does not the honourable member protest against the Government's not abolishing the committee?

The Hon. Sir Wallace Sandford—The Act was revived.

The Hon. K. E. J. BARDOLPH—Having prescribed the salaries by Act of Parliament I submit that the Government is breaking a contract, because the work will be of no less importance after this Bill is passed than when the committee was first created. The committee is empowered to call in assessors, and the fee to be paid to the assessors can be fixed by the Governor. In certain professions, if a specialist is called in to give an opinion—whether a K.C. or an agricultural expert—

The Hon. R. J. Rudall—Or an architect.

The Hon. K. E. J. BARDOLPH—Or an architect—all noble professions; the fact remains that the expert is paid for his knowledge. The Land Settlement Committee will still have the power, even if this Bill is carried, to pay to an assessor a fee much higher than the salary paid to the members of the committee.

The Hon. N. L. Jude—Do you think the committee ought to be abolished?

The Hon. K. E. J. BARDOLPH—No. All Parliamentary committees provide not only avenues by which representative Government can function smoothly, but afford members of Parliament an opportunity to become conversant with the various problems and difficulties confronting Governments, whatever their political complexion. They are handling public funds—

The Hon. R. J. Rudall—Do you say the committee handles public funds?

The Hon. K. E. J. BARDOLPH—Its members are responsible for recommending public money being expended.

The Hon. R. J. Rudall—Why should the committee want to get a report from an assessor?

The Hon. K. E. J. BARDOLPH—The Minister should be able to answer that better than

I can because his Government was responsible for framing the legislation. I presume it wanted to give the committee full power to fix a price and act fairly with those with whom it was negotiating. The Minister, when introducing the measure, said that President Morgan had stated that the committee had met only a certain number of times in the past year, and in effect, it was payment by results. If we embody that principle in our Parliamentary institution we will reach a very sorry stage in our political existence. The President said he made his recommendation because of the paucity of work. The committee is not responsible for the amount of work submitted to it. If it had not attended to the work submitted to it then it would have fallen down on its job but it has been ever ready and willing to consider submissions. Since its appointment in 1944 it has presented approximately 60 reports involving the spending of millions of pounds in the settlement of ex-servicemen on the land. Some of the major problems dealt with have been the drainage of the South-East, on which it rendered three comprehensive reports, the Loxton irrigation scheme (three reports), Cobdogla and Chaffey irrigation areas, Kangaroo Island development (three reports), and the land settlement scheme in the upper South-East, at present being implemented by the A.M.P. Society.

The Hon. N. L. Jude—How many reports have been made since 1949?

The Hon. K. E. J. BARDOLPH—I am giving an overall review as I see it. It is not the committee's fault that no reports have been made during that period.

The Hon. Sir Wallace Sandford—That suggests it is finished.

The Hon. K. E. J. BARDOLPH—That is a question for the Government to determine. We must be fair and admit that the committee investigated the South-East drainage problem thoroughly and submitted a valuable report. That indicates that when work is available it attends to it in an expeditious and able manner. Additional areas are still under review and it is certainly no fault of the committee if, as the result of increased costs, the Commonwealth is easing a little in accepting some of the schemes for war service land settlement submitted by the State. That is a factor which should not be weighed in fixing the emoluments of this committee. The Commonwealth may have valid reasons for withholding finance for settlement schemes but no

blame can be attached to the committee. Such arguments should not be used to influence Parliament to reduce the amounts it originally fixed.

The Hon. N. L. Jude—The original Act established the committee for five years.

The Hon. K. E. J. BARDOLPH—Yes and when the Minister introduced the Bill I think he indicated that whilst it was for a fixed term it depended upon the amount of work that would be required of the committee. If there is no more work for the committee the Government should abolish it and not act in a half-hearted manner and ask the President of the Industrial Court to report on the committee's work which is influenced and determined by the Government. This measure only lowers the status of Parliament and Parliamentary committees. The committee still has further areas on Kangaroo Island to probe into, additional drainage in the South-East, irrigation schemes, and the purchase of other land in order to develop the State. I agree with the views expressed by members in another House that the committee has more than justified its existence, but perhaps its services could be more widely used. At an agricultural conference last night the Prime Minister advocated that there would have to be a direction of labour to rural industries. The committee should be asked to conduct investigations into land settlement schemes in suitable areas, but apparently it is not considered of sufficient importance and the emoluments of its members are to be reduced. Before Mr. President Morgan made his recommendation to reduce the salaries of the committee's personnel, one would have thought he would have considered the work of the committee from the time of its appointment and not relied upon its enforced lessened work during the past 12 months. What is to happen during the next 12 months if the Government sees fit to transmit to that committee as many references as it did in the first few years of its existence? If the work increased to that extent another measure would have to be introduced to increase the salaries payable to members.

