

**LEGISLATIVE COUNCIL.**

Thursday, December 3, 1953.

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

**ASSENT TO ACTS.**

His Excellency the Governor intimated by message his assent to the following Acts:—Textile Products Description, Landlord and Tenant (Control of Rents) Act Amendment, Port Broughton Railway (Discontinuance) and Sewerage Act Amendment Acts.

**CONSTITUTION ACT AMENDMENT ACT (GOVERNOR'S ALLOWANCE).**

His Excellency the Governor intimated my message that the Act had been reserved for the signification of Her Majesty's pleasure thereon.

**QUESTION.****PARLIAMENTARY SESSIONS.**

The Hon. K. E. J. BARDOLPH—With the opening of Parliament next year by Her Majesty the Queen will the Government consider the question of having two sessions of Parliament each year?

The Hon. A. L. McEWIN—That question has been considered on many occasions by many Governments. If a session did not have a closing date I doubt whether some legislation would ever reach finality. During sessions there is a considerable strain on and interference with the normal duties of departments, and if Parliament is to be continuous it would entail an increase in the Public Service, which would have to be justified by some tremendous benefit. As it is Parliament is actually continuously in session. It adjourns to a date and is further adjourned by the Executive, so that Parliament is available at any time to deal with an urgent matter, and that has been done. We have on occasions had two sessions when it was necessary, but I point out that in the interests of everybody concerned, including the efficiency and economy of Government departments, it would not be, as is often suggested, an improvement for Parliament to be in continuous session. Members would not have time in which they could attend to matters of their electorates, and it certainly would not be possible for Ministers to carry out a number of engagements which are usually worked in when Parliament is not in session. I know that statements are made in the press urging two sessions annually, but those very

same people should adjust their ideas of what could be expected of Ministers and members outside their actual duties in Parliament.

**PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT BILL.**

Read a third time and passed.

**ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).**

Read a third time and passed.

**HARBORS ACT AMENDMENT BILL.**

Read a third time and passed.

**MINING ACT AMENDMENT BILL.**

Read a third time and passed.

**LOTTERY AND GAMING ACT AMENDMENT BILL.**

Read a third time and passed.

**LOCAL GOVERNMENT (CITY OF ENFIELD LOAN) BILL.**

Read a third time and passed.

**EARLY CLOSING ACT AMENDMENT BILL.**

Read a third time and passed.

**PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL.**

Adjourned debate on second reading.

(Continued from December 1. Page 1724.)

The Hon. F. J. CONDON (Leader of the Opposition)—The principal Act was passed in 1948 and provided for the payment of benefits to superannuated members and to wives and dependants of members who were qualified for pensions. No member today is entitled to superannuation because it was provided in the 1948 legislation that a man had to contribute to the fund for six years to be eligible for benefits. In one or two instances, some members may have paid the equivalent of six years' contributions in lump sums and would be eligible. Although some members have been in Parliament for over 30 years, unless they have paid six years' contributions they are not entitled to superannuation. If any member desires to retire and obtain superannuation he must pay the balance of six years' contribution. On July 1, 1952, the amount to credit of this fund was £34,873, and contributions paid by members, £3,466. An amount of £477 was paid to ex-members and

£1,190 to widows of ex-members. The balance in the fund on June 30, 1953, was £43,901.

The Bill increases the amount of superannuation to be paid to members and to widows of ex-members. The amount of contribution payable is increased from £58 10s. to £72, an increase of £13 10s., which is not a small amount. A person must be a member of Parliament for 12 years before he is entitled to superannuation. The Opposition suggested that nine years membership would be sufficient, particularly in the other House. If an Assembly member serves in three Parliaments—nine years—he should come within the provisions of this legislation. The maximum amount that any member can receive after 20 years' service is £420 a year.

This legislation has been on the Statute Book for nearly five years, and has been subsidized by the Government in the same way as other superannuation schemes. During this short time it has accumulated funds of £43,901. Under the Bill widows' pensions will be increased from three-fifths to three-quarters. Under the existing Act widows of ex-members receive only a little more than the old age pension, and the receipt of superannuation prevents them from obtaining a full pension. There are one or two ex-members of this Council who receive a paltry pension of £4 10s. a week; this Bill will certainly improve the position and also provide a considerable benefit to widows of members. I support the second reading.

The Hon. Sir WALLACE SANDFORD (Central No. 2)—Mr. Condon has covered the ground very efficiently, so there is very little left for me to say. This Bill increases superannuation benefits and provides for increased contributions to the fund. Mr. Condon drew attention to the Auditor-General's Report, which sets out that the accumulation of funds to June 30 last was nearly £44,000. When this legislation was originally introduced it was felt that it would not work out very well to the insurer, but the fact that such a sum has been collected indicates the scheme was well founded, and as time goes on probably there will be further adjustments if the occasion arises. The maximum rate of pension after 18 years' service will be increased under this measure from £370 to £420, and this will necessitate an extra payment by members of the difference between £58 10s. and £72, the figure contained in the Bill. It must be remembered that this is not an arbitrary

assessment, because it is open to members to decide whether they will continue at the present lower rate or take advantage of the opportunity to increase the pension to which they will be entitled.

Section 17 of the Act refers to members who hold any office under the Crown. Clause 6 of the Bill clears up this section, and improves the position of the pensioner, because he will now be able to earn £500 a year from such office before his pension is decreased. If the remuneration is more than £500 his pension will be reduced by the amount of excess. I think that is a fair compromise, and I feel that with the passing of time the fund will increase in attraction because of this improvement in value.

The Hon. E. Anthoney—Has the honourable member a clear definition of what is meant by office under the Crown?

The Hon. Sir WALLACE SANDFORD—I know that my friend and I do not agree on this matter except on rare occasions. As he interjected, I assume that he probably intends to enlighten somebody. If a person is appointed to an office for which he receives remuneration, that is an office under the Crown, and in this case there is very little doubt about it. The fund is in a healthy condition, and it ought to be so because it is of very recent origin. As it has only recently been brought into operation, funds obviously had to be collected from somewhere to make a start, and the Government generously, although necessarily, contributed on a pound for pound basis. Until this scheme has been operating for a number of years there will be anomalies and occasions when some people may feel somewhat hardly done by. Fortunately, I think a section of the principal Act requires that a member shall either stand for election and lose it, or prove to the satisfaction of a prescribed authority that there were good and sufficient reasons for his resignation to be eligible for a pension. I believe in some of the other States loss of a Party pre-selection is regarded as being a qualification, and as time passes and political machines grow in power Party pre-selection may become increasingly important and the Act may have to be amended. In the meantime it has £43,900 to its credit and with the passing of the years this sum will snowball and finally develop into a fund which will secure the full objective of its founders. I have pleasure in supporting the second reading.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I think the time has arrived when there should be a complete revision of the incidence of this fund. Examination of the provisions of other funds shows that the State subsidizes members' contributions by 100 per cent in some cases, and although I am not suggesting that here I think there should be a review of the situation. I think much better conditions might have been achieved had some reputable insurance company been approached at the outset to provide the requisite cover.

The Hon. E. Anthoney—Private enterprise?

The Hon. K. E. J. BARDOLPH—Call it what you will, Labor subscribes to the principle of life insurance and has never attempted to nationalize it. The honourable member, who always endeavours to cloud the issue, would be the first to seek any benefits from such a change as I suggest. Outside people, in discussing the activities of members, often say, "You get a pension and the Government subsidizes it on a pound for pound basis," but they lose sight of the fact that members contribute to the fund. Many members will never participate in these benefits, for if they surmount the pre-selection hurdle they will remain in Parliament until Divine Providence determines otherwise, so the actuarial basis upon which this fund was established is wrong. As Mr. Condon pointed out, there is an accumulation of £44,000 in the fund and last year the total income over and above expenditure was £9,028. It is all very fine to say that this money will snowball. The purpose of the fund was not merely to accumulate money, but to provide adequate cover for members of Parliament. Had some reputable insurance company been approached I am convinced that the contributions may have been lower and the pensions more liberal. You, Sir and the Speaker are trustees of the fund. I am not cavilling at the manner in which the trustees have carried out their duties, for they are governed by Acts of Parliament, so I raise this point in my support of the second reading.

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

#### ROAD TRAFFIC ACT AMENDMENT BILL (FEES).

The House of Assembly intimated that it had agreed to amendments Nos. 1 and 3 suggested by the Legislative Council, without amendment, and had agreed to suggested amendment No. 2 with an amendment as follows:—

Suggested amendment No. 2—

At the end of clause 4 add the following passage:—

(b) by adding at the end of the definition of "commercial motor vehicle" the following passage:—The expression "commercial motor vehicle" shall not include—

(a) a vehicle which is fitted with an apparatus of the kind commonly known as a fork-lift, and constructed or adapted solely or mainly for lifting and moving goods by means of the fork-lift:

(b) a vehicle which is fitted with a crane and is constructed or adapted solely or mainly for the lifting and moving of other vehicles or goods by means of the crane.

House of Assembly amendment thereto—

Line 8—Leave out "other vehicles or".

Consideration in Committee.

