

**LEGISLATIVE COUNCIL.**

Wednesday, September 30, 1953.

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

**DOG FENCE ACT AMENDMENT BILL.**

Read a third time and passed.

**PUBLIC SERVICE SUPERANNUATION FUND ACT AMENDMENT BILL.**

In Committee.

(Continued from September 29. Page 807.)

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment and Committee's report adopted.

**CONSTITUTION ACT AMENDMENT BILL (MINISTERS).**

Adjourned debate on second reading.

(Continued from September 29. Page 810.)

The Hon. C. R. CUDMORE (Central No. 2)—Members often say that a Bill is important, but this is undoubtedly one of the most important measures we have had to consider for many years. Yesterday Mr. Condon reminded us that apart from you, Mr. President, he is the only member who was present when this question was last debated in this Chamber. It is interesting to note that attempts were made to increase the number of Ministers in 1924, 1926 and 1930, the latter being the occasion to which Mr. Condon referred. In each instance the Bills were negatived in the Legislative Council.

The Hon. A. L. McEwin—They were in the days of £9,000,000 Budgets.

The Hon. C. R. CUDMORE—The Budgets would have been less than that but that would have been the maximum amount during those years. In its wisdom the Council did not pass those proposals but surely it is the responsibility of present members, representing the new generation, to examine this question closely and express their views on the present situation? In his excellent speech Mr. Condon related the history of the 1930 debate. I started to examine the proceedings when the 1908 and 1921 measures were considered, but I gave that up because the periods were too far distant. The first occasion on which six Ministers were appointed was in 1873 when our total revenue was under £1,000,000 and the population about 200,000. The State has developed very considerably since then. In

1924 and 1926—and I am not sure about 1930—this Council rejected the proposals solely on the question of whether or not the State could afford the cost of additional Ministers. In 1930 the boom burst overseas and it may be that that influenced members in refusing any increase in expenditure for Ministers. As this Council did negative those three attempts to increase the number of Ministers there is some responsibility on this Chamber to consider whether it is justified in agreeing to an increase now. In reading the old debates I was interested to find that Sir David Gordon—then the Hon. D. J. Gordon—spoke with the greatest authority on behalf of his Party. He said, "I regret that, speaking on behalf of my Party, I cannot see why we should do this in these financial times," and everybody just did what he said. Of course, that sort of thing doesn't happen today.

The Hon. F. J. Condon—The honourable member should join my Party.

The Hon. C. R. CUDMORE—I accept the interjection; that is just what does happen in the honourable member's Party. Although this is somewhat outside the scope of the debate, may I at this stage thank the Leader of the Opposition for his kindly references to myself yesterday. I appreciate very much indeed the tremendous amount of work that he does as Leader of the Labor Party in this Council. It is all very well to say that he can parcel the work out, but I know from my own experience that it is not so easy to do as to say; the essential responsibility is on Mr. Condon and on myself to comment on all legislation put before this Chamber, and I realize what that entails to the Leader of Her Majesty's Opposition.

I recently saw absurd references in the paper as to why it was not necessary to have an Opposition in our system of Parliament and I regret that anybody could be so ignorant of the procedure of British Parliaments over the last 300 years as to raise that question. We recognize the significance of the Opposition in another place by making an allowance to the Leader from the taxpayer's purse so that his work can be done properly and that he may have a secretary to assist him. I am not at all sure that the time has not arrived, with the volume of work and legislation of all kinds that comes before us, when the Leader of the Opposition in this Chamber should also have some secretarial assistance so that he does not have to start work at 5 a.m. and write out in long-hand all the things that he proposes to bring before the Council.

As I have said, there is some responsibility obviously on this Council if it is to support this measure and reverse the three previous decisions made in this Chamber. I am definitely committed to the increase. The Premier made a policy speech at the last elections which indicated that, if returned to power, his Party would move to increase the number of Ministers from six to eight. I was a candidate under that banner and that policy so there can be no question of where I stand, although I do not support it only on those grounds. I do so because of the tremendous amount of additional work which has been

thrown on the Ministers since the last time their number was increased. We had six Ministers in 1873. In 1901 the number was reduced to four; whether that was due to the obsession that the Commonwealth Government was going to do everything and that there would be much less work for the States to do I cannot say. Then we got back to six, but since then an enormous number of subjects have come under the purview of Government. I do not think members will require me to describe them all, but probably one-quarter of them are mentioned in the table of portfolios printed in *Hansard*, namely:—

*The Ministry.*

Premier, Treasurer, Minister of Immigration, and Minister of Industry and Employment	Hon. Thomas Playford, M.P.
Chief Secretary, Minister of Health, and Minister of Mines	Hon. Alexander Lyell McEwin, M.L.C.
Attorney-General and Minister of Education . . . . .	Hon. Reginald John Rudall, LL.B., B.Litt., M.L.C.
Minister of Lands, Minister of Repatriation, and Minister of Irrigation	Hon. Cecil Stephen Hincks, M.P.
Minister of Works, Minister of Railways, Minister of Marine, and Minister of Local Government	Hon. Malcolm McIntosh, M.P.
Minister of Agriculture and Minister of Forests . . . . .	Hon. Sir George Frederick Jenkins, M.P.

