

LEGISLATIVE COUNCIL.

Wednesday, October 6, 1954.

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

**SUBSIDIES ON PRIVATE SCHOOLS
BUILDING COSTS.**

The Hon. K. E. J. BARDOLPH (Central No. 2)—I move—

That, in the opinion of this Council, it is desirable that financial aid be made available by the Government to recognized private schools on a pound for pound basis on the capital cost to erect new school buildings similar to the scheme inaugurated by the Government to assist institutions providing for the care of aged persons.

I make no apology for submitting this motion for I believe that, deep down in their souls, all members of this Council support such a proposal. Although it may be asserted by some people that this is a method of providing a grant to religious schools, I remind them that this Government has already established a precedent in assisting private institutions for the aged and infirm, for which I commend it. In 1953, after a motion was submitted by members of the Opposition in this place requesting the Government to provide accommodation for those in the declining years of their lives, the Government came down with a proposal which had the benediction, not only of the A.L.P. but, I think, of every citizen in South Australia. If it is the responsibility of the Government to provide homes for those who in many instances have been pioneers in this State and played a prominent part in the maintenance of our Parliamentary institutions it is equally the responsibility of the Government to contribute on the same basis towards the capital cost of buildings for those religious denominations which provide schools, and thus relieve the Government of that expenditure. The training of the young is just as important as caring for the aged, and that is why I make no apology for submitting this motion which has for its purpose that which every member stands for, namely, to see that the pernicious philosophy of Communism does not gain ground in our midst, and that the sanctity of home life and the preservation of our Parliamentary institutions shall remain as they have been handed down to us.

I quote a list of the homes for the aged to which the Government gave grants on a pound

for pound basis, and the amounts of those grants. They are as follows:—

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| The Australian Lutheran Aid Society (Inc.)—The Australian Lutheran Aid Society's Home for Aged People, Fullarton | £ 2,498 |
| Central Methodist Mission, Port Adelaide—Wesley House | 16,537 |
| Central Mission, Port Pirie—"Lealholme" Old Folks Home, Port Pirie | 492 |
| Central Mission, Old Folks Home, Inc.—Payneham and Henley Beach . . | 13,087 |
| Church of England—Social Welfare Committee—Diocese of Adelaide, St. Laurence's Home for the Aged, Grange | 23,079 |
| Church of Christ Evangelistic Union Inc.—S.A.—Christian Rest Home, St. George's | 12,091 |
| Little Sisters of the Poor (S.A.) Inc.—"Lourdes Valley" Home for the Aged Poor, Glen Osmond . . | 21,161 |
| Mount Gambier Old Folks Home Inc. | 7,960 |
| North Adelaide Christian Community Centre—"Helping Hand Home for the Aged"—North Adelaide Home for the Aged and Riverton Rest Home, Inc. | 11,961 |
| "Resthaven" Methodist Home for Aged Women, Inc.—Leabrook and Malvern | 28,574 |
| S.A. Baptist Homes for the Aged, Inc.—"Iloura" Home, Norwood . | 10,523 |
| Sisters of St. Joseph—St. Joseph's Providence, Cowandilla | 5,900 |
| The Salvation Army—"Eventide" Home for Aged Men, Linden Park . | 35,501 |
| The United Evangelical Lutheran Church in Australia—S.A. District Inc.—Lutheran Rest Home for the Aged, Tanunda | 13,428 |
| | £202,792 |

Those grants were made without any strings attached thereto, but on the following conditions:—

The Government is asking the House to make funds available to the extent of £229,900 for subsidies towards the capital cost involved in the provision of homes for aged persons. The subsidies will be paid to the various bodies providing these homes on the following conditions:—(1) The Government will find half the capital cost of any home or proposed home on the basis of moneys expended or commitments made (which are considered satisfactory by the Government) during the financial year 1953-54. The capital cost will include the cost of original furniture and equipment. (2) The Government will require a certificate from the Auditor-General as to the amount involved in respect of each home. To enable the Auditor-General to furnish this certificate vouchers, contracts and other information will be required from the various bodies. (3) The Government will only pay subsidy on premises used exclusively in connection with providing accommodation for aged persons. (4) The Government will

require an undertaking from any religious or other body receiving subsidy that the premises will always be used for housing pensioners or aged persons of limited means without further commitments to the Government. (5) In cases where a mortgage exists over real estate which is being used as a home for aged persons of limited means, and the Government is assured that the home will continue to be used as a home for aged persons, the Government will provide a subsidy of half the mortgage on the responsible body raising the other half of the amount and arranging for repayment of the mortgage in full before June 30, 1954.