The Hon. A. L. McEWIN—I move—

That the House of Assembly's amendment to the Legislative Council's suggested amendment No. 2 be agreed to.

The first part of the message deals with an amendment suggested by this Council in relation to mobile cranes with the idea of exempting cranes, as such, which have to be moved from one job to another. Through a misunderstanding in the instructions to the Parliamentary Draftsman the amendment as drawn was all-embracing and included cranes mounted on the back of buckboards and such vehicles as used by breakdown stations, which was never intended. The Assembly's amendment corrects that.

Council's suggested amendment as amended by the House of Assembly agreed to.

#### COLLECTIONS FOR CHARITABLE PURPOSES ACT (RED CROSS SOCIETY).

The House of Assembly intimated that it had agreed to the Legislative Council's resolution.

#### WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

#### SUPREME COURT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 1722.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill is similar in principle to the measure we were discussing earlier relating to our superannuation benefits. Clause 3 provides that the rate of pension in force under section 13b of the principal Act at the time of the passing of this legislation shall be

£1,625 a year. The amount of contribution to be paid by a judge is £80 a year, whereas a member of Parliament contributes £72 for a pension of £420. Clause 6 lists the benefits to which a judge, his widow or personal representatives shall be entitled. When a judge dies before retirement his widow will receive a pension for life equal to one-quarter of the salary received by her husband immediately before his death. There is a considerable difference in the amount she will receive and the amount received by a widow of an ex-member of Parliament. I do not object to that nor do I object to the provisions of this Bill. A judge has an honourable and important position and we have been fortunate in those who have comprised the Supreme Court judiciary. Members should have no hesitation in accepting the measure.

The Hon. C. D. ROWE (Midland)—I entirely agree with and endorse Mr. Condon's remarks. There are, in my opinion, three important heads of Government under our democratic system—the judicature, the legislature and the executive—and it is important that they should be in positions where their judgments can be exercised freely and without fear of interference. We have always enjoyed and, I think, always will, enjoy, a judiciary which has a reputation which cannot be equalled anywhere in the world and in this Bill we recognize the great services rendered. Whilst the pensions provided for judges and their widows are greater than the pensions provided for members of Parliament, I think the distinction is that judges have a complete and full-time job which involves much detailed knowledge on many subjects whereas I do not think we can conscientiously say that our Parliamentary duties constitute a complete full-time job. The provisions are generous and I am happy to support the second reading.

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

#### RADIUM HILL WATER SUPPLY AGREEMENT BILL.

Adjourned debate on second reading.

(Continued from December 2. Page 1788.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill ratifies an agreement between the Premiers of New South Wales and South Australia and the Broken Hill Water Board. It was thought rather remarkable and, to some extent peculiar, that South Australia should obtain water from Broken

Hill. On February, 1953, a proposal to construct a pipeline from the Umberumberka reservoir in New South Wales to Radium Hill was referred to the Public Works Committee which on March 31 recommended that a 6in. pipeline together with a small pumping station be constructed at an estimated cost of £287,000.

The Hon. E. Anthoney—What is the capacity of Umberumberka?

The Hon. F. J. CONDON—I cannot recall, although as a young man I worked at Umberumberka when the reservoir was in the course of construction. It was suggested that it might be cheaper to obtain water from the River Murray and at the time the proposal was referred to the committee it was thought that it might be difficult to obtain the Broken Hill Water Board's agreement to supplying water to Radium Hill. The committee visited Broken Hill to ascertain whether there was any likelihood of trouble concerning supplies from Umberumberka. The reservoir has only been dry once in 37 years and a regular supply should be assured. It was suggested that it would be preferable to obtain water from a South Australian source, but there would be difficulties of construction in obtaining water from the River Murray and the cost would be enormous.

The Hon. F. T. Perry—Doesn't the scheme depend on how long Radium Hill lasts?

The Hon. F. J. CONDON—Radium deposits seem to be springing up like mushrooms and that must be considered. It is our duty to preserve the interests of South Australia, and Radium Hill would not be much good without a water supply.

The Hon. E. Anthoney—Can this supply be relied on always?

The Hon. F. J. CONDON—Yes. If we had to rely on the rainfall at Radium Hill we would not get very far. Broken Hill has a population of 33,000. Information regarding this scheme can be found in the report of the Public Works Standing Committee. Although 21s. seems a heavy charge, it was not possible to obtain a cheaper supply. I support the second reading.

The Hon. W. W. ROBINSON (Northern)—This matter has been investigated thoroughly by the Public Works Standing Committee, and alternative schemes were considered, including the extension of the Mannum-Jamestown scheme, firstly to Peterborough and then to Radium Hill.

The Hon. K. E. J. Bardolph—Does the honourable member think that Committee was a competent authority to investigate the scheme?

The Hon. W. W. ROBINSON—Yes. It investigated the matter, and after hearing all the evidence available found that the cost of the alternative scheme was prohibitive, although it would have meant that Peterborough would be provided with adequate water supplies and perhaps would have been desirable to that extent.

The Hon. K. E. J. Bardolph—Were there any technical officers available to provide information for the Committee?

The Hon. W. W. ROBINSON—Knowing the committee as I do, I assume that these officers were called before a decision was arrived at. Members had the opportunity of visiting Radium Hill to examine the possibilities of alternative schemes, and when I made this trip I felt that any scheme depending on natural rainfall would be precarious because, although it could be spread over a large area, the rainfall in some parts is as low as 2in. No mining venture can depend on such a doubtful supply, and for that reason the Committee recommended this scheme. The price of 21s. a thousand gallons seems prohibitive to us because of the low cost of water here. Paragraph 8 of the schedule provides that this charge shall apply for three years from the commencement of the agreement, and that thereafter such rates as may be prescribed as applicable to the supply under the agreement by by-laws from time to time made under the provisions of the Broken Hill Water and Sewerage Act, 1938, as amended by subsequent Acts, shall be paid. It has been suggested that the agreement should be governed by the rates charged to Broken Hill people from time to time otherwise we will be at the hands of the New South Wales Government, but we are safeguarded by this provision. The term of the agreement is for 10 years, and it can be terminated after the commencement of the tenth year on 12 months' notice. The construction, maintenance and supervision are to be done by the South Australian Government. We are justified in providing a water supply for Radium Hill, which we are led to believe will play an important part in our industrial development, and I have much pleasure in supporting the second reading.

The Hon. J. L. S. BICE (Southern)—I support the Bill. I pay a tribute to the Broken

Hill Water Board, which so readily came to our assistance. The board consists of two representatives from the mining companies, two from the civilian population and two nominated by the New South Wales Government.

The Hon. F. T. Perry—Is part of the cost of water at Broken Hill paid by the mining companies?

The Hon. J. L. S. BICE—The public Works Standing Committee submitted a comprehensive report on March 31, 1953. The concluding paragraph on page 4 is most illuminating and informative. It states:—

The charge for water supplied to ordinary consumers at Broken Hill is fixed at 2s. 6d. per 1,000gall. There is a substantial gap between revenue received from rates and sales to non-mining consumers, and gross expenditure. Under the provisions of the Broken Hill Water and Sewerage Act, the difference is made up by payments by the New South Wales Government and the mining companies in the following proportions, namely, Government, 13/59ths; mining companies, 46/59ths. The apportionment of the mining companies' contribution is based on charges of 2s. 6d. per 1,000gall. for non-industrial water and 5s. per 1,000gall. for industrial water. Each company pays to the Water Board a sum which bears the same proportion to 46/59ths of the annual deficiency as the amount payable by that company for water supplied bears to the total amount payable by all the companies for water supplied. As the actual deficiency cannot be ascertained until the end of the board's financial year, the price of water to the mining companies is estimated at the beginning of the year, periodic payments at that rate are made by the companies and adjustments are made when the correct figure is known. The board's estimate of what it would cost the companies per 1,000gall. gross in 1953 was £1 3s. 9½d.

The Water Board was most liberal and helpful in this matter, and I pay a tribute to them. Officers of the Engineering and Water Supply Department of this State made a comprehensive survey of the undertaking and gave evidence before the Committee, as a result of which this recommendation was made. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Schedule.

The Hon. E. ANTHONY—I draw the attention of the Committee to paragraph 14. Although I presume this is a reasonable provision to cover the board, can the Minister say whether Radium Hill has an ancillary supply if this system should fail, because there is always a chance of that happening?

The Hon. A. L. McEWIN—This clause is a natural thing in an agreement of this kind, because the first responsibility of the Water Board is to the people of Broken Hill. The Broken Hill Water Board asked for certain storage provisions to be made at Radium Hill so that we may take the water at times most suitable for the board's reticulation mains, and a large storage tank has been erected for this purpose. This will also safeguard the position in the event of a temporary break in the main. This water, of course, is quite separate from the industrial supply for working the mines, which is brackish water obtained from other sources. A separate storage tank has been built for this. No doubt the Water Board will exercise every endeavour to supply its customers, but in an agreement of this sort there must be provision to cover contingencies beyond its control.