That list does not mention electricity or housing, or any of the things which are new and big—very big indeed, but what we have to decide is whether we are prepared to authorize and pay properly for enough Ministers to control all Government undertakings, and be in Parliament and take the responsibility for their departments, or whether we are going to support the new bureaucracy idea, with a number of departments and people rather outside the control of Ministers and, through Ministers, Parliament. I emphasize that. Mr. Condon has often said that Parliament is not sufficiently close in touch with the administration of affairs, although I feel that, by comparison with Canberra, for instance, it is quite marvellous how well our Ministers have kept in touch with all the activities of their departments.

The Hon. K. E. J. Bardolph—There is a very active Opposition.

The Hon. C. R. CUDMORE—It is the task of Her Majesty's Opposition to keep Parliament up to its work and I agree that it does it quite well. It is most desirable in these days to have Ministers who are in touch with public affairs, and the demand upon them is out of all proportion to what it was in the past because today we legislate upon everything—putting it broadly, everything from fruit fly to blow fly. The Government today is expected

to look after everything, whereas people once looked after their own affairs and did not form committees and go to the Government and say, "We want our potatoes and our honey, etc., looked after by the Government, under governmental control." All this leaning on the Government inevitably adds to the responsibilities and duties of the Ministers, and although I am not in favour of it, if Parliament as the instrument of the public demands that the Government should be responsible for all these things, which in my opinion should be left to the individual, then the public and Parliament must be prepared to have extra Ministers and to pay them. I am not quite satisfied with the suggested remuneration of Ministers; our Ministers have always been and still are underpaid. The main question, without going into a lot of figures and details, is that we have a much larger population and a revenue and expenditure which has increased enormously over the last few years, therefore if we are to preserve a really democratic State, in which we have no outside bureaucratic control, we must have Ministers in charge of departments who are responsible to Parliament and able to answer questions in Parliament on their particular work. To do this it is essential to have an increased number of Ministers.

Ministers today hardly ever have a weekend to themselves, and this position is intolerable.

While the general public resent any suggestion of working more than five days a week they expect Ministers of the Crown to attend functions on Saturdays and Sundays all over the country. That is quite unreasonable, and the people at the top are being driven down by these demands. I have spoken on this subject before in this Chamber, and I repeat that the public demands too much of all members of this Chamber, particularly Ministers of the Crown, who surely are entitled to one day a week to themselves, and this is another reason for increasing the number of Ministers. I support the second reading.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading and, like Mr. Cudmore, appreciate the importance of this Bill. Since I first entered this Parliament 12 years ago I have watched the Ministers applying themselves to their various duties, a task which they have carried out irrespective of politics or the political complexion of the Government, and this is something that would be unequalled in any other part of the Empire. It is true that they are obliged by various organizations and constituents to be at their service 24 hours a day and seven days a week; this Bill will provide some measure of relief, and is on all fours with the policy of the Labor Party. I also compliment the Leader of the Opposition on the speech he made yesterday afternoon. This is a measure which we can support, not only by our speeches but also in our votes proving, as my honourable friend has often said, that this is a non-Party Chamber, because all members here agree that this is an important measure and that there is a necessity for its speedy passing.

Yesterday, Mr. Condon gave some very illuminating facts regarding the fate of past Ministers and instanced one or two cases which registered very vividly in my mind of men who had been Ministers, and then, after the period that they had served this State, had been relegated into an atmosphere of penury. If they had applied their energy to their own avocations instead of being in Parliament, they possibly would have been able to retire after five or six years. The work of Ministers is such that it needs constant vigilance to control their departments. I support the British system of Government, and those who hold a contrary view should realize that government is the biggest business in the State, but is controlled by only six Ministers who are responsible to the Parliamentary representatives of the people. It is necessary to increase that

control, or the advice which would be tendered to the Government, by appointing two more Ministers as envisaged in this measure.

It would not be amiss to give a brief review of the establishment of the Cabinet system, because we do not say enough about our Parliamentary institutions and as I have said before and I repeat, there is a feeling abroad to not only write down members of Parliament irrespective of the Party to which they belong, but also to undermine the very institution of Parliament. If our Parliamentary institutions cease to exist we will reach a totalitarian state repugnant to every Australian. The Cabinet system, which is the basis of the question we are discussing this afternoon, was denounced for quite a generation after the first germs of the system appeared in the reign of Charles II. Today, the expression "legislators" is often applied to members of Parliament, among other titles. Legislation, however, is an extremely modern function and Parliament discusses mainly major measures affecting the welfare of the State introduced by the Government of the day. When George III. became King he cared a great deal for being King of England, but he hated the Cabinet system and wanted to be, as King, the dictator of English policy. He refused to submit to Cabinet decisions.