This is *prima facie* evidence that the Government recognizes that religious institutions mentioned are relieving it of part of its responsibility. I am reminded of a statement by the Hon. R. J. Rudall when he was Minister of Education. In passing, I express the view that we all look forward to his return to the Council after his prolonged illness. In a foreword to an excellent book, *One Hundred Years of Education, 1836 to 1936*, Mr. Rudall had this to say:—

Four hundred and thirty-seven of our teachers enlisted in the armed services. Through the sacrifices that were made we are still free to develop our system of education so that our children can be given the opportunity to develop the latent possibilities in them, and will not be forced into a particular mould which suits the purpose of the dominating group. Although we are at present facing difficulties that are associated with the post-war years, the interest in education is keener than ever and we can look forward to the future with high hopes. We must strive for a balanced system of education in which our children may develop not only proficiency in a technical age but the art of living a full life not only for themselves but in the interest of society as a whole.

I fully subscribe to those sentiments. It is interesting to consider an historical review of the education system in South Australia. This State was founded in the 1830's and the education system originated under private enterprise. Private educational institutions still lift a considerable burden off the shoulders of the State. Many of the founders of the new British province, as it was then termed, were in touch with the new educational movements and were bent on promoting education in the proposed Colony. In 1811 a National Education Society was founded in England. In 1814 Joseph Lancaster established a British and Foreign School Society, and these and other groups of English and Scottish educationists were moving towards modern ideas. Very early in their work the leaders of the South Australian movement showed their interest in education. In 1834 they founded in London a

South Australian Literary and Scientific Association, which conducted lectures and discussions on a variety of topics, and when in 1835-6 they established a South Australian School Society they adopted the British and Foreign School Society's plan. Obviously inspired and supported by that great philanthropist, George Fife Angas, the South Australian organization drew up proposals to found in the future Colony four grades of schools which would cater for infant training, for the teaching of agriculture and other occupations, for the higher branches of education, and for indentured apprenticeship. On the mainland it is stated that the first school was probably opened by Mrs. Hillier on the north parklands at the foot of Montefiore Hill and later in Currie Street in 1837-8. The Rev. T. Q. Stow, the first minister of the Congregational Church, opened a school on North Terrace in December, 1837, and Miss Nihill, a ladies school in 1838. Although the pioneer educationists found it very difficult to provide accommodation or books, and the children, whose labour was valuable in the new province, attended very irregularly, several clergy and other well-educated persons had perforce to augment their means by teaching, and for the first few years the standard of elementary education was high.

Amongst the other early schools was Pulteney Grammar, founded in May, 1846, under the Rev. E. K. Miller, with a roll-call of 280 boys and girls in the first year. That school which today is only for boys has over 700 scholars. Religious denominations quickly founded educational establishments. Like the Rev. T. Q. Stow, the Rev. R. Drummond (Presbyterian) undertook educational work, and the Roman Catholic Bishop Murphy opened schools on West Terrace and Franklin Street in 1848. Yet in 1845 South Australia contained only 26 schools, of which 14 were in Adelaide, six in the suburbs, and six in country districts. The recovery of the Colony and the mineral discoveries paved the way for the Education Acts of 1847 and 1854, providing for compulsory and secular education.

Yet, despite the vast growth of the above system, the private educational institutions have remained and grown primarily to meet the needs of those who prefer a religious to a secular education. Almost all the religious denominations still maintain a number of primary and secondary schools and colleges for both boys and girls. The system is efficient and the results of the University Public Examinations are a criterion, and is a considerable financial

saving to the State. There are also a number of schools and colleges in the hands of private individuals. Good work is being done, but these institutions lack continuity as compared with those managed by the Government, by churches or by boards.

Government assistance to the University and other higher institutions gives these bodies a semi-State character, but a few still remain independent of State aid. The residential colleges of the University, for example, are denominational in character, and remain unique in Australia as having been established without Government assistance of any kind. They are Lincoln College (Methodist), Aquinas College (Roman Catholic), St. Ann's and St. Mark's (Anglican).

We now come to the building projects of our denominational schools. As to the Anglican Church, we find that there are 340 students at the St. Peter's Collegiate Girls School. A project is in hand for classrooms and a hall estimated to cost £100,000, but this scheme will have to be retrenched because of lack of funds. They have in view to build a school to hold 400 students, 80 of whom will be boarders, but are unable to go forward with this scheme as they cannot afford it at the moment; nor have they the money to build a school chapel and will have to use the hall for this purpose. The St. Peter's Collegiate Boys School has 780 students and an amount of £24,000 is being spent on new classrooms for the preparatory school. They have just completed portion of a new boarding house at a cost of about £18,000. Both those figures are approximate, as final accounts have not yet been rendered. Projects include a new chemistry laboratory, among other things, but these are being held up as money is not available. The Pulteney Grammar School expects to have 665 students in 1955. It is introducing a new scheme at the beginning of next year to increase the size of the senior school, making provision for 780 students by 1958. This involves the purchase of additional property for about £15,000 which has to be borrowed. In this new scheme there will be three "streams" in each grade of the senior school—the first "stream," university; second "stream," mixture of possible university plus clerical (banks, insurance, etc.); third "stream," technical, involving introduction of woodwork as part of the scheme.