The Hon. F. T. PERRY—The cost of the water to the board at Broken Hill, according to report, is £1 3s. 9d. a thousand gallons, whereas it is charging only 2ls., so it is not making a profit. The mining companies' attitude is very good, for they meet about three-quarters of the cost of the water at Broken Hill, so that proportion is not a charge on the Water Board or the taxpayers of New South Wales. A clause of this nature is necessary in any such agreement.

Schedule and title passed.

Bill reported without amendment and Committee's report adopted. Read a third time and passed.

#### SUPERANNUATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 2. Page 1787.)

The Hon. F. T. PERRY (Central No. 2)—In this Bill the Government is correcting a mistake, and although it is rather disappointing to feel that a mistake of this sort could have occurred in the Public Service the Government's action in putting it right, and giving an option to those concerned to obtain their superannuation rights, is sound. I hope the people affected have not been put about unduly.

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

#### WHEAT PRICE STABILISATION SCHEME BALLOT BILL.

Second reading.

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

That this Bill be now read a second time.

The Bill authorises the Government to hold a ballot for the purpose of ascertaining the views of wheatgrowers on the proposed wheat price stabilization scheme. Details of the scheme have not yet been completely agreed upon in all respects by all the Governments, but there is already a fair amount of agreement and it is quite possible that complete agreement will be reached in the near future.

The Bill does not contemplate that a ballot will be taken until complete agreement is reached, and the power conferred upon the Minister to hold the ballot is conditional on such agreement. That is indicated by the first provision in clause 2 which states that if proposals for the stabilization of the price of wheat are agreed to by the Governments of of Commonwealth and of the States the Minister of Agriculture shall direct that a ballot be held.

Among the matter on which agreement has not yet been reached is the question whether the £9,000,000 now held in the Stabilization Fund is to be used for future price stabilization and on what basis the premium for West Australian wheat is to be allowed. When the ballot is held a direction will be given to the Returning Officer for the State for the purpose and a list of wheatgrowers who delivered wheat to the Australian Wheat Board in the season 1951-52 or 1952-53 will be prepared and this list will be the voting roll for the purpose of the ballot.

As in previous cases, the ballot will be conducted by postal voting. The ballot paper will be in a form which will be fixed by the Commonwealth Minister for Commerce and Agriculture and it will have either attached to or printed on it a short summary of the proposals on which the ballot is to be taken. The object of having the ballot paper in a form fixed by the Commonwealth Minister is to ensure uniformity throughout Australia. It is proposed that voting will be by marking a cross opposite the word "Yes" or "No" on the ballot paper and the other details of the procedure at the ballot will be determined by the returning officer.

Clause 3 provides for a vote of money out of the general revenue for the purpose of meeting the expenses of the ballot. Clause 4 provides

that regulations may be made for carrying the Bill into effect and, in particular, they may provide for compulsory voting. The Government is informed that such compulsory voting may ultimately be agreed upon by all the Governments concerned and, if so, it is desirable that South Australia should have the power to carry it into effect. This is a repetition of what happened previously and is a provision which must apply to any new stabilization scheme. As the matter may arise while Parliament is in recess it is necessary that there should be authority for the Minister to put South Australia in a position to carry out the necessary ballot.

The Hon. F. J. CONDON (Leader of the Opposition)—I am unable to work up any enthusiasm over this Bill because it is a shot in the dark; we are asked to pass legislation we know nothing about. I shall not oppose it because I believe in stabilization schemes, but I take this opportunity of showing how we pamper the wheat industry. Recently we agreed to a home consumption price of 14s. a bushel for wheat and probably we will be called upon to make up the difference when there is a fall in overseas prices. The stabilization scheme will assist one section of the community but will not be of any help to the manufacturing industry. Today flour mills at Balaklava and Port Adelaide are idle and others are on reduced time. Last week one of the biggest mills reduced running time and employees with 30 years' service were dismissed. By agreeing to a home consumption price of 14s. a bushel the price of bread has been increased by one penny a loaf.

The Hon. E. Anthony—Don't you think it should be increased by one penny?

The Hon. F. J. CONDON—The price of flour is being increased, therefore I do not think we can challenge an increase in the price of bread. In addition, the prices of cakes, self-raising flour and other commodities are affected. Flour mills are on reduced time at the opening of a season and the position is worse than it has been for the last 14 years. Christmas is approaching and men who had every right to expect employment are looking for work. Although we may not be suffering at present, soon there will not be any bran and pollard for the pig, poultry and other allied industries. Whilst we are helping one section we are neglecting another. I support the second reading.

The Hon. E. H. EDMONDS (Northern)—In view of the fact that the Minister a few moments ago provided a complete explanation

of what the Bill seeks to achieve it is surprising that Mr. Condon should direct his remarks along lines which are at variance with anything containing in the measure. The Bill proposes the holding of a ballot, arranges for the necessary finance for that ballot to be held, and provides that the ballot will be determined by the people concerned—the wheatgrowers. The methods of marketing wheat have undergone many changes. According to my reading of the history of the early days of colonization wheat producers conducted something in the nature of a barter system to dispose of their produce. We passed through that age and merchants entered the field and arranged purchasing, marketing and distribution systems which operated until World War I. when the compulsory pool was first introduced. During the intervening years between World Wars I. and II. there was a hybrid system. In some instances there were voluntary pools and in others merchants again entered the field.

With the outbreak of World War II. the Government established the Australian Wheat Board which continued until 1948 when the first wheat stabilization scheme was introduced. That is modern history and there is no necessity for me to refer to the details of that scheme but the principal aspect of it was to provide a stabilized price and certain funds were accumulated to meet a guaranteed price to the producer. That system was in operation until September 30 last but at present there is no definite scheme. There is a tentative arrangement whereby the Australian Wheat Board is carrying on until such time as a more concrete scheme is accepted. The Bill follows the precedent established in connection with the previous stabilization scheme to take a ballot of growers to ascertain whether they favour a proposal to be submitted to them. The Minister stated that the proposal will be fully set out in the ballot and every person entitled to vote will be supplied with the fullest information. Mr. Condon's suggestion that it will be something in the nature of buying a pig in a poke falls down because those most concerned will know the proposed terms of the scheme. After a ballot is taken a stabilization scheme will be established, that is, if a majority of wheatgrowers favour it. I have at all times accepted the democratic principle that those most concerned should decide any matter in which they are vitally concerned and I favour the Bill.

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

## HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 2. Page 1791.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the measure because it is one of the cardinal features of the Labor movement that the control of public moneys should be vested in a Minister and Parliament. This Bill makes major changes in the policy of the Highways Act, and provides that the revenue from motor registration fees and driving licence fees collected under the Road Traffic Act shall be paid into a highways fund. The Act provides that moneys in the fund are to be used by the Commissioner of Highways for various specified purposes. Under the Bill there is power to make grants and advances, and although the Minister did not say so in his second reading speech, I think it will have to be by way of loan. Under the Act the Commissioner of Highways has full mandatory power in administration; he can determine what purposes are authorized by the Act and for what purposes funds are to be expended. Approximately £3,500,000 was spent in this manner last year, which meant that the Commissioner of Highways had the complete authority to formulate plans and policy, and to expend any money in that fund. The increases in motor registration fees will considerably increase the amounts to be paid into the fund. In his second reading speech the Minister said:—

Thus, unless the law is altered, whilst Parliament has enacted that certain revenue is to be earmarked for expenditure on roads and similar purposes, neither Parliament nor the Government have any direct control over the expenditure of the very large sums of public money which are involved.

This means that the Commissioner will formulate necessary plans for the expenditure of that money, but before the policy is put into operation he must first seek the sanction of the Minister, who has the power to alter any proposals submitted to him. The Commissioner has a number of important powers, such as the right of purchase and compulsory acquisition of land and materials, the right to sell land and other property and to re-align boundaries of main roads—an important function. An important provision in the Bill is that requiring a report to be submitted to the Minister. At present the Commissioner must submit a report to the Governor which is then submitted to the Minister, who submits it to Parliament. Under the Bill the Commissioner will submit his report direct to the Minister,

who will then submit it to Parliament. The Act provides that materials not exceeding £1,000 in value are not subject to the Supply and Tender Act. This Bill alters that by providing that all projected expenditure must come under that Act. This Bill is in conformity with what has been advocated by the Opposition in this House from time to time, that all Government money should be under the guidance of some responsible Minister who is in turn responsible to Parliament, and for these reasons I support the second reading.

The Hon. N. L. JUDE (Southern)—This Bill is probably the most important measure Parliament has considered this session. Mr. Bardolph omitted to make one short but interesting statement in saying that his Party has always advocated this action, and I remind him that a Bill providing for a Highways Commissioner was introduced by the Labor Party in 1926.

The Hon. K. E. J. Bardolph—I did not want to labour our achievements.