A member—This is a history lesson.

The Hon. K. E. J. BARDOLPH—If it is, it should be repeated not only in Parliament but in schools and elsewhere. George III. refused to submit to Cabinet and the question arose whether his position was constitutional or not? Until that time there were innumerable instances of Ministers both voting and speaking against the measures and policy of their own Governments. The success of those votes and speeches depended largely upon the character of the man who was on the top. With the introduction of the Party system, as it operates today, similar circumstances obtained. The advent of Parties was because various groups of people organized to present their claims to Parliament. The basis of the Party system was during the reign of George III. when friends of the King constituted a Party in British politics to support him against the constituted Cabinet. The real struggle began then. The whole struggle of the eighteenth century was between the King and his Ministers. Two points of view were held. One was that each Minister, as a servant of the Crown, was responsible for his own department with little or no reference to his colleagues.

The other was that Ministers were a homogeneous body with one leader to direct and give unity. That applies to every Government in the Commonwealth. On every matter of major policy, whether it affects the national or State sphere, the leader directs and gives unity. King George III., of course, favoured the first view because by that means alone he could control the policy of his country. We all know what happened when Kings interfered with British politics and I do not think it disrespectful or disloyal to refer to it, because the reign of King George III. was a transitional period for Parliament. It was Pitt the Younger who ultimately made responsible Ministers the true source of power and formed the system of government which has lasted until the present time. We owe to the statesmen of that period a great debt, consciously or unconsciously, for that struggle.

The Hon. F. J. Condon is Leader of the Opposition in this Chamber and no other member applies himself more assiduously to all measures introduced for discussion. I hope that a line will be included in the Estimates to provide for a payment for his services as applies to the Leader of the Opposition in another place. We are supposed to emulate, as far as possible, the traditions and customs of the House of Lords. There cannot be a British system of government unless there is an Opposition. There is but the shadow of an Opposition in America and no Opposition in France because of the multiplicity of Parties.

The Hon. E. Anthony—There is plenty of Opposition in France.

The Hon. K. E. J. BARDOLPH—But no organized Opposition. Quintin Hogg, in his book *The Purpose of Parliament*, refers to the Leader of the Opposition in the House of Commons and states:—

In the British Constitution His Majesty's Opposition is as definite and as formal a fact as His Majesty's Government, hardly less coherent than the Government, enjoying its own separate life and complete with its own Leader, its own "shadow cabinet," and its own Whips and separate party meetings. The existence of such a group is an integral and indispensable part of our working constitution, and is even so far officially recognized that its titular Leader has been entitled since 1937 to draw an official salary of £2,000 a year.

In describing the positions of various members in the House of Lords, Quintin Hogg states:—

The Bishops sit on the bench immediately to the right of the Chancellor, the Ministers on the Front Bench further down and opposite the Table. On the left of the Chancellor, and above the gangway are the

Liberal Peers. Immediately opposite the Ministers is the official opposition led by Lord Cranborne.

The Hon. C. R. Cudmore—That does not refer to salaries.

The Hon. K. E. J. BARDOLPH—There is no reference in this book to payments as salaries. I compliment previous speakers but I hope that members will take cognizance of my suggestion relating to the Leader of the Opposition. There will be three Ministers in this Chamber, but I suggest that the Leader of the Opposition will do as much, or even more, in delving into the various aspects of measures which are introduced and he will not have a retinue of civil servants to glean his information. I support the second reading.

The Hon. L. H. DENSLEY (Southern)—I support the measure. The fact that the Government has introduced this Bill as a matter of policy is ample proof that it is an acknowledgment that there is sufficient work to justify the appointment of additional Ministers. I would like to take the opportunity to congratulate the Government on its fine record of service to the State. In recent years, when controls of various kinds have been necessary, boards have been set up to do some of the work, but that does not absolve the Minister of all responsibility. While everything goes along all right there may not be so very much extra work, but when everything does not go according to plan some member of Parliament or some citizen complains and the complaint finds its way back to the Minister, and this involves a great deal of work.