The Woodlands Girls Grammar School has 470 students and £20,000 is to be spent on new classrooms and cloakrooms. St. Alban's Girls School has 152 students and projects in view

include improvements to the playing ground and tennis courts costing about £120. Projects just completed and being paid off this year include a new classroom, kitchen and cloakroom, costing about £1,000. The Church Primary Schools have 1,000 children and the number is increasing. Of these schools St. Augustine's, Unley, has a class roll of 55 children booked for 1955 and a project in view to increase this number to 80 by 1957. They have in hand the building of a new toilet block which will cost approximately £1,500 to be opened at the end of this year, and have in view a reconstruction programme for next year which will amount to approximately £500. St. Gabriel's, Underdale, is in the process of purchasing land with a view to constructing new buildings—but as yet no figures are available. This covers the Anglican schools.

I now come to the Methodist Schools. Prince Alfred College, which has a roll-call of 650 students, at the end of this year will have spent more than £200,000 in new buildings and other equipment. The Methodist Ladies College has just completed buildings costing about £30,000. This college has about 500 students. Primary school students attending Roman Catholic schools in this State number 13,784, and secondary school students, 2,910, a grand total of 16,694. In 1952 buildings to the value of £129,400 were completed; in 1953, £89,000; and in 1954, £100,500. Buildings now in the course of erection will cost about £104,500, making a grand total of £423,400 in four years. Apart from the denominations I have mentioned there are other private schools; Scotch College and the Presbyterian Girls Grammar School as well as kindergartens. Worked out on the basis of what the State is paying for education in State schools, these institutions save the State over £750,000 a year. My motion does not advocate payment of secular education, but merely advocates doing for private schools what the Government has already done for the aged—a subsidy on the capital cost of buildings.

It has been my pleasant duty as a parent to educate a family of six children and I know that quite a lot of children going to the same school as mine are not of the same denomination. This applies to all denominational schools. They are not exclusively for particular sects, and they relieve the Government of the great responsibility with which it is charged under the Education Act to see that children attend school. It is interesting to note that in the

Education Act of Great Britain, passed in 1944, provision is made to ensure that all school buildings are of comparable standard. Provision is also made for private schools, that have hitherto had to finance alterations and improvements, to obtain assistance in various ways from public funds for this purpose. A capital grant is provided for in the Act. It is interesting to note that it was obligatory to send children to school in Great Britain as far back as 1880. This Act of 1944 provided that a change be made from the dual system of education to one of four types—country schools, aided and special agreement schools, controlled schools and schools for displaced pupils.

The religious schools for which I am advocating a grant towards the capital cost of their buildings educate children whose parents feel it is a matter of conscience to inculcate into their minds the same faith as their parents and forebears professed. This is provided for in the English Act of 1944, Part IV paragraph 76 of which provides:—

Pupils to be educated in accordance with wishes of parents. In the exercise and performance of all powers and duties conferred and imposed on them by this Act the Minister and local education authorities shall have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.

It is also provided in this Act that the Minister can recommend payments such as I am advocating in this measure.

The Hon. S. C. Bevan—It is provided for in the Atlantic Charter.

The Hon. K. E. J. BARDOLPH—Yes, and also in the policy speech of the Prime Minister and nothing has been done.

The Hon. C. R. Cudmore—Don't the English rules and instructions apply to the case here now? You say it is desired that children should be educated religiously in accordance with their parents' wishes.

The Hon. K. E. J. BARDOLPH—Yes, and that bears out my submission that denominational schools are necessary.

The Hon. C. R. Cudmore—But those you refer to in England are Government schools.

The Hon. K. E. J. BARDOLPH—No. There are four types of schools operating in Great Britain and the parents have the choice of the school to which they send their children.

The Hon. C. R. Cudmore—But those four types are all under the Education Act, and are Government schools.

The Hon. K. E. J. BARDOLPH—No. There are four kinds. I did not want to weary members by quoting all of the provisions of the Act so I merely picked out the relevant sections to support my contentions. Until 1902 in Great Britain the only means whereby higher education could be got was by endowed grammar schools, and a remnant of that system obtains in Queensland today, for I believe there are three or four schools endowed by the Government still operating in that State and the endowment is determined from time to time by the Minister of Education.

The Hon. E. Anthony—But they are all for scholarship boys.

The Hon. K. E. J. BARDOLPH—That may be so, but it does not alter the fact that the schools still receive an endowment from the Government. I think the honourable member will find that there is no mention of scholarships in the grant, but the schools may give scholarships from the endowment received from the Government. I trust that the motion will be discussed in the spirit in which I submitted it. There may be some who are opposed to the proposals and I know that some who say that all necessary education is being provided by our State schools. I point out that in the Loan Bill we have just passed a sum of £949,998 was provided for State school buildings, and I am informed that denominational schools have already spent or propose to spend nearly equal that sum on the upkeep of schools and provision of equipment, and this amounts to over £4 a year for each child attending those private schools. This great burden, which is being shouldered by the parents of the children, can be relieved by the Government, because if all private schools were closed tomorrow no Government would be in a position to accommodate the children and give them the education required under the Education Act. I hope therefore that the Government will consider this proposal on its merits.