The Hon. N. L. JUDE—You seem very keen to change it. It is quite obvious that a measure of this nature envisages a big change in Government policy. This Bill amends an Act which deals with one of the major portions of our revenue. Because of legislation that has been initiated this session increases in registration fees and drivers' licences will increase the amount available for this fund. The Gunn Government introduced the Highways Act in 1926, and decided that a commissioner should have charge of the fund which was then to be made available not only from revenue but also from petrol tax, if a certain amount of it could be extracted from the Commonwealth Government. It was at that time that the Federal Government virtually took over the petrol tax and stopped the States from imposing it. During the debate that took place then a serious attempt was made to alter the proposal for one commissioner to provide for a group of three, but this was not acceptable to Parliament. I know that members with many years of experience realize that what the Premier said at that time—that we were fortunate in securing the services of Mr. Fleming to fill that position—was justified, because he was held in high public esteem not only in South Australia but also in other States, as proved by the use the Allies made of him during war-time when the opportunity was afforded.

Today we have an entirely different set of circumstances, because the fund has become so large from three sources. I anticipate the main source will be the revenue from motor



vehicles, petrol pumps, and driving licences. Fines imposed for offences I assume will not do more than meet the cost of policing them. In addition, money will be obtained from Loan appropriations, and also from the Commonwealth Aid Roads Fund. The Auditor-General's report which was very clear and concise, shows that a total fund of £4,750,000 was available—a considerable sum of money. However, I draw attention to the fact that on June 30, 1953, there was a balance of £1,028,000 standing to the credit of this fund at the Treasury for the purposes of road maintenance and construction. That is perhaps the background of this Bill. I felt that my comment on this was necessary because thousands of our citizens are clamouring for new and improved roads and it seems unfortunate that we finished the year with such a large credit in that fund. I realize that I must present a fair picture, and that about £600,000 of that amount was placed in the fund right at the end of the financial year for the purposes of developmental roads, war service land settlement roads and general country maintenance. A further point in that report I noticed was that over £150,000, either grants or loans to district councils—I presume grants—was unspent, and it would be interesting to know which councils are involved. I am certain that many councils spent all they had and probably more, but that is the amount shown by the Auditor-General as being unspent by councils at June 30 last. The position is analogous to grants made by the Minister of Health to hospitals, and it is a great pity that full advantage cannot be taken of money provided by the Government. I realize that there are labour and other problems, but often I think it is lack of push; if someone determines to spend the money it can usually be spent.

Under the new Bill I would like Parliament, very quickly, to draw the attention of the Minister to funds that do not appear to have been spent. We know from experience that, in defending additional taxation, the Premier has often had to rely on the Grants Commission. Its latest report became available last week and it is very interesting to see the case put up for South Australia in comparison with that of the other States. Quite obviously the Premier based his case for increased taxation very soundly. Quite frankly, I used to regard this falling back on the Grants Commission as a time-honoured excuse. I was advised to read this report, however, and my attitude has now changed, for I am convinced

that the Grants Commission obviously has been the cause of our raising motor fees.

The Hon. E. H. Edmonds—Does the Commission make any comment on the balance in the road fund?

The Hon. N. L. JUDE—Small comment. Another feature of the Bill that appeals to me is that a detailed and business-like estimate of the year's programme will have to be placed before Parliament at the commencement of each financial year, and in addition, the fact that the annual report will have to be presented to Parliament early will be of great assistance. Sometimes a time lag cannot be avoided, but I have always thought it unfortunate that, in so many cases, we are compelled to deal with something without the current report being available, and can only, as it were, review past history. Provision is made for the compulsory acquisition of land to come under the direct purview of the Minister. I always take great interest in any matters to do with the compulsory acquisition of land. I am in favour of it for the purposes of acquiring lands for roads and so forth, but as it affects the very core of British justice it is highly desirable that the matter should come within the direct purview of the Minister rather than any Commissioner. I feel that this is an important concession to the individual citizen and therefore is an excellent provision.

I noted in the principal Act that the cost of collection of motor revenue and so forth was never to exceed 10 per cent, and I am glad to observe from the Auditor-General's figures that it has not. The costs were £135,000 in order to collect £1,633,000 but I have wondered whether the collection of licence fees on petrol pumps is a paying proposition. I do not like to do anything if it entails a loss. I have heard only a rumour to this effect, but I should be glad if some figures can be made available on this aspect. A further very important amendment is that which directs the Minister to call for public tenders for road construction. I am a believer in private enterprise, but it is quite obvious that desirable competition can be encouraged by Parliament ruling that the Minister shall, wherever possible, call for tenders for road construction. I have heard the Minister of Local Government quote figures in the country to show conclusively that the Government has done a job more cheaply than the prices quoted by tenderers but on the other hand he probably would admit that there are occasions when the private contractor has bettered the departmental effort by many thousands of pounds.

The Bill is a long one, but in the main it merely puts authority in the hands of the Minister instead of the Commissioner. In commending the fact that the Minister will be directly responsible to Parliament it is desirable that I should offer some proof of the disability that the Minister has to work under. Therefore, I quote from *Hansard* of 1952, page 366, portion of a reply by the Minister to a question in another place. He said:—

By Act of Parliament the Highways Commissioner has certain very definite powers for the maintenance of roads which Parliament, in its wisdom or otherwise, prescribed should be his prerogative. That being so he does not consult me or the Government on questions of maintenance, but only on the reconstruction or alteration of a road from one type to another.

That is an example showing the desirability of the change. Referring to another Commissioner, the Minister, last November, said:—

It is not within my province or that of this Parliament to issue directions on this matter.

The Hon. F. J. Condon—The Minister is the junior officer.

The Hon. N. L. JUDE—Well this Bill will do away with that and I believe it is the wish of all members, particularly of this Chamber, that the change should be brought about. In addition it is desirable that Parliament shall have control of any money provided for road purposes. Governments may change, although this one has been in office a long time and I trust will be in office much longer. Highways Commissioners also may change. I acknowledge that we might get a bad Commissioner and a bad Minister, but at least they would be some check on each other and members of Parliament will be able to get specific answers, which of course, is far more difficult in the absence of Ministerial authority. I think that when the Highways Act was passed in 1926 the Premier of the day felt that there could be a certain amount of political jobbery in connection with the building of roads and that it was desirable to have an overall State programme. That is an advantage of the commissioner system. Entire Ministerial control could be used capriciously if there were no reference to the Commissioner, but no Minister would be able to use his control capriciously because under this legislation the Commissioner could rightly point out that a full year's programme had been submitted to Parliament for its consideration and approval. I think the Minister has been placed in an invidious position in regard to questions asked in Parliament. The power of the Commissioner

in the past to penalize councils and take away from them grants they had not properly used is one that should rightly belong to the Minister. I assume that in the past the Commissioner would have consulted the Minister, but under existing legislation he has full power although he will not after this Bill becomes law. Considering the matter as a whole I do not think this measure would have been introduced by a Government in power for 15 years unless it had received careful consideration. I have pleasure in supporting the second reading.

The Hon. A. J. MELROSE (Midland)—I cannot say that I welcome this Bill because it seems to me to represent the result of a certain amount of backing and filling. Originally power was given to the Commissioner to enable him to formulate a long range plan for the management of highways developed for the State's requirements through his own department. He could then farm out certain work to district councils or to municipalities. I was under the impression that that policy was adopted because it was felt that when the matter was directly in the hands of a Minister, because of the comings and goings of Governments there was little possibility of there being a long and sustained expectation in the management of our highways. I point out that the shorter the period a Minister occupies his office the more he is subjected to wire-pulling from various areas requiring work to be done. We have become accustomed to this Government and it is regarded as an almost permanent institution.

Mr. Condon has repeatedly in the last few days compared the salaries of Ministers with the salaries of high ranking public servants. When one considers that a Minister has been in office for 15 years there may be some temporary basis for such comparisons. Prior to the Playford era Ministers came and went, sometimes most unexpectedly, and only held office for short periods. Even if a Minister occupied his office for three years I think it would be recognised that it would take him one year to understand his duties, the second to assert a little authority and in all probability the third to prepare himself for the forthcoming election scramble because he would realize his term was coming to an end. In three years a Minister could not become as valuable and knowledgeable as a civil servant who makes his job his career and who relies upon his efficiency to retain his position. Taking the matter by and

large, I do not think the difference in salaries would be as disproportionate as Mr. Condon suggests.

The Bill is essentially designed to bring the Highways Department under the direct control of a Minister. Not so long ago it was thought better to remove it from Ministerial control because a Commissioner would not be subject to wire-pulling and could safely plan a programme of works and development to coincide with his period of office. South Australia's road development might be described as good to phenomenal. This is a small community with a large area, a great proportion of which is largely uninhabited. Wherever one goes there is either a road that is good—although not necessarily one of the world's best—or a subsidiary road on which one can travel in safety at reasonable speed and with comparative comfort. There are occasions when one may consider that work being done in his particular little parish is out of proportion with what is being done in his neighbour's, but the Commissioner views the State as one big plan and impartially considers the claims of all areas. Mr. Jude referred to the war period, and what might be regarded as the American occupation. The Commissioner of Highways stood magnificently aloof, a man dressed with authority, and was prepared to step into a serious breach and commence work at the shortest possible notice without obtaining the sanction of a Minister as other consulted commissioners had to without guarantee of obtaining it. Mr. Fleming was able to say that he would undertake the job and was ready to start without seeking permission. Through his enterprise we were able to undertake some of our great road works during the war.

