

**LEGISLATIVE COUNCIL.**

Wednesday, October 27, 1954.

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

**ANATOMY ACT AMENDMENT BILL**  
(No. 2.)

The Hon. Sir LYELL McEWIN (Minister of Health), having obtained leave, introduced a Bill for an Act to amend the Anatomy Act, 1884-1954.

Read a first time.

**POLICE PENSIONS BILL.**

In Committee.

(Continued from October 26. Page 1126.)

Clause 44—"Regulations".

The Hon. C. R. CUDMORE—Yesterday I asked the Chief Secretary a question regarding the inclusion of certain words in this clause. If he now has an explanation I shall be glad to have it.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I gave what I considered was the explanation, but undertook to get a report from the Parliamentary Draftsman. That report confirms the reply I gave and is to the effect that there were certain problems in the exercise of such a Bill which required powers to deal with any unforeseen conditions. The report is as follows:—

A similar provision was in the Police Pensions Act of 1929 and has been found useful. It was included in the present Bill after discussion with the Public Actuary of the need for some such provision. The administration of a pensions scheme involves the collection of contributions from many hundreds of employees over a long period, and the payment of pensions to retired employees, many of whom in the course of time become mentally and physically infirm. A number of difficulties, not always foreseeable, arise in connection with such collections and payments. Under the 1929 Act several problems arose in connection with the collection of contributions due by members of the force who were on leave of absence without pay, or who resigned or retired without having paid all the contributions, or who died while on leave of absence without pay. In order to protect the fund and at the same time meet the convenience of the contributors regulations were made saying how and when these particular contributions were to be paid.

Other problems arose in connection with members of the force who were on active service and a regulation was made respecting the payment of contributions of these members, and regulations were made on this subject. These were typical cases of circumstances which arose in connection with matters dealt with in the Act but were not expressly provided for in the Act. Of course,

it would be possible to include a number of provisions in the Bill providing expressly what is to be done in all the circumstances which we can now foresee, but however much thought is given to the matter it is always possible that some circumstances will arise which are not provided for. Another problem which commonly faces those who administer pension funds, is how and to whom payments of pension should be made when pensioners become ill or too old or infirm to handle their money. It is very useful to have a power to make regulations setting out the circumstances in which pensions can be paid to persons other than the pensioners.

There is, I think, a further justification for the provisions of clause 44, namely, that we are now having a new Act and substantial alterations in the general scheme of pensions. We cannot foresee all the minor transitional difficulties which may arise; and it is, to say the least, not at all improbable that a power to deal with them by regulations will be useful. A power to deal with transitional problems in connection with re-arrangement of local government areas was included in the Local Government Act of 1934 (s. 908). The method then adopted was to make proclamations. This proved useful, as appears from the case of District Council of Stirling and another *v.* the Attorney-General (1935) S.A.S.R. 134. The method adopted in this Bill of dealing with difficulties by regulation should prove more acceptable to Parliament than a power to make proclamations.

The Hon. C. R. CUDMORE—I thank the Minister for his explanation. I feel that I was quite justified in asking the question because it is admitted that this is not the usual form of regulation making power, but was specially put into the Police Pensions Act apparently in 1929. I feel that in any case in which such a power as this is put into a Bill, an extraordinary power of making regulations, Parliament should examine it and ask why it is necessary. The Bill was introduced by the Chief Secretary as head of the Police Department and I think that he would be the first to admit that he would have been disappointed if members had not perused it thoroughly and raised any necessary questions. I am quite satisfied with the explanation, but the wording is unusual and if it comes up in other Bills I hope I will spot it again and see that we get some information on why it is necessary.

Clause passed.

Title.

The Hon. Sir LYELL McEWIN—Yesterday, when the House rose, Mr. Cudmore raised a further question with me personally in relation to another clause. I understand that he thinks that there should be some alteration in drafting. I take this opportunity to point out that after the third reading of the Bill at the next sitting

the honourable member will have the opportunity to ask for the recommittal of the Bill if necessary.

Title passed.

Bill reported without amendment and Committee's report adopted.