The Hon. F. J. Condon—The Government cannot secure enough teachers for its own schools.

The Hon. K. E. J. BARDOLPH—That is so. I am not raising that issue because I know the difficulties the Government is experiencing, not only in training teachers but in persuading those already trained but who have left the profession to return in order to meet the great demand in primary and secondary schools.

The Hon. Sir Lyell McEwin—Is that confined to school teachers?

The Hon. K. E. J. BARDOLPH—No, it applies also in respect to school and other Government departments, which brings me to this point, namely, that school buildings erected by church organizations are being constructed much more cheaply than Government schools, and I say that without reflecting on the Architect-in-Chief's method of building. This heavy burden of capital cost which confronted those who wished to provide homes for the aged was relieved by the Government's stepping into the breach in a most commendable way, and similarly it ought to relieve the parents, friends and well-wishers of those religious schools which are rendering such a great service to the people of South Australia.

The Hon. S. C. BEVAN secured the adjournment of the debate.

PRISONS ACT AMENDMENT ACT.

(Continued from October 5. Page 866.)

On the motion for the third reading—

The Hon. C. R. CUDMORE (Central No. 2)—Unfortunately, owing to ill-health, I was not able to be present yesterday when this Bill was considered in Committee and the Chief Secretary replied to the debate on behalf of the Government. Therefore, I take the unusual step of saying a few words at this stage. All I wish to do is to thank the Chief Secretary for the explanation he gave in respect of the old regulations which have been carried on since before the consolidation of the Acts. I think that this Council is indebted to him for replying to all the questions raised in regard to those regulations and their validity.

Bill read a third time and passed.

ANATOMY ACT AMENDMENT BILL.

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

BREAD BILL.

Second reading.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I move—

That this Bill be now read a second time. This Bill repeals the Bread Act of 1936 and substitutes other provisions for it. The Act of 1936 was a consolidation of the previous Acts of 1891, 1893, and 1908, which were based on English legislation dating from the early part of the nineteenth century. The bread legislation at present deals with two topics, namely, the weight of bread and the

adulteration of corn and flour. The provisions relating to the adulteration of corn and flour are, however, obsolete because a good many years ago they were superseded by provisions of the Food and Drugs Act and under the Act which set out a fairly complete code for preventing adulteration and prescribing the quality and ingredients of foodstuffs. It follows that for all practical purposes the existing bread legislation deals only with the weight of bread, and this Bill is directed to the same object. The only provisions in it other than those relating to the weight of bread are ancilliary administrative provisions.

The Bill alters the method by which the legal weight of bread is to be determined. The present legislation requires every loaf of bread to be of standard weight, that is to say, a loaf must either weigh 1 lb. avoirdupois or some multiple of 1 lb. The weight is determined at the time of sale of the loaf. This method has for many years been under attack by bakers and by the experts in the technology of breadmaking as an unsatisfactory method of protecting the public. It is also alleged to be unfair to the bakers. From time to time alternative methods have been investigated by the Director of Chemistry and his officers. In 1938 the then Director of Chemistry reported that the loaf weight system had many disadvantages. He said that it was an incentive to the baker to under-bake his bread and so leave as much moisture as possible in it, although from the health point of view a well-baked loaf was more beneficial.

He also pointed out that bread continues to lose weight for a considerable time after leaving the oven and the condition of the atmosphere alters the rate at which it loses moisture. For example, a loaf carried on a bakers' cart for three hours on a warm summer's day would weigh less than a loaf of the same original composition and weight carried for the same period in the middle of winter. In the summer the bread of one baker weighed 9 a.m. might pass the standard, while that of another baker, if weighed at midday, might be found to be under-weight, although the latter bread might have a higher solids content than the former. Thus the present system is unsatisfactory both to the public and to the baker.

The alternative method which is commonly advocated nowadays and has been adopted by law in Western Australia and New Zealand is what is known as the dough-weight system. Under this system the law fixes the weights of the pieces of dough from which bread may

lawfully be baked. So long as the doughs are of the proper weight when placed in the oven, any subsequent loss of weight due to baking or hot weather does not affect the liability of the baker. Thus the baker has no incentive to underbake his bread; and he cannot be penalized because atmospheric conditions have caused a loaf originally of full weight to become underweight. From these points of view, therefore the dough-weight system has decided advantages.

However, both the loaf weight system and the dough-weight system have one disadvantage in common, namely, that the greater the proportion of water in the bread the more profitable it is to the baker. I am advised that bakers do not admit that there is much scope for variation in the amount of water used for making bread. But all the officers of the Department of Chemistry who have inquired into this matter have pointed out that both the loaf-weight and the dough-weight systems offer an incentive to the baker to use as slack a dough as possible. For this purpose they have recommended in the past that in addition to introducing the dough-weight system there should be a law governing the minimum solid contents or dry matter in loaves of bread because it is the solid contents of the loaf that really determine its nutritive value.