No private individual is in the position of the Commissioner who views the whole State as one plan. He understands the capacity and efficiency of various district councils throughout the State to perform the work they are anxious to commence and to which he has probably given his consent. Hypothetically speaking, it would not be surprising to find that on occasions he had given consent to work being done by a council which represented too big a mouthful for it. The works undertaken by councils are directly controlled by the Commissioner, and it is rather annoying at times when a council desires to do something to realize that his consent must be obtained, but my experience is that if a council is efficient and capable of undertaking work,

and its officers are efficient to carry it through, there is no reason to fear the Commissioner denying his consent. Ministers may come and go and I would be satisfied to leave the matter under the direct control of the Commissioner.

The fact that a Minister cannot answer all questions in Parliament forthwith is only to be expected, because no Minister can be expected to know of every tin-pot thing that is going on in the State. I do not think any Commissioner would refuse to supply an answer to a Minister nor do I think any Commissioner would not realize that his responsibility is to the Government and that he is not an entirely free-handed autocrat to go his own way and do as he pleases without considering the desires and general policy of Parliament or the Government. I realize that it would be futile for me to oppose the Bill. I have only voiced what I believe because I think there is an opinion to be expressed and I have done so as well as I can, without either blessing or damming the Bill.

The Hon. E. ANTHONY (Central No. 2) —The aspect that pleases me most about this Bill is that it returns responsibility to the Minister. When control was originally removed from the Minister it was thought that the Commissioner could best formulate a highways policy. I do not support that contention but believe that control should be vested in the Minister as part of responsible Government. We have got away from that in more than one instance and I am glad that we are endeavouring to get back to a sound principle. It was decided originally that as Ministers changed so frequently it would be better for the Commissioner to have power and that there should be a continuous policy in the Highways Department. The Forestry Department was under Ministerial control and afforestation officers believed there was no use in planning a scheme because a new Minister might assume office in three years and reverse the policy. There was a certain amount to be said for that, but on the other hand I feel that we are doing a very great disservice when we alienate Ministers from their responsibilities.

The Hon. K. E. J. Bardolph—This Bill does not do that.

The Hon. E. ANTHONY—No, and that is why I am pleased about it. It provides that all revenue collected from motor taxation shall be paid into a Highways Fund. I differ from other members on this because I feel, and I think I am supported constitutionally by others, that we should not earmark revenue

for any purpose because the Constitution states that all revenue shall be paid into a Consolidation Fund. We have got away from that by providing that certain revenues shall be placed in the various funds, and that is a serious departure from the old principle of responsibility of Government. The Minister under whom this department will now come will be able to call for tenders for important road services; in other words, we are getting away from the day labour system.

The Hon. K. E. J. Bardolph—Not necessarily.

The Hon. E. ANTHONY—No, but provision is made for calling tenders for road maintenance work, which is a good system. Although perhaps I do not know everything about the way day work has operated in this State, many councils will agree that it has not been a success and they could do their work more economically under the contract system.

The Hon. K. E. J. Bardolph—Wouldn't lack of success be due to inefficient supervision?

The Hon. E. ANTHONY—Supervision is an important factor in any system. In these days heavy motor vehicles do much damage to the roads, and as they are a very valuable ancillary to the transport system we should build roads to cater for them. It is no use forcing people to reduce their loads. We must face the fact that road transport has in the past played and will in the future play an important part in the transport system. I am sorry that the railways take a hostile view of road transport because it has come to stay. Although we can enforce reduced tare weights of vehicles, we should make the roads capable of taking heavy traffic.

The Hon. K. E. J. Bardolph—Does the honourable member subscribe to the view that all road transport problems should be co-ordinated under one head?

The Hon. E. ANTHONY—Yes, and that is an important point. One of the new Ministers to be appointed should be in charge of transport because in the metropolitan area is a very signal instance of the failure of dual control. For instance, councils control taxi services, and these with other methods of transport should be brought under one Minister. There will be a great benefit from the application of this measure, so I support the second reading.

The Hon. L. H. DENSLEY (Southern)—I pay a tribute to the work of Mr. Fleming in organizing the Highways Department. The work of this department should be subject

to control of the Minister and, although it has been said that Ministers come and go, this Bill specifically provides for the Commissioner to draw up a programme for submission to the Minister, so we need have no fear of any Minister acting derogatorily to the interests of the roads and of the community generally. The Highways Department makes about £750,000 available annually to district councils, and a system has grown up which provides that they must spend it before June 30. It can be readily understood that councils are anxious to obtain this money so that they will not have to increase rates, and this provision does not ensure that the best use is made of the money because often jobs are done in a hurry to use the money allocated before the end of the financial year, sometimes resulting in a dear job. Under Ministerial control this matter will be taken care of and district councils will have to make the best possible use of this money.

The main clause provides for handing over control of the department to a Minister, and I support this. The Highways Commissioner has had very great powers with regard to purchase of land, the taking of liens, and so on, and only came under the control of Cabinet when he desired to dispose of assets. It is desirable that a department spending approximately £5,000,000 annually should be answerable to Parliament through a Minister. I have very much pleasure in supporting the Bill because I feel it will provide for the better spending of money in the fund, and that there is nothing that will take away the rights of the Highways Commissioner in drawing up a road programme. He can still do this, but must submit it to the Minister.

The Hon. F. T. PERRY (Central No. 2)—The change in Government policy from direct control by the Highways Commissioner to the Minister is a wise course, but I cannot understand why the matter raised by Mr. Jude should not be answered, because I cannot understand how the Commissioner is not directly responsible to the Minister under the existing Act. Many of the public desire permanent departmental control, but it was generally thought that the Highways Commissioner was not subject to the Minister or Cabinet in most of the actions he took or responsibilities he exercised under the Act. When this Act was introduced in about 1926 the expenditure on roads bore no comparison with present expenditure, and although it may have been quite a reasonable proposition

then, conditions have changed considerably. According to the Auditor-General's Report total funds provided by the Treasurer now amount to about £24,000,000 so it will be seen that this has become a very big department, and therefore I feel that the change to Ministerial control is advisable. Admittedly it opens up possibilities which may cause the Minister a good deal of trouble and lead to pressures that he is not as easily able to put aside as the Commissioner. The development of the department has been extraordinary, as its ramifications have spread throughout the State. I have not been able to ascertain the value of its equipment, but it must be enormous. This type of plant has to be used to best advantage to be economical and I feel that the principle enunciated in this Bill that tenders shall be called where possible is a good one.

There are many other trusts and boards empowered to act on their own discretion as, for example, the Electricity Trust and the Tramways Trust. Whether the general policy of the Government has changed in this matter, or whether this is only an isolated case I do not know, but this Bill shows the necessity to review these instrumentalities periodically and effect changes if necessary. I take it that the Government feels that at least this change can be made with advantage, for the department's work extends throughout the length and breadth of the State. It is associated with every council, and I think it will be better for members to be able to get in touch with the Minister in regard to their troubles rather than have to go to the Highways Commissioner. The new set-up will make more work for the Minister and I understand that one of the new Ministers will be appointed for this sole purpose. I wish him every success because the development of roads is essential to the general development of the State and the maintenance of its transport system in the years to come. I support the Bill.

Bill read a second time and taken through its remaining stages without amendment

#### LICENSING ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

It deals firstly with the provisions of the Licensing Act relating to licences in the Renmark and Cobdogla areas. As members know, the Licensing Act requires that every hotel and

every other business carried on under a liquor licence of any sort at Renmark or in the Cobdogla irrigation area must be operated as a community undertaking. To ensure this, the law provides that no licence of any kind can be granted in these areas except with the consent of the Governor and unless the business for which the licence is required is carried on by a committee and the profits applied to purposes approved by the Treasurer. This scheme of community licences was first introduced by legislation in 1896, but the Act of that year limited the scheme to publicans' licences at Renmark. In 1908, in a consolidating and amending measure, the scheme was extended to all kinds of licences. I have not been able to find from *Hansard* that any reason was given to Parliament for extending the system to licences other than publicans' licences, and I doubt whether the question was actually considered by Parliament. In 1932 the system of community licences was extended to the Cobdogla area.

The effect of the present law, therefore, is that not only have hotels to be run as community businesses, but if there were any businesses operated under any other liquor licences, *e.g.*, storekeepers' licences, wine licences, storekeepers' Australian wine licences, brewers' Australian ale licences or distillers storekeepers' licences in the Renmark and Cobdogla areas they would also have to be community businesses. I am informed by the Licensing Branch that there are, in fact, no licences in these areas other than the publicans' licences of the community hotels.

The effect of the Bill is to restore the position as it was in 1896 by limiting the legislation respecting community licences to hotels carried on under publicans' licences. If the Bill is passed it will be possible for other types of licences to be granted to private individuals or companies in accordance with the ordinary provisions of the Licensing Act. Distillers' storekeepers' licences which are not governed by the local option polls could be granted at once. Other types of licences could not immediately be granted because of the effect of existing local option polls. If, however, a local option poll should be carried at some future time in favour of an increase of licences in the Renmark or Cobdogla area, it would be possible for the Licensing Court to grant other types of licences (except publicans' licences) in accordance with the provisions of the Licensing Act, but not more than one of each class of these licences could in the first

instance be granted in any local option district. It will be seen, therefore, that the Bill merely remedies a state of the law which appears to have grown up by inadvertence; and the only immediate effect will be to allow the Licensing Court to grant distillers storekeepers' licences to distillers in the Renmark and Cobdogla area.