#### METROPOLITAN TRANSPORT ADVISORY COUNCIL BILL.

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

#### PRISONS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

#### PUBLIC SERVICE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 26. Page 1121.)

The Hon. F. J. CONDON (Leader of the Opposition)—The first point in this Bill is that it proposes to remove a doubt that seems to exist concerning the employment of persons on boards and committees after reaching the retiring age of 65. It was suggested yesterday that this applied to people who were not in receipt of any fees, but that is not so. There is nothing to prevent any person carrying on as a member of a board in an honorary capacity after reaching the age of 65, but the Bill certainly deals with persons receiving fees or some extra payment after reaching that age. It is not in every case that people have to retire at 65; members of the Police Force have to retire at 60, except the Commissioner whose time is extended for a number of years. I do not know any member of the Police Force apart from him who does not have to retire at 60.

In the past we have dealt with the question of ages in certain legislation and with your permission, Sir, I would like to refer to the Workmen's Compensation Act. A few years ago the law prescribed that an insurance company could compel, or at least request, a man when he reached 60 years of age to sign a document stating that he would not claim full compensation after reaching that age. This involved a sum of £300 or 30s. a week on his death. Parliament amended that law and today any employee, irrespective of his age, is entitled to the same payment under that Act as any other persons. Females of course have to retire at 60 years of age. The Government has been obliged to carry out the law unless some special provision was made and it found that it was losing valuable men. Owing to shortage of staff it was found desirable in many

cases to re-engage those men, though not with continuity of service and simply as temporary employees. Some of them were paid similar salaries to those which they enjoyed on retirement, but others had to accept work on lower classifications.

This Bill is very important in so far as it protects not only the Government but its employees. In these days a man of 65 is in the prime of life, and it has become a debatable question as to whether the law enforcing his retirement should not be altered. As it is men leave the Public Service at the age of 65 and other employers are only too eager to take advantage of their knowledge. They are probably not entitled to bonuses and superannuation benefits because their term of service in their new sphere cannot be very long. I know a number of public servants who have retired at 65 and have received a lump sum payment for long service leave due to them and have immediately secured other work. Although that money has accumulated over a period of 35 to 40 years, in some cases it has been taxed and this Bill will afford some relief in that direction. Although it does not go far enough in my opinion, it is an important piece of legislation and I am prepared to support it.

Quite a number of public servants hold positions on boards and I do not think they should be asked to retire merely because they have reached the age of 65, for their knowledge must be very valuable to the departments in which they are engaged. At one time there was a great agitation against extending the time of employees after 65 because it interfered with the promotion of younger people, and there may be something in that contention. However, I do not think that it is so strongly held today. The Public Service Association insists, however, that people shall not be employed after 65 if it will interfere with the promotion of younger men. In private enterprise there are many employees aged 70 because the firms recognize that they are valuable servants. This Bill gives the Government a discretion in the matter and I think is worthy of consideration and therefore it has my support.

The Hon. E. ANTHONY (Central No. 2)—This Bill proposes to amend the Act only in two important directions; one is in regard to the retiring age of public servants and the other to permit the aggregating of periods of service in order that employees shall not suffer with regard to long service leave. I find that the Act has been amended on 10 occasions since the 1936 consolidation, and one is forced

to think that it is nearly time it was consolidated again, for it takes up an immense amount of the time of members to try to trace the effects of various amendments in Bills brought forward from time to time to deal with the Public Service; it would also be of advantage to the legal profession and others. I cannot see any definition in the principal Act of "public servant." We all know that it means a person who serves the public.

The Hon. K. E. J. Bardolph—In the employ of the Government.

The Hon. E. ANTHONY—Yes, but those who are re-employed, and some who have never been in the Government service before, cannot by any stretch of the imagination be regarded as coming within the meaning of section 57 of the Public Service Act. They are not public servants in the real sense of the word. I maintain that persons employed by a statutory body—and there are many of them—who have never been in the Public Service are not public servants within the meaning of the Act.

The Hon. C. R. Cudmore—What does a "statutory body" mean under this Act?

The Hon. E. ANTHONY—I do not know. I should like to know when an officer is a public servant and when he is not. There are many who have not entered the service by public examination and some are appointed upon these so-called statutory boards, and are therefore not public servants within the meaning of the Act.

The Hon. F. J. Condon—What about a member of Parliament who retires and then is employed by the Government?

The Hon. E. ANTHONY—He is not a public servant under section 57 of the Act which says:—

Every officer shall retire on attaining the age of 65 years in the case of a male officer and 60 years in the case of a female officer.