In this Bill, therefore, the Government has included provisions for introducing the dough-weight system and, in addition, the Bill confers power on the Governor to prescribe by regulation the amount of dry matter which must be included in the loaves of the various classes. Dough weights are prescribed for loaves of the sizes which are now being ordinarily sold, namely, $\frac{1}{2}$ lb., 1 lb., 2 lb., and 4 lb. loaves of ordinary bread and $1\frac{1}{2}$ lb. Vienna loaves. As regards administration, this Bill, like its predecessor, confers the necessary powers on inspectors of municipal and district councils, and also empowers the Governor, if he thinks fit, to appoint inspectors to assist in enforcing the Bill.

As I mentioned earlier, there is no intention in this Bill to deal with anything but ordinary bread and Vienna bread. Cakes and pastry and the various fancy breads containing such ingredients as currants, raisins, milk, sugar or eggs will not be subject to the Bill; although it will not be possible for a baker to avoid his obligations under the Bill by inserting extremely small quantities of such ingredients in a loaf, solely for the purpose of avoiding the obligation to comply with the

standard dough weights. In general, the administrative provisions in this Bill are not substantially different from those of the existing Act. The Bill has been accepted by the Bread Manufacturers' Association as a reasonable one and is also regarded by the Director of Chemistry and his officers as a satisfactory solution of the problem of bread weights. The subject is a technical one, on which a good deal has been written by experts. If members should desire any further information I will be glad to try to supply it.

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

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 5. Page 857.)

The Hon. F. J. CONDON (Leader of the Opposition)—The object of the Bill is to extend the present legislation until December 31, 1955. I have every sympathy for the Prices Commissioner and his officers who have to administer this legislation. I say that because of my experience as a member of the Prices Regulation Commission and of the Foodstuffs Commission. I know that when a person accepts a position associated with the control of prices he is subject to much criticism, but he should not object so long as it is fair and reasonable. I support the Bill, but hold the view that if we are to have price control it should be under Commonwealth jurisdiction. For some years the Commonwealth Government controlled the fixation of prices, but after the war this reverted to the States. I do not know whether in South Australia we have or have not a rigid price control, but realize that if we do away with price control at present certain people will take advantage of the position. Therefore, it is necessary to have some control over those who will not play the game. It can be truly said that in certain cases more consideration should be given to the people interested. Control should not always be one-sided.

The Hon. E. Anthoney—Do you think it is now?

The Hon. F. J. CONDON—I have heard people say that they have not received a fair deal here compared with what is done in other States. Complaints have been made to me that price control has been unreasonable, and my reply has been that Parliament has set up an authority to consider these matters and it should be in the best position to deal with them. One of the strongest reasons for continued control is that wages have been pegged.

During the last 12 months the standard of living of the average worker in South Australia has been lowered because not only has he lost 12s. to 15s. a week because quarterly adjustments have not been made, but prices generally have also increased by about 7 per cent.

The Hon. C. R. Cudmore—Where do you get that from?

The Hon. F. J. CONDON—They are the Statistician's figures. As one interested in a certain industry I know what it means. We were told that if wages were pegged there would be no increase in the cost of living. Consider for instance the price of bread, which has increased by 1½d. a 2 lb. loaf. There has also been a steep increase in the price of tea. I noticed that recently lambs had been sold for as high as £6 3s. 6d and £6 10s. 6d. each. I do not know whether there is rigid control over meat prices, but one knows that the people have to pay high prices for meat, particularly at week-ends. Effective price control depends on those in charge, and in saying this I am not reflecting on the present administration. Some statements about the beneficial effects of price control amount to window dressing. With the removal of controls from meat the public have had to pay very high prices, and if all controls were lifted we should have the same experience in regard to other commodities.

The Hon. W. W. Robinson—Export prices control our lamb prices.

The Hon. F. J. CONDON—I think the weather had something to do with the high prices here.

The Hon. N. L. Jude—That brought them down.

The Hon. F. J. CONDON—No. The people rushed to get their lambs and cattle on to the market because they were afraid of the future. Recently the Government's action closed certain margarine factories and told the public in effect that they would have to get margarine from Victoria or New South Wales. The South Australian article was sold for 2s. 7½d. a lb. whereas interstate importations cost 3s. I informed the Government of the position and gave the names of the firms and towns concerned. The present position is a farce, allowing the interstate article to be sold for 4d. or 5d. a lb. more than the locally made article. Under those circumstances what is the use of talking about price control? That is only one illustration. I could give others. I want to know what the Government is doing to prosecute people who are defying the law, and particularly in the case I have mentioned.

I question whether the worker receives much assistance under price control but I have to weigh the position and say, "Bad as things are, by the removing of present controls we might find ourselves in an even worse position." Consider, for instance, what has to be paid for goods bought in chemist shops now that control has been removed. We hear much about free medicine, but there is no control over these things and under our free medicine scheme the people in many respects are worse off. Therefore, I think it would be necessary to consider the further control of goods where an advantage has been taken of the position. I am speaking not only of my own knowledge, but also from what others have told me. Queensland, which has a Fair Prices Act, has the lowest cost of living and also the lowest basic wage in Australia. This is because they have protection. If wages are fixed, prices should be fixed and by the same court. What is the use of the workers going to the court and spending thousands of pounds to get an increase of perhaps 6d. a day and then by a stroke of a pen 2s. 6d. a day is taken away? If men are forced to go to court they must be given some protection.