The Bill also amends section 172 which makes it an offence to supply liquor to aborigines and provides a penalty of a fine only. The Bill provides instead for a penalty of imprisonment only. A term of imprisonment of up to six months may be imposed for a first offence and of up to 12 months for a second or subsequent offence.

The Hon. A. J. MELROSE (Midland)—This Bill has been brought down to correct an anomaly which has existed for a long time. I think that to some extent breaches of the law consequent upon this anomaly have been winked at. I presume there have been breaches of the law, but knowing the people concerned in the river areas I doubt whether they would think of breaking the law. Division XIII. of Part IV. of the Act is headed "Licences at Renmark", but "Renmark" should be interpreted to mean all that area between Kingston-on-Murray and the New South Wales border. That embraces the river irrigation areas. That division commences—

No licence shall be granted in respect of any previously unlicensed premises situated in that portion of the State which is comprised . . .

That means, in effect, that no licence shall be granted anywhere in that area except for what will ultimately be a community hotel. In that district there are many vineyards and some wineries and distilleries. In other parts of the State wineries, to which there are attached vineyards in their own right, may sell wine in lots equal to or greater than two gallons without let or hindrance. Also, in all other parts of the State distilleries that distil spirits, as distinct from wine, have distillers' storekeepers' licences which enable them to sell not only wine but spirits in lots of two gallons or more.

In the area from Kingston-on-Murray to the New South Wales border there are three distilleries, but because of the provisions of section 118 they have not these privileges and cannot obtain them without an alteration of the Licensing Act. They merely ask that this anomaly be corrected so that they, like other distilleries, may be able to apply for, and presumably obtain, a distillers' storekeepers'

licence to enable them to sell brandy, or whatever it is that they produce, in lots of two gallons or more. Two gallons constitutes a case, and throughout South Australia, which is the greatest wine-making State of Australia, it is the practice of the wineries to sell their wine in cases. The people in this area agree that no more publicans' licences should be granted, unless for community hotels. If, in the future, there is a change of opinion, no doubt they will take steps for an amendment of the Act, but the immediate question is for the distilleries concerned to be granted relief from the restrictions to place them on all fours with the distilleries in other parts of the State so that they may sell their products under the ordinary conditions applying to those distilleries. I cannot imagine that Parliament would object to this amendment. After all, we do not grant the licence; we only grant these people the right to apply in the same way as other similar businesses can. I urge members to support the Bill.

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

#### REAL PROPERTY (COMMONWEALTH TITLES) ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

This Bill has been introduced to deal with a problem which arises in connection with recent legislation of the Commonwealth creating the Commonwealth Trading Bank of Australia. The Commonwealth Bank Act of 1953, amongst other things, subdivided the activities of the Commonwealth Bank and created a new bank under the name of the Commonwealth Trading Bank of Australia to carry on the general banking business formerly carried on by the Commonwealth Bank. The Commonwealth legislation also provided for the transfer to the Commonwealth Trading Bank of some of the assets and liabilities of the Commonwealth Bank relating to the business carried on by the Commonwealth Bank in its general banking division. Amongst those assets are a large number of mortgages registered in the Lands Titles Office and other real property in South Australia. The Commonwealth Bank Act of 1953 automatically makes the Commonwealth Trading Bank the owner of those assets. But it does not contain any provision requiring

the Registrar General to register the Commonwealth Trading Bank as the owner and it may be that it was beyond the power of the Commonwealth to enact any such legislation.

The question has arisen whether the Registrar General is obliged to recognise the Commonwealth Trading Bank as the owner of all the mortgages and lands formerly vested in the Commonwealth Bank and if not what is the appropriate procedure. The matter has been discussed with the Registrar General and legal representatives of the bank and it has been agreed that the simplest solution would be to settle the matter by legislation extending the operation of the Real Property (Commonwealth Titles) Act of 1924. This Act was passed for the purpose of enabling the Commonwealth or a Commonwealth authority to obtain a registered title to land vested in or acquired by the Commonwealth from some other party, but it did not cover the case where lands already owned by a Commonwealth authority became vested in another Commonwealth authority by virtue of a Commonwealth statute.

It is proposed in this Bill to enact provisions setting out the procedure for transferring mortgages and land and interests in land from one Commonwealth authority to another. The procedure will be that the transferee authority will make a written application to the Registrar General of Deeds accompanied by a schedule of the mortgages or property to be transferred and a certificate that they are vested in the transferee authority by Commonwealth law. Such an application will be dealt with and registered in the usual manner by the Registrar General as if it were a duly executed and stamped memorandum of transfer of the mortgages or property to which it relates. As the Commonwealth Bank gratuitously performs some valuable services for the State Government, it is proposed by the Bill that the transfer of the assets from the Commonwealth Bank to the Commonwealth Trading Bank will be registered without payment of the usual fees under the Real Property Act.

The Hon. K. E. J. BARDOLPH (Central No. 1)—The Opposition supports this measure. As pointed out by the Minister, it deals with a problem arising in connection with recent legislation passed by the Commonwealth Parliament, necessitated by the Commonwealth Bank's dividing its activities and setting up the Commonwealth Trading Bank. The Registrar-General of Deeds in this State has raised the question as to whether he is legally bound to recognize the new branch of the Commonwealth

Bank in the matter of mortgages and securities registered in the name of the Commonwealth Bank, and this Bill is to validate the transfer of such securities. The Auditor-General conferred with the legal representatives of the Commonwealth Bank, and as a result this enabling legislation was suggested for the purpose of safeguarding the securities in the new organization. This further exemplifies the fact that the Commonwealth Government could not exist without all the powers delegated to it by the States. The measure extends the principal Act and places the position on a proper plane in regard to the State. It is not proposed to impose fees or stamp duties on transfers. It is a reciprocal arrangement and the Opposition supports the Bill.

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

#### DA COSTA SAMARITAN (INCORPORATION OF TRUSTEES) BILL.

Consideration in Committee of the House of Assembly's amendment:—

Clause 18. Add at the end of the clause:—  
(2) No stamp duty shall be payable upon any such transfer, conveyance or assignment.

The Hon. A. L. McEWIN (Minister of Health)—I move—

That the amendment be agreed to.

It merely adopts a suggestion of the Select Committee, so it is really an amendment of this Chamber.

Amendment agreed to.

[Sitting suspended from 5.18 to 9.35 p.m.]

#### PUBLIC OFFICERS SALARIES BILL.

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

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

That this Bill be now read a second time.  
Its purpose is to raise the salaries of the Auditor-General, the Public Service Commissioner and the Commissioner of Police. The salaries of these officers were fixed by Parliament in 1951 in accordance with a report made by the President of the Industrial Court. Last year a sum of £150, representing the increase in the living wage between July 1, 1951, and August of last year, was added to the salaries by the Public Officers Salaries Act, 1952. The salaries of the Auditor-General and the Public Service Commissioner are at present £2,450 a year and the salary of the Commissioner of Police, £2,200 a year. Since the passing of the Public Officers Salaries Act,

1952, the salaries of heads of departments and senior officers of the Public Service have been increased by the Public Service Board. The increases were based in part on increases granted to similar officers in the eastern States and, it should be pointed out, were additional to the living wage adjustments.

The increase made in the salaries of heads of departments ranged from £200 to £350 a year and the Government is of opinion that comparable increases should be made in the salaries of the Auditor-General, the Public Service Commissioner and the Commissioner of Police. After giving full consideration to the question the Government decided to introduce this Bill, which increases the Auditor-General's salary to £2,750, the Public Service Commissioner's salary to £2,600, and the salary of the Commissioner of Police to £2,450. The salary of the Public Service Commissioner will be in addition to any salary declared by the Governor to be payable to him as the chairman or a member of the Public Service Board. The increases take effect from July 1 of this year. The Bill repeals the Public Officers Salaries Act, 1952, which will be of no further effect if the Bill becomes law.

The Hon. F. J. CONDON (Leader of the Opposition)—This is a short measure which increases the salaries of the Auditor-General, Public Service Commissioner and Commissioner of Police. The salary of the Auditor-General is increased by £300, Public Service Commissioner £150, and Commissioner of Police £250. The Auditor-General is also a trustee of the Savings Bank and receives £450 a year for his services as such and the Public Service Commissioner receives £150 as a member of the Teachers' Salaries Board. On another occasion we were told that high ranking public service officers had to devote their entire time to their positions but these are two instances of officers undertaking other duties.

The Hon. N. L. Jude—Are you opposing this Bill?

The Hon. F. J. CONDON—No. I shall be consistent and support it. I shall be interested to hear whether the honourable member will support this measure which provides for retrospectivity to July 1. I support the measure for the same reasons I supported increases in members' salaries but in future we should be told what additional amounts these public servants receive.