Although there have been several Crown Solicitors none had put his finger on this serious defect, and now it is necessary to introduce legislation to remedy the position. We are told that this measure will clarify the Act and keep in employment certain people who are not actually public servants. I agree with the remarks of the Leader of the Opposition concerning the retirement age. Many valuable men have been retired from the Public Service because of their age, despite the fact that they are perfectly fit. Unless they have a hobby, such people are to be found sitting on the seats on North Terrace with nothing to do, although many have returned to the service in a temporary capacity and are doing useful work. In addition, they are enjoying life which other-

wise they probably would not be doing. With the increased expectation of life, this question of the retiring age should be investigated by the Government to see whether it would be economical to consider an alteration of the Act to extend the retiring age beyond 65. The reason for reducing the retiring age to 65 was that older men were probably clogging the way for promotion of younger men. Under present day conditions labour is very scarce and highly trained men difficult to get. It would be a good thing for the Government to consider increasing the retiring age of public servants, thereby finding them valuable employment.

The other question covered by the Bill relates to the aggregation of service. In some instances men are retrenched, or may leave the service, and desire to return. In these days outside industry is inducing public servants to leave the service to accept more highly paid jobs—in fact it is going beyond that by canvassing them. I do not like that. They should be left alone.

The Hon. F. T. Perry—They have their rights the same as anyone else.

The Hon. E. ANTHONY—I know that, but it is not fair for industry to try to induce these men to leave their jobs.

The Hon. F. T. Perry—That cuts the other way as well.

The Hon. E. ANTHONY—I agree. There are well-paid public servants in responsible positions who have become almost indispensable in their departments, but are being induced to accept higher salaries outside. By accepting these tempting offers they are not taking the long view. They are losing the advantages of long service leave and other privileges.

The Hon. K. E. J. Bardolph—Don't you think the Government should make salaries attractive enough to keep them in the service?

The Hon. E. ANTHONY—The salaries are attractive enough. The Government has done everything possible to bring the salaries of public servants here into line with those operating in the other States. I have no objection to the proposal to provide for the aggregation of services in relation to long service leave. That is perfectly fair. If a man leaves the service of his own free will to accept another job and then returns within two years, as the Bill provides, he should be able to enjoy the privilege proposed.

The Public Service Commissioner has recently furnished a very comprehensive and excellent report and I commend it to honourable members. It is the first such report for 14 years and it will pay members handsomely to peruse it with great care. As he points out, the Public Service was considerably handicapped during

the war years and has been since. During the war hundreds of its officers enlisted for active service and naturally while away they lost time in their departments. Those who returned were all the worse off from the point of view of their service, as they had broken their period of employment and got out of touch with their departmental activities. These men have been re-absorbed in their departments, but honourable members will agree that it was difficult to re-absorb them, seeing that their positions had been filled by others during their absence. It must have been very upsetting for all departments concerned.

The Hon. F. J. Condon—Did they suffer in promotion?

The Hon. E. ANTHONY—No. The Government was very careful to see that they did not suffer in this respect, and as far as I know none suffered. The Public Service Commissioner at the time (Mr. Hunkin) did a particularly fine job in my view and that of his successor, Mr. Schumacher, who pays a glowing tribute to the services Mr. Hunkin rendered during and after the war. I commend this valuable report to members if they want to get a grip of how the service works and the difficulties associated with staff requirements. The Public Service Commissioner is the recruiting officer for all departments, and is doing his best to encourage young people to enter the service. In addition, he is engaged on a very important scholastic scheme for public servants in an attempt to improve the quality of the service. He makes no bones about it that the service has deteriorated over the last few years. That is a very important statement.

The Hon. F. T. Perry—It applies everywhere.

The Hon. E. ANTHONY—Unfortunately that is true. I am not casting reflections upon anyone. This state of affairs applies both inside and outside the service. It is the job of the Commissioner and the Government to see that the best men available are induced to enter the Public Service. The Commissioner, who is the officer responsible for reporting to Parliament and the public, has said quite clearly that there has been a deterioration in the efficiency of the service, although he was prepared to modify his statement in regard to some very excellent officers. He said that it was not possible to get the type of men into the service that were available before the war. That is true in other industries.

The Hon. F. J. Condon—That is because the Government is tied down to certain awards.

The Hon. E. ANTHONY—Yes, that is the difficulty; the Government is tied down to award rates and if inducements are offered by

industry to public servants in high positions they will leave the Government employ. The Government has done its best to retain them but it has not been able to pay salaries as high as those offering in industry. It is not easy to fill certain key offices in the Public Service because departmental chiefs do not desire to bring up their understudies as they are often jealous of them. The Commissioner should issue an instruction to each departmental chief making him responsible for seeing that he has somebody coming along to take his place when he retires, because if that does not happen there is a vacuum that is difficult to fill, which reacts to the detriment of the State.