The Hon. C. R. Cudmore—What do you mean by forcing people to go to court?

The Hon. F. J. CONDON—They are forced to go to court because that is preferable to going anywhere else. We feel we should abide by arbitration, therefore we must go to court, and having done so we are entitled to some protection. The time will come when the majority of members of this Council will veto this Bill, but if I held the opinion that many members hold I would not sacrifice my principles; if I thought they were right I would stick to them. If any member does not believe in control let him say so. It is no good challenging other people on their opinions unless one is prepared to put into effect what he considers is his own policy. I support the second reading.

The Hon. C. R. CUDMORE (Central No. 2)—This Bill comes before us once again and I am glad it is in the form of a plain renewal of price control for another year. In 1952, the last time I supported the renewal of this control, the legislation was tied up, as honourable members will recollect, with the butter and cheese agreement of the Commonwealth, and this rather complicated it. Some of us were in some difficulty as to whether the fact that it contained that clause would be an excuse for renewing price control in this State for the five years of the agreement. This position

seems to have cleared itself up because it did not arise last year. On that occasion I supported the continuance of price control, and said so quite definitely, because of what I felt to be the scandalous things going on in the petrol world with oil companies spending so much money on new stations. When I looked this matter up I was surprised to find that it was as long ago as two years. This has gone on, and I cannot see any reason as far as it is concerned for supporting price control. The position seems to be this: Parliament in this State, by the fact that it has said it will extend price control only from year to year, has I think put the onus on the Government or whoever brings the matter forward to show that it is necessary for the control to continue. I want to make it plain that that is my attitude.

Many of us have said we do not want price control and that we would be better without it, but reasons have been put forward from year to year to persuade us to continue it. Mr. Condon favours price control, and he put it quite frankly that his Party believes in it also. Although he could not give figures of the various increases and decreases in the quarterly figures, he said the rises in the cost of living in the past 12 months were approximately seven per cent. The Minister when explaining the Bill merely said there was still a shortage of certain goods. I am not convinced from his statement that I should support the continuance of price control for another 12 months and I fail completely to find any justification for it in what Mr. Condon said. He would perhaps have been more comfortable if he had chosen something other than lambs to speak about. In the ordinary way there would have been a glut of sheep and lambs in the market because of the weather, and they would have been difficult to sell if it had not been for the good buying orders from overseas which kept the prices up. He then referred to an old friend of ours—the question of the prices of margarine in various places. None of these things have induced me to feel that the time has not arrived when we should go back to trying to find out whether the law of supply and demand should operate. If we free prices there are people who will be able to produce goods and sell them in competition to such an extent that prices will be held down to a reasonable level. I have reached the end of the persuasions that have been put before me on this question to again vote for a continuance of price control.

I take some exception to Mr. Condon's

munity who will immediately take every advantage if price control is lifted. There are always people who are trying to get ahead of their neighbours but are we, as a Parliament, to look after everybody from the cradle to the grave? That is apparently what is expected; that we should protect every man against himself. It is absurd for us to attempt to hold the scales between every individual in the community. As far as I am concerned the time has arrived when we should see if the law of supply and demand will operate, as it always has, and whether we cannot be free of these vexations. I have before in this Chamber instanced the difficulties of commerce, one of which is that employers have to maintain staffs to deal with these questions of price control, and this keeps up costs. These things all have to be taken into account because they mean an increase in the cost of goods to the consumer, and if we can get rid of some more of the Government departments forced upon us during the war it will have an effect in reducing costs possibly more than the seven per cent Mr. Condon referred to. On this occasion I accept his challenge; I am not only prepared to say that I do not like price control, but I am prepared to vote against it. I hope this Bill will not be carried.

The Hon. E. ANTHONY (Central No. 2)
—For a number of years since the inception of price control I have repeatedly said that I object to the principle of this legislation. I have looked, as other members have done, for something in the Minister's speech to fortify me, if I needed fortification, in giving this measure another 12 months' run. This legislation is entirely an emergency measure introduced in 1939 by the Federal Parliament to deal with situations that the public thought might arise by people being prepared to take undue advantage of war-time conditions. The strong protagonists of the Bill said it was to prevent profiteering and racketeering. I have yet to see that price control controls prices; it cannot do so. There are one or two instances in which the Government has stepped in and reduced prices, for instance the price of petrol. However, price control is only one feature of prices; another is the law of supply and demand. Is it possible for a few detached civil servants sitting in an office, some of whom perhaps do go outside to look around, but all of whom are entirely divorced from commerce, to run other people's businesses satisfactorily? Can they provide for the future trend that all business people have to consider if they are going to stay in business, things upon which

remarks that there are people in this country whose business life depends? These civil servants, however well meaning, cannot possibly do this. Price control is very damaging to our economy and the sooner we get out of it the better.