The Hon. F. T. PERRY (Central No. 2)—This Bill deals with the salaries of three leading public servants who occupy responsible

positions. They are appointed under Act of Parliament and their salaries can only be adjusted by Parliament. Other civil servants receive increases automatically or in accordance with recommendations of the Public Service Commissioner. These officers are responsible to Parliament and we should support increases in their salaries commensurate with those received by other officers in the Public Service. The fact that they hold other positions is not their fault.

The Hon. K. E. J. Bardolph—What do you mean by that?

The Hon. F. T. PERRY—These men have gained experience, knowledge and judgment over the years which is used by the Government in other spheres. I think the Government is using the civil servant to a greater degree than is desirable. Parliament must recognize the worth of these gentlemen and realize that their judgment is only gained through experience. If the Government considers they are the only persons suitable for certain positions we must recompense them accordingly. The fact that their increases are retrospective is not their fault, but the fault of the Government and Parliament for not dealing with the matter earlier. It is quite different from another matter we discussed a few days ago. Because I think the House should suitably recognize senior Civil Service appointees, I support the Bill.

The Hon. K. E. J. BARDOLPH (Central No. 1).—I support the Bill. I appreciate the work that has been done by these officers, but it seems anomalous that the Auditor-General will receive £2,750 plus £450 as a trustee of the State Savings Bank, the Public Service Commissioner £2,600 plus £150 as a member of the Teachers' Salaries Board, yet the Commissioner of Police, who will receive a smaller increase, holds no other positions. These three officers should receive similar increases and a straight-out salary for all the positions they fill.

The Hon. F. T. Perry—Members of Parliament have other positions.

The Hon. K. E. J. BARDOLPH—I know the honourable member is a director of several companies, but that is his concern. He is an ordinary citizen, but these men are public servants, and their salaries should be sufficient to cover these side issues. Although the Commissioner of Police will receive an increase of only £250, he is carrying out more important functions than the other two, because he is concerned in maintaining law and order. He should receive the same increase as the Auditor-General.



The Hon. N. L. JUDE (Southern)—Because of the controversial tone of the debate I feel that I should declare my attitude on this Bill. For the benefit of Mr. Bardolph I point out that the Government in its wisdom saw fit to increase my salary; I voted against that and the retrospective clause. However, this Bill is an entirely different matter, because it deals with servants of the Government. As Mr. Perry said, the fact that the payments will be retrospective is no concern of theirs. They did not ask for increases but the Government in its wisdom decided it was a fair thing, as they did in my case. I had the right, as did every other member, to reject the increase, but the position is entirely different here. Because the Government, which is in a better position to judge this matter than private members, feels that this should be done, I am prepared to support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Salaries of certain officers."

The Hon. F. J. CONDON—Last night honourable members fought strongly against increased salaries of any description, their main objection being retrospectivity, but tonight, like little lambs, they are quite prepared to go back on those opinions.

The Hon. N. L. Jude—Are you opposing retrospectivity?

The Hon. F. J. CONDON—I am not.

The Hon. N. L. Jude—Then don't have a bob each way.

The Hon. F. J. CONDON—I am not, but that is what you are doing. I think these officers are entitled to an increase, but take the opportunity of pointing out the inconsistency of certain members who are prepared to do one thing one day and another the next.

Clause passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

#### POLICE OFFENCES BILL.

Returned from the House of Assembly with the following amendments:—

No. 1, page 11, line 34 (clause 33)—After "books" insert "and other matter of artistic or literary merit or books."

No. 2, page 12 (clause 33)—Add new sub-clause as follows:—

"(4) A prosecution for an offence against this section shall not be instituted without the written consent of the

Attorney-General. An apparently genuine document produced by the prosecutor and purporting to consent to a prosecution under this section and signed by the Attorney-General shall, without proof, be accepted by a court as *prima facie* evidence of such consent."

No. 3, page 12 (clause 33)—Add new sub-clause as follows:—

"(5) Notwithstanding anything in subsection (1) of this section, the Court shall not hold that books or other matters do not fall within the definition of indecent matter because of their literary or artistic merit, if such books or matter describe with undue detail, or emphasize, coition, unnatural vice, or other sexual, immoral, or lascivious behaviour, or the organs of generation or excretion."

No. 4, page 19, line 17 (clause 50)—Leave out the word "ten" and insert in lieu thereof the word "five."

No. 5, page 22, line 40 (clause 62)—Add the following proviso:—

"Provided that where the statements alleged to have been made by the defendant were statements concerning the conduct of a member of the police force the defendant shall not be convicted on the uncorroborated evidence of members of the police force."

Consideration in Committee.

Amendment No. 1.

The Hon. A. L. McEWIN (Chief Secretary)—The amendments contained in the schedule are the result of long consideration in the House of Assembly. The first amendment means that books and other matters of artistic or literary merit will not be regarded as obscene or indecent within the meaning of the Act. It must be read in connection with amendment No. 3 which provides that books and other matter of a literary or artistic merit shall be regarded as obscene if they describe in undue detail or emphasis certain sexual matters or immoral features, or the organs of generation or excretion, and I move that the amendment be agreed to.

Amendment agreed to.

Amendments Nos. 2 and 3.

The Hon. A. L. McEWIN—Amendment No. 1 exempted matters of literary merit and Nos. 2 and 3 clarify the position. No. 2 provides for the protection of the public to the extent that the prosecutions for obscenity are not to be instituted except with the consent of the Attorney-General. Its purpose is to safeguard booksellers and others from trivial prosecutions. This is an amendment which can be accepted and I move accordingly. Amendment No. 3 provides some line of demarcation in what is literary merit and what is not. It is in keeping

with the debate in this place and the principle of the Bill as it left here, and I move that it be accepted.

Amendments agreed to.

Amendment No. 4.

The Hon. A. L. McEWIN—This amendment deals with the penalty for unlawfully ringing house bells and reduces it from £10 to £5. This is not of vital importance and I think we need not insist on our previous decision. I move that the amendment be agreed to.

Amendment agreed to.

Amendment No. 5.

The Hon. A. L. McEWIN—This amendment relates to false reports to the police and is an additional clause of an evidentiary nature. In the case of false reports concerning the conduct of police officers a man is not to be convicted on the uncorroborated evidence of a police officer. This is for the protection of members of the public and I move that it be accepted.

Amendment agreed to.

#### ROAD TRAFFIC ACT AMENDMENT BILL (GENERAL).

The House of Assembly intimated that it agreed to the Legislative Council's amendments.

#### MINING ACT AMENDMENT BILL.

The House of Assembly intimated that it agreed to the Legislative Council's suggested amendments.

#### PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT BILL.

The House of Assembly intimated that it agreed to the Legislative Council's suggested amendment.

#### BUILDING ACT AMENDMENT BILL.

The House of Assembly intimated that it agreed to the Legislative Council's amendment.

#### TRUSTEE ACT AMENDMENT BILL.

Returned from the House of Assembly with the following amendments:—

No. 1. Clause 3.—Add the following subsection:—

(2a) A person voting at a meeting under this section shall do so by marking his vote on a ballot paper provided by the trustees; and the meeting shall be so conducted as to ensure that the voting shall be secret.

No. 2. Clause 3.—Add the following subsection:—

(6a) Subject to subsection (6) of this section, where the instrument creating an employees' benefit fund provides for the variation of the instrument, the instrument may be varied in accordance with its terms or in accordance with this section.

Consideration in Committee.

Amendment No. 1.

The Hon. A. L. McEWIN—The amendment provides for a secret ballot. It is desirable and fitting that a secret ballot should be held and the amendment can readily be accepted.

Amendment agreed to.

Amendment No. 2.

The Hon. A. L. McEWIN—The powers contained in the Bill were always intended to be available to the trustees of an employees' benefit scheme as an alternative only to any other powers to alter they might have under their trust deed. The deed powers were not intended to override any power to alter contained in a trust deed. However, doubts have been raised as to whether the effect of the Bill is to override such a power, and although the Government believes that the Bill did not have this effect, this amendment has been inserted to make it quite clear. It is only to amplify the intention of the Bill, and I move that the amendment be accepted.

Amendment agreed to.

#### PROROGATION SPEECHES.

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

That the Council at its rising do adjourn until Tuesday, January 12, 1954, at 2 p.m.

I wish to say on behalf of members how pleased and happy we are, Mr. President, that we have been able to enjoy another session under your very capable direction in the Chair. Your candour and strict interpretation of Standing Orders is appreciated, and your sense of humour is something that seems to permeate through the whole of the Council, making for easy working and a generally happy condition. The only sad feeling we have this evening is that two very respected members are absent through illness. I refer firstly to my colleague the Hon. Mr. Rudall, the Minister of Education, who I am pleased to say from reports I have received is feeling better and expects to leave hospital tomorrow. I have received messages from him, and he is concerned that he has not been here, but the consideration of honourable members has been such that I have

been able to carry out his responsibilities without any mishap. Secondly, I refer to Mr. Cudmore, whom we have missed. There is no harder worker in Parliament, and nobody gives greater attention to Bills. Although he has been confined to his bed, he has hardly left his telephone because he has been so anxious to keep in touch with what is going on here. Whilst I know how much we all feel for him this evening, I am glad to hear from his son that he is well on the road to recovery, and is possibly thinking more of us this evening than he could possibly imagine we are thinking of him. I cannot remember a prorogation when Mr. Cudmore has been absent, and I am sure that I am expressing the wishes of all in saying that I look forward to the time when he and the Minister are back on duty again.