The Hon. Sir Wallace Sandford—Would that be a terrible thing?

The Hon. K. E. J. BARDOLPH—Not if it is deluged with work as it was in its first year of existence.

The Hon. N. L. Jude—Deluged with work?

The Hon. K. E. J. BARDOLPH—Yes. Mr. Jude was quite voluble about the amount of work the committee was called upon to perform

in its first year. It appears that members of the committee have been singled out for special treatment. They are to be hit twice, firstly by the reduced value of money, and secondly by reductions in salary. If the argument can be sustained that the purchasing power of money has decreased and is the reason for increasing salaries payable to other Government officers, then the salaries payable to members of this committee should not be decreased. If Parliament establishes a committee and fixes the salaries payable to its members, then Parliament should be the only power to increase or reduce the salaries.

The Hon. E. H. EDMONDS (Northern)—This is another of the Bills introduced as a result of investigation by Mr. President Morgan into the remuneration of members of various Parliamentary Committees, members of Parliament and certain State officers, and is unique among those measures in that it is the only one which recommends a decrease. One must say in fairness that no other course seemed available. Admittedly, the inquiry concerned a very lean period of the committee's operations. Mr. Bardolph gave figures relating to the work done by it in previous years, but in the period reviewed by Mr. President Morgan the work had fallen off considerably and with it the responsibility of members. Therefore as a member of that committee I cannot argue against the terms of the Bill.

The Hon. K. E. J. Bardolph—What would you say if the work increased in the next six months?

The Hon. E. H. EDMONDS—As a member of the committee it has been somewhat embarrassing to be in receipt of a salary for doing certain work, whereas we had very little to do. I felt at one stage that if we were to continue in the next 12 months or two years as in the past 12 months it would perhaps be fairer if members received so much a sitting, and then they would be paid for work actually done. One does not want to be rewarded for work not accomplished, although that is not the fault of the members. The development of lands along the lines investigated by the committee has reached the stage where some hold-up was inevitable. Firstly, there had been the exceedingly high inflationary trend in land values, and that meant that many of the propositions submitted were considered too high to warrant consideration either by the State Government or the Commonwealth Government, which helps to finance the projects. I have good cause for putting that aspect forward because I know

of such instances. With a lowering of values, I feel sure that some of these propositions will be submitted to the committee with a view to their development for returned servicemen. If that eventuates and we get back to saner views on land values, the work of the Land Settlement Committee might increase. In that event there seems no reason why this legislation should not be reviewed.

Another aspect which has contributed toward this leaner period of inquiry is that the references to the committee in many instances concerned some of our poorer quality mallee scrub and sandy country lands. These require soil surveys, which occupy much time. The work of the C.S.I.R.O., which undertakes these surveys, has been retarded because of the shortage of personnel, and consequently some references could not be carried further by the Land Settlement Committee. There are lands in the upper South-East and on Kangaroo Island within this category which still have to be considered. While at the moment the committee is hung up for something to do I can foresee, perhaps not in the immediate future, that its work will proceed at somewhat the same tempo as in the early days of its establishment. I have sometimes considered that the ambit of the committee's responsibilities might well be extended. The present set-up is that references are forwarded to the committee to determine whether the lands would be suitable for soldier settlement and agricultural development generally. Having made its investigation, it then submits its report, and that is where the matter ends as far as it is concerned. I have felt that the committee should have authority to follow up these matters a little further. Members make recommendations as a result of inquiries and opinions formed, and it is quite reasonable to expect that those opinions will not always be correct. Circumstances might arise to cause them to alter their opinions. In the course of the development of a settlement the committee might find revealed certain aspects which were unconsidered at the time its recommendation was made, and by having the opportunity to follow up developmental work the members would be in a better position to inquire into some other projects submitted to them. At present the full responsibility for the development of a scheme, once it gets past the inquiry stage and the necessary legislative authority is given, devolves on the Lands Development Executive. I do not complain about the work of that body; it too has had its difficulties, particularly in

the early stages, and especially on Kangaroo Island, and to some extent, in the South-East. It has come up against the lack of material and machinery, and this has contributed to the lag in its work. It took the view, as we did, and as probably the Government does, that there is not much use in making further investigations and recommendations if we are unable to proceed faster with land development. It is better to complete what we have in hand before entering upon further commitments.

Holding these opinions I feel I must conscientiously support the Bill which is justified

on the basis of the consideration given to it by Mr. President Morgan. If in future the work of the committee becomes more urgent or grows in volume the matter can be reviewed, but at present we must, in all justice, accept the recommendation of Mr. President Morgan. I support the Bill.

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

ADJOURNMENT.

At 3.34 p.m. the Council adjourned until Wednesday, September 5, at 2 p.m.