The Hon. K. E. J. Bardolph—And go back to black marketing?

The Hon. E. ANTHONY—Price control provides an opening for black marketing and bottlenecks and is a bad thing for the economy.

The Hon. F. J. Condon—Would you say the Government is black marketing? It is introducing this Bill.

The Hon. E. ANTHONY—I know that, and I believe it is because certain things are in short supply that it has done so. Because of this shortage we are to have a continuance of the legislation, although I have always maintained it is bad. We should get back to a free economy in which goods can be exchanged freely between buyer and seller, because I have sufficient faith in the indestructible law of supply and demand to balance things out.

The Hon. F. J. Condon—And allow people to manufacture goods.

The Hon. E. ANTHONY—Yes. Price control slows down manufacture because, when prices are fixed, there is no inducement to improve an article. It is very bad for the body politic and economic and therefore I think that as members of Parliament who are here to strengthen the interests of the people, we should demand an early cessation of this legislation. For that reason I intend to vote against the Bill. I thought the Government might be dropping it, as we have been promised year after year, but we are again faced with a Bill to extend its life.

The Hon. N. L. Jude—What can the honourable member quote to prove that the Government promised to repeal this legislation?

The Hon. E. ANTHONY—I did not suggest such a thing.

The Hon. N. L. Jude—The honourable member said that year after year the Government had promised to discontinue it.

The Hon. E. ANTHONY—The Minister when explaining the Bill each year has said that it was probably for the last time. We have been looking for its termination and the only way to bring that about is to vote against the Bill, and that is what I feel inclined to do this afternoon. The Leader of the Opposition advanced the best argument in support of that when he quoted instances of prices which are

uncontrolled, showing that even since the pegging of the basic wage prices have gone up and are still doing so.

The Hon. F. T. Perry—Some are coming down.

The Hon. E. ANTHONY—The supply of some goods is increasing above demand, and that always fixes the price. When there are more goods than money prices drop—the old law of supply and demand always operates.

The Hon. S. C. Bevan—What commodities are in plentiful supply to that extent?

The Hon. E. ANTHONY—If they are not in plentiful supply at least I think they are keeping pace with demand, and the sooner we get out of all these restrictions and let private enterprise operate, instead of tying ourselves up with all these regulations and making our economy difficult, the better it will be. On principle I am entirely opposed to control and therefore I will not vote for the second reading.

The Hon. L. H. DENSLEY (Southern)—It is my intention to oppose this measure. The Minister, in his explanation, did not awaken any enthusiasm in me. I have been in opposition to price control for a long time and none of the arguments put forward for its continuance have convinced me in any way of its necessity. Mr. Condon mentioned meat specifically, but I assure him that during the whole of this winter lambs were cheaper than for many years. Most commodities are, I think, now in very good supply. The Minister mentioned building materials, and I think that was all, as being in short supply, but I think that we could agree that even building materials are much more plentiful than they were a year ago. If there are a few people prepared to take advantage of the discontinuance of price control I say that the advantages that will accrue from it will outweigh the actions of those few.

The Hon. C. D. ROWE secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 5. Page 858.)

The Hon. C. D. ROWE (Midland)—The Council has already had the advantage of a very clear second reading speech by the Minister and the further advantage of listening to a very able speech yesterday by Mr. Cudmore. I have also had the opportunity of perusing the references he mentioned and have conferred with several members of the profession. Although the proposal to repeal section 17 is

something quite new, and although that section plays a prominent part in divorce proceedings it seems to me that we are adopting the right course in removing it from the Statute Book.

Apparently section 17, which reads:—

No witness in any proceedings, instituted in consequence of adultery, whether a party to the proceedings or not, shall be liable to be asked or bound to answer any question tending to show that he or she has been guilty of adultery unless the witness has already given evidence in the same proceeding in disproof of his or her alleged adultery.

got into the Act because it was carried forward from the old English enactment of 1869. It was put there to stop people from bringing themselves within the ambit of the ecclesiastical courts which imposed certain sanctions. That evidently is the origin of the rule, and the practical reason for it was that witnesses should not be subjected to questions relating to their adultery because of the damaging nature which such questions would have whether the allegations were true or false; also because of the difficulty of adequately protecting those persons from the adverse publicity which followed them, on the basis, as one writer put it, that, "If you throw enough mud some of it must stick." Whatever may have been the reasons to justify this section they have long since disappeared, and in support of the reasons for its repeal I quote from the article to which Mr. Cudmore referred yesterday in volume 5 of the *Australian Law Journal*, at page 46, as follows:—

This unhappily worded section, with the contradictory judicial interpretations thereon, has given rise to such difficulties in practice and is so out of keeping with modern thought that Mr. Justice McCardie in *Hensley v. Hensley* (36 T.L.R. p. 290), after traversing the jungle of case law on the section, states, "I think it may well be considered that the time has arrived for the repeal of the proviso to section 3." The policy and apparent intention of the section, based on the mediaeval law that nobody should be compelled to incriminate himself or herself of adultery and be subjected to ecclesiastical censure and its consequent punishment in the form of corporal penance or commutation of penance by payment of a fine, has long ceased to have any *raison d'être*.