It has been my happy privilege to enjoy the co-operation of all members in this House irrespective of Party. They seem to be patient towards my shortcomings, and we are in every way a very happy House and work efficiently. We have dealt with about 60 Bills this year and in this, the final week, after three very heavy days, my reaction has been that never before has the House applied itself more assiduously to its work. It does make a big difference in the working of this Chamber if all members apply themselves to the task and assist in the business of the House.

The Leader of the Opposition, who I am pleased to say is now looking better than he has for some time and is enjoying better health, presents a youthful appearance and is able to give constant application to his duties and display the good humour with which we are all familiar. It is particularly appropriate that I should refer to him this evening because, although he has been in Parliament longer than most of us, I do not know that ever before has the prorogation of Parliament coincided with his birthday. I take this opportunity of conveying to him our congratulations and good wishes.

In the work of each session we have to use the services of many officers of Parliament. Our Clerk and Clerk Assistant have given most exemplary service this session, and I have received not only assistance when it has been needed but an anticipation they always seem to have of requests for services. That is a very valuable contribution to a Minister at any time, and I am sure that the same service has been enjoyed and appreciated by every member. Then we have our Parliamentary

Draftsman, who is often expected to be in two places at once. He is just as ready to assist members as he is Ministers. I think that I convey the feelings of everyone when I express our appreciation of the value of the services he and his assistant so readily give at all times and I feel justified in saying that our Parliamentary drafting staff is without peer in the Commonwealth.

We also have occasion to call on the services of the librarians at short notice. It always amazes me to find, when I consult them in some vague expectation that they may be of some assistance, that in a matter of minutes they produce all the necessary information. That not only demonstrates their ability but their anxiety to place their knowledge at our disposal. Then we have the *Hansard* staff who struggle away with what information they can get, and what they can hear. Often things are said back to front, but members' speeches are put into such shape that when they read them next day they can say that they are even better than they could have done. With their help we are able to publish something which not only conveys to us what has been said, but goes a little further and enables the public to understand clearly what they read in *Hansard*. The journalists in the press gallery are our main lines of communication with the public. They strive to produce for the public some concept of what is going on in Parliament, and we thank them for their honest endeavours. We are grateful to all members of our messenger staff and others who render such excellent service in their respective spheres. In short, I think I am entitled to say that we are an efficient Parliament. I do not think I would be claiming undue praise for ourselves in saying that the whole atmosphere of the building savours of efficiency, and we are proud to introduce members of the public into the precincts of Parliament at any time, feeling confident that they appreciate that we are doing our best in the interests of the community.

At our next meeting we will have the honour and privilege of a visit by Her Majesty, Queen Elizabeth II. We are all looking forward with great enthusiasm to that occasion which will be not only a great day in the history of the Parliament of this State but something which will be a privilege to witness. We will, with other citizens of the community, be waiting to give a right royal welcome to our beloved Monarch and my prayer is that we may be

present' in full numbers, without any interference through ill-health or any other untoward occurrence. We are breaking up just prior to the festive season and I would like to convey to you, Sir, and every member of this Council my best wishes for a Merry Christmas and happiness and good health in the New Year.

The Hon. F. J. CONDON (Leader of the Opposition)—It would be very easy simply to say that I support the remarks of the Chief Secretary. I have been thinking what would be appropriate on an occasion such as this, and I summed it up this way: I am very happy and pleased that there has been no break in the chain of members. On some occasions we have unfortunately had to refer to the death of colleagues with whom we have been associated for years, but we have been preserved from that sadness this session. However, we are deeply sensitive of the absence of two of our colleagues through sickness—for we are all colleagues whatever our political beliefs. There is a deep affection between all members of this Council despite what may be said at times, or our differences of opinion. It is a very nice thing when one goes home at night to be able to put his head on his pillow and say, "We are all pals and friends."

Concerning yourself, Sir, I can only repeat what I have said on previous occasions. We would be lost without you. You give us that consideration that every member deeply appreciates. You have had long association with Parliament, and I say in all sincerity that no man in South Australia is more highly respected. I should very much like to have seen my friend Mr. Cudmore here tonight in order that I might express our appreciation of his services. We all miss him, but although he is not with us tonight at least he has a representative in the precincts—a young man who is worthily following in his father's footsteps and is an acquisition to his calling.

We all regret the absence of our friend, the Attorney-General, and hope that he will shortly be able to resume his duties and continue his companionship and friendship with us. It has been unfortunate that one Minister should have been called upon to carry out all the Ministerial duties of this Council. It is not easy for one Minister to control this Council and the destiny of a great deal of the legislation. We admire our Chief Secretary for the way he has carried out his duties as Leader of this Chamber. He referred in eulogistic terms to

the various officers of Parliament and I support all he said. In thanking members of the staff generally I particularly wish to mention Mr. Gordon Clift, who is in charge of the air conditioning of the House. We appreciate his keenness in maintaining the system so efficiently in the interests of the health of members. It is a wonderful thing to enjoy the friendship of all with whom one is associated, from the highest to the lowest, for this makes one's duties much lighter. I am happy to be associated with my friends in Parliament, irrespective of the Party to which they belong, and deeply appreciate the assistance they render to me. I thank my colleagues in the Opposition for their loyalty. I appreciate the kindly references made by the Chief Secretary and trust that when next we assemble we shall all be hale and hearty and join together in the celebrations associated with the visit of Her Majesty the Queen.

The Hon. Sir WALLACE SANDFORD (Central No. 2)—Perhaps I may be permitted to express the sorrow we all feel at the absence of our friends the Attorney-General and the Hon. Mr. Cudmore. We know from our intimate personal relations with Mr. Cudmore as our leader that he enjoys the esteem, regard and affection of us all and I am sure I say what everyone feels in expressing the hope that he will soon be completely restored to health and strength.

On behalf of those whose interests I have perhaps haltingly endeavoured to maintain, I thank you, Sir, as our President, the *Hansard* Staff and all those who have helped us to do our work here during the year now drawing to a close. Particularly I thank you, Mr. President, and Mr. Ball and Mr. Drummond for the way in which the work of this Chamber has been conducted and its precedents maintained, and I thank all the staff who have rendered us individually innumerable services. We greatly appreciate the courtesies that have been extended to us, and in wishing all a happy Christmas I hope that we shall all be meeting again in the unprecedented circumstances of the new year to which we now look forward with loyalty, eagerness and pleasure.

The PRESIDENT (Hon. Sir Walter Duncan)—I thank all who have spoken on behalf of those who cannot say "Thank you" themselves. I, too, thank all the clerks, *Hansard* staff and others who have assisted members. Sometimes, I must admit, I wish I were more trouble to *Hansard* by being on the floor of the Chamber. The sentiments expressed with

regard to me are such that I would not be human if I did not appreciate them; I hope that some of them were earned. We have, as has been pointed out, unfortunately for the last few weeks been without the assistance of two of our legal advisers, the Attorney-General and Mr. Cudmore, but, like all honourable members, I hope to see them restored to health and resuming work in the near future.

I do not think members fully realize the amount of work our two clerks do to ensure that proceedings run smoothly. I am more closely associated with them than any member and I personally thank them for what they have done. If members only knew of the messages prepared yesterday as to what was to be discussed today and realized that it was not necessary to alter them they would appreciate the foresight of the clerks in anticipating what would happen even though some Bills were amended. The Chief Secretary has had a hard time but with that tactful method of his he has not left anyone in doubt as to what was going to happen, the effects of which were most gratifying. I saw him practice of few of his arts this evening and within a quarter of an hour we received messages from the other House. I do not know whether he said the right thing at the right time or not but the results were admirable. It is occasionally very trying being on your own all the time, very often having to explain Bills that you know little about but I am sure you will agree that the Chief Secretary explained them as if they were his own and as if he had worked on them for a long time. To him, the House says "Thank you for what you have done and congratulations."

The next time we meet in this Chamber we will have Her Majesty the Queen with us and I am certain it will be the aim of every member to try to put on as good a show as possible at the opening. I know I can rely on every member to assist. I realize there will be many difficulties because this place is not as big as we would like for the occasion but I can assure members that everything will be done to ensure that they and their people will have as good an opportunity as possible of witnessing the opening by Her Majesty.

I wish Mr. Condon, who is celebrating his birthday today, many happy returns of the day. I assure members that I appreciate the assistance and loyalty they have always shown. I know perfectly well that at times they do not agree with me but they do not show it or get annoyed. I hope they realize that I am trying to do my best in the circumstances. Members build up the reputation of this House and I am happy to say that this session has been as good as any in my time. I wish all members of the staff and everybody connected with Parliament House a merry Christmas and a happy New Year and good luck in the future.

Motion carried.

#### ADJOURNMENT.

At 11.10 p.m. the Council adjourned until Tuesday, January 12, 1954, at 2 p.m.

Honourable members rose in the places and sang the first verse of "God Save the Queen."