The principle adopted by the Liberal Party in its selection of Ministers of the Crown, namely, first to choose the Premier and empower him to select his own Ministers, has probably been responsible for the very great harmony that has existed at all times within the Ministerial ranks. We do not see what frequently happens in some States and countries, one Minister making an announcement which probably has to be corrected by his Leader the next day. We have seen a remarkable display of harmony by the Premier and his Ministers and I have little doubt that they are held in the very highest esteem throughout the State. We hear the opinion at times that Parliament is a little in the doldrums, but I would like to say on behalf of country interests that the various districts vie with one another to obtain the attendance of the Premier or one of his Ministers at

functions, for it is realized that their attendance adds great prestige to the occasion. We have a tremendous amount for which to thank the Government. We appreciate the fact that the Ministers are available at all times for consultation and, like Mr. Cudmore, I regret that they should be called upon seven days of the week, even while having lunch or a little recreation after lunch. The Attorney-General in explaining the Bill mentioned the vast increase in the work of the Education Department, and had it been necessary he could have gone on to show how the other departments have grown. Therefore we must realize that, in the interests of the health of the Ministers, there is a necessity for additional Ministers, and I have great pleasure in supporting the Bill.

The Hon. N. L. JUDE secured the adjournment of the debate.

#### WEIGHTS AND MEASURES ACT AMENDMENT BILL.

Received from House of Assembly and read a first time.

The Hon. R. J. RUDALL (Attorney-General)—I move—

That this Bill be now read a second time.

Its purpose is to make some administrative amendments to the Weights and Measures Act. Section 57 of the Act provides for the licensing of petrol pumps. The administration of the scheme for the licensing of petrol pumps is, under sections 57 and 57a, given to the Warden of Standards. Petrol pumps must be licensed annually and must be tested and certified as correct by a Government inspector. The Warden of Standards has reported that electric pumps are now being used for the sale of kerosene, diesel fuel, and lubricating oil. It is desirable that pumps used for their sale should be subject to the same control as petrol pumps and clauses 2 and 3 therefore provide that the existing provisions of sections 57 and 57a of the Act relating to petrol pumps will also apply to pumps used for the purpose of measuring kerosene, diesel oil, or lubricating oil on the sale of these commodities.

Section 57, among other things, provides that the Governor may make regulations fixing the fee to be paid on the licensing of a petrol pump but it is provided that the fee so fixed is not to exceed 10s. 6d. This provision was enacted in 1939 and it is obvious that what was a proper fee at that time is not now adequate to provide for the costs involved in the testing and licensing of these pumps. It is therefore

proposed by clause 2 that the limitation imposed on the power to make regulations should be deleted and that the Governor should have the power to make regulations fixing the fees for the licensing of the pumps to which section 57 applies. It is pointed out that section 56 provides for the licensing of weighbridges by the Warden of Standards and, in this case, the power to prescribe a licence fee by regulation was not made subject to a limitation.

Clause 4 extends the general regulation making powers contained in section 68 and empowers the Governor to make regulations providing that where goods in packages are sold the net weight of the goods in the packages shall, in the circumstances prescribed in the regulations, be one or other of the weights prescribed by the regulations. The purpose of this provision is to enable action to be taken by the various States to secure uniformity in the packaging of certain goods in regard to the net weight of the goods. Such action, it is considered, will provide protection to purchasers and will enable manufacturers carrying on interstate business to pack goods in a form acceptable to the various States.

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

#### FRUIT FLY ACT AMENDMENT BILL.

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

The Hon. R. J. RUDALL (Attorney-General)—I move—

That this Bill be now read a second time.

This Bill has the same purpose as the previous Bills providing for compensation for loss incurred through the campaign for the destruction of fruit fly. In January of this year, because of infestation by fruit fly, the Government found it necessary to issue proclamations prohibiting the removal of fruit and vegetables from certain areas in the eastern suburbs of Adelaide, and to carry out stripping and spraying in those areas. In April a proclamation was issued prohibiting the growing of certain plants in those areas. Following the policy previously approved by Parliament the Government desires to provide for the payment of compensation to persons who suffered loss either through the stripping and spraying, or by reason of the prohibiting of the removal of fruit or vegetables or the growing of plants, and the purpose of this Bill is to provide for the payment of this compensation.

The details of the Bill are as follow. Clause 3 makes a consequential amendment to section 3 of the principal Act. Clause 4 amends section 4 by striking out the provisions of that section dealing with compensation which are superseded by this Bill or have ceased to have effect. Clause 5 makes a consequential amendment to section 8. Clause 6 confers a right to compensation for loss arising out of the operation of the regulations made earlier in this year and which are set out in the schedule to the Bill. The clause gives a right to compensation to persons who suffer or who have suffered loss as the result of anything done or prohibited under those regulations; for example, where fruit or vegetables have been destroyed or where loss has been sustained as

a result of the prohibition contained in the regulations against the removal of fruit or vegetables from the land affected by the regulations. In accordance with the principle previously followed in the principal Act, the clause also provides for payment of compensation in respect of any loss which may be incurred by reason of the operation of any regulation which may be made between the passing of the Bill and January 1, 1954.

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

#### ADJOURNMENT.

At 2.55 p.m. the Council adjourned until Tuesday, October 6, 1953, at 2 p.m.