The second reason which, I think, enables us to repeal the section is that the old argument that people could be subjected to adverse publicity has been disposed of by modern legislation. I refer in particular to section 34 of the Police Offences Act passed last year which says:—

(1) No person shall—

- (a) print or cause to be printed; or
- (b) offer for sale, sell, or cause to be offered for sale or sold to any person; or

(c) have in his possession for sale or distribution,

any book, paper, or document containing any particulars relating to any judicial proceedings for divorce or dissolution of marriage, nullity of marriage, judicial separation, relief from the obligation to cohabit with a husband, or restitution of conjugal rights, other than the following particulars, that is to say—

Then follow the matters which may be published, namely, the names and addresses of parties and witnesses; a concise statement of charges, defences and counter charges; submissions on points of law and the summing up of the judge or magistrate and the judgment of the court.

The practical effect of the section proposed to be repealed is that a husband, for example, who has been guilty of adultery can sue for divorce on the ground of his wife's adultery. He can go into court and purposely refrain from making any statement with regard to his own adultery while giving evidence regarding the alleged acts of his wife, and under this section, since he has made no statement regarding his own adultery, he cannot be questioned about his own actions. The removal of this section will get over that undesirable practice and have a tendency to prevent possible collusion in divorce cases. I have satisfied myself that although this is a rather important step, in all the circumstances it is fully justified. Finally, I agree with Mr. Cudmore that an opinion should be obtained from Their Honors, the Judges of the Supreme Court, who would know in detail better than any practitioner what the result of this repeal would be. I support the second reading.

Bill read a second time, and taken through Committee without amendment; Committee's report adopted.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from October 5. Page 864.)

The Hon. F. T. PERRY (Central No. 2)—One often wonders why amendments to the Local Government Act come up so frequently, but I presume it is because councils have to advance with the times. The main objective in the Bill is to limit their authority in the application of rates under the land values system. It is not a new system, and its application over the years presumably has given satisfaction. I prefer the rental values system as there is some relationship between the services rendered and the rates paid. There

are also advantages under the land values method of rating, one being that it may prevent the holding up, for additional profit, of the sale of land for building purposes. On the other hand an owner may desire a more extensive view from his home and therefore retains a larger area than is customary. He has to pay for it, and I see no great harm in that. We did something of a similar nature either last year or the previous year. The problem has arisen through the change in some council areas from the rental system to the land values system. The basis of the change is the desire of some ratepayers to get lower rates. The results of the change indicate that many householders obtain a cheaper rate, and that the higher rates are transferred to the owners of undeveloped areas. As instanced by Mr. Anthony, the changes in some instances are very drastic and involve an increase of 200 or 300 per cent. The changes probably brought about an anomaly in sparsely occupied council areas. Although the Government's proposals do not entirely meet the case, they are a definite step forward.

Mr. Melrose spoke of a green belt around Adelaide and mentioned the sprawling nature of the city's growth. I do not think we can avoid that. Australians like a home with a reasonable area of land and consequently sprawling towns are developed. There is a modern view that we should have a green belt around every city, and I cannot imagine any argument against that. If the Government could buy these lands, as suggested by Mr. Melrose, and lease them this would probably provide the remedy and prevent complaints that have been received from some councils. The Bill provides that urban lands shall pay a rate not more than half that imposed on other lands. Our parklands, golf links and racecourses provide the lungs of the city and also the green belt. Ovals are usually owned by the local council or a semi-public authority, the park-

lands are owned by the Adelaide City Council, and golf links, which provide perhaps the best type of open areas, are controlled by clubs and are properly cared for without much cost to the council concerned. Under the present rating system, these clubs pay three-quarters of the rate applied to the surrounding areas. Golf clubs should have the same rating as is proposed for urban lands under the Bill, and in Committee I intend to move with this objective. Racecourses should also be similarly considered, although I admit high entrance fees are charged and they are run for profit, whereas golf clubs are in an entirely different category. Although it is possible for some to pay increased membership fees, a large number of the members are not in an affluent position. Therefore, I think the Minister of Local Government would be well advised to consider an amendment to enable these clubs to be included in the same rating as for urban lands.

The proposal in the Bill to transfer the control of blasting in quarries from councils to the Mines Department is a step in the right direction. The questions raised in the Bill indicate that councils are giving a service to the community, and therefore restrictions should not be so heavy as to make their duties irksome. I often wonder, when we are considering controls on councils, whether we go a little too far in not allowing them to exercise their own judgment in handling their problems. Consequently, when they meet with troubles they have to come back to Parliament for an amendment of the Act. I support the second reading.

The Hon. J. L. S. BICE secured the adjournment of the debate.

ADJOURNMENT.

At 3.45 p.m. the Council adjourned until Wednesday, October 13, at 2 p.m.