The Hon. F. T. Perry—There is a wide choice in the Public Service in regard to where the officers go.

The Hon. E. ANTHONY—There is. I have read the Commissioner's report and I was sorry that it was necessary for him to make that statement. One of the main duties of public servants is to remember that they are servants of the public and not masters. In this regard I refer particularly to the statements made by a high public servant in the State. Although I refer with pride to the very excellent report made by the Director of Mines recently on his department, in my opinion, much as I respect him, he went completely out of his way and allowed his zeal to outrun his discretion when he practically, or at any rate in theory, attempted to take over what was the duty of the Government in regard to policy. I need not mention any specific case because honourable members will remember the report. It is not the duty of any public servant to dictate to the Government what its policy should be, and that is what this officer did.

The Hon. F. T. Perry—He did not dictate; he suggested.

The Hon. E. ANTHONY—He did more than suggest; there was a threat entailed in what he said that if so and so were not done the Government should repudiate contracts. That is not a suggestion because he tells the Government what it should do, which is not a function of any public servant. I hope the Government will take full notice of what I have said and that it will never allow this sort of thing to occur again. I do not mind a public servant being frank and outspoken, because he should be. He should tell Parliament all it should know, but it is not his duty to tell the Government its business; that is improper and should not be permitted. With these few remarks I have pleasure in supporting the second reading.

The Hon. C. R. CUDMORE secured the adjournment of the debate.

**SWINE COMPENSATION ACT  
AMENDMENT BILL.**

Adjourned debate on second reading.

(Continued from October 26. Page 1123.)

The Hon. R. R. WILSON (Northern)—After contacting a number of pig breeders I have found that this Bill is very important to them. As outlined by previous speakers, the first matter of importance is the reduction from 2d. to 1½d. in the pound in the rate of swine stamp duty, and the reduction in the maximum duty payable on the sale of any one pig from 5s. to 3s. 9d. As it is expected that between £10,500 and £11,000 will be received each year, and as the fund stands at £73,884, the new rate should be adequate to meet future claims for compensation. The Minister of Agriculture told me that it is unanimously thought amongst members of the Pig Breeders' Association that the fund is sufficient to meet claims for very many years, and the new rates will be a distinct advantage to producers.

The Commonwealth Year Book shows that there has been quite a decrease in swine production. In 1925, 90,000 pigs were raised, in 1945, 161,000 and in 1953 only 59,000. There are several reasons for this decrease, and I think the main one is that today there is not enough whole milk available because of the many factories in operation and the collection of the whole milk at places many miles away from them. The high price of grain is another important factor, although pigs can do quite well with little grain. Since 1930 the price of pork has increased by about seven times; in 1930 £5 14s. 9d. was the average price paid for choppers, but last year they averaged £35 1s. 9d. These high prices attracted producers in other States, and several months ago there was quite an influx of pork into this State. Choppers have brought in some cases up to £60 or £70 a head. The retail price of pork last year reached 5s. a lb., and was the highest on record, but with the influx of meat from other States butchers brought the price down to 4s., and it is now about 4s. 4d. Britain has increased her pig production by 28 per cent during the last 12 months. New Australians are great pig meat eaters, and in this respect they differ from people in some other countries. The Moslems and Jews will not eat what they call unclean meat. When beggars became a nuisance by frequenting military camps in Egypt and Palestine, it was only necessary to place a piece of pork on a fork and chase them to get rid of them. Invariably they broke even time, because they were afraid of pig meat.

Some farmers have ignored the advice of inspectors; when they were told that pigs were diseased they took no action to remedy the position because of the existence of the compensation fund. This legislation will remedy that. The Department of Agriculture has done a wonderful job for years through its animal husbandry section and its pig advisers to emphasize the importance of cleanliness in housing and feeding of pigs because, as is well-known to all of us, prevention is better than cure. With the advancement of methods to control the various diseases, deaths in recent years have been less frequent but nevertheless we do not know when there will be an outbreak of disease, because pigs like crowded conditions and therefore any disease spreads quickly. I support the Bill because it helps the industry, and I feel sure it will be well received by producers.

The Hon. A. J. MELROSE secured the adjournment of the debate.

**METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.**

Adjourned debate on second reading.

(Continued from October 26. Page 1122.)

The Hon. F. J. CONDON (Leader of the Opposition)—All that this Bill does is to transfer responsibility of nominating representatives as members of the board from one body to other interested organizations because the South Australian Chamber of Rural Industries which was the authority designated in the principal Act has become dormant. It is desirable that the duty of submitting nominations should be entrusted to bodies actively interested in the industry and accordingly the Bill proposes that as regards the breeders of lambs a panel of three names shall be submitted jointly by the Stockowner's Association and the Australian Society of Breeders of British Sheep, the South Australian Wheat and Wool-growers' Association and the South Australian branch of the Australian Primary Producers' Association; and as regards breeders of pigs for export by the South Australian branch of the Australian Pig Society. The Government in turn will make its selection from the panels of names thus submitted. I note that two wheatgrower's organizations are mentioned. I do not know why unless it is that there is a little jealousy between the two and where one body is represented the other also desires to be recognized. As the sole purpose of the Bill is to ensure adequate and interested representation I have no hesitation in supporting it.

The Hon. Sir WALLACE SANDFORD secured the adjournment of the debate.

# INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 26. Page 1124.)

The Hon. C. D. ROWE (Midland)—I think there have already been sufficient speeches on this Bill for members to know what it is about and the only point I wish to touch on is that to which Mr. Cudmore referred yesterday, namely, whether we would be wise to make these alterations by way of regulations under the Act, or whether it would be better to follow the principle laid down in the Companies Act and include them in a schedule. I have discussed this point with the Registrar of Companies, who also has to administer the Industrial and Provident Societies Act, and he can see no reason why it should not be done in this way. I think that the advantage of having the provisions put into a schedule instead of a regulation is that most people who have to do with the Act have copies of it, or can easily get them, whereas not everyone has copies of regulations. There is only one other point. Although there are four schedules to the Industrial and Provident Societies Act the fees under it are prescribed by regulations and are not included in a schedule.

The Hon. C. R. Cudmore—I have the regulation before me and there is nothing about fees in them. This Bill mentions increased fees, but I want to know what the fees are and where they are prescribed.

The Hon. C. D. ROWE—I have not looked through all the regulations, but as far as I can see there is no scale of fees set out in any schedule, so I presumed they must be set out in regulations.

The Hon. C. R. Cudmore—Not as far as I have been able to ascertain.

The Hon. C. D. ROWE—In view of this difficulty the obvious thing seems to be to put all fees in a schedule to the Act so as to simplify the position and I submit that it would be wise for the Government to consider this suggestion.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Regulations."

The Hon. Sir LYELL McEWIN (Chief Secretary)—In view of statements made during the debate on the second reading, and particularly as Mr. Rowe has stated that the Registrar favours the alteration suggested by him and another speaker, which is not in accordance with information I have, I move that progress be reported in order that I may have an opportunity to consider the matter further.

Progress reported; Committee to sit again.

# CATTLE COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 19. Page 1026.)

The Hon. L. H. DENSLEY (Southern)—I think most members were impressed with Mr. Melrose's arguments when this Bill was before us a few days ago. I secured the adjournment of the debate because I felt it was desirable for members to reconsider the matter and since then I have discussed it with officers of the Agriculture Department. It appears that although Mr. Melrose mentioned four diseases there is a fifth that was included in the schedule in 1951, and in consequence that is the only other disease that is notifiable for which cattle are likely to be condemned. However, there has been no claim in respect of one or two of these diseases in South Australia, although there have been cases in other States. The Act was designed to meet two particular circumstances and not to provide for payment for stock losses, but rather for the eradication of infectious diseases and to protect the public and ensure that it got good quality meat. I think it desirable to maintain the Act on that basis.

During recent years tuberculosis in cattle has been almost eradicated, and there have been few claims for a considerable period. I think it would be a little dangerous to accept Mr. Melrose's suggestion that we should include in the provisions of the fund compensation for what are virtually stock losses rather than compensation for diseased animals which have to be destroyed. He suggested that the losses on stock in travelling through bruising were considerable and, in fact, greater than the losses through infectious disease. However, there is a certain amount of responsibility on people who are trucking stock to see that they are in good order when trucked, and it is questionable whether we could entirely rely upon them not to truck maimed animals, with consequent heavy draws upon the fund. The Act as it stands gives the department an opportunity to eradicate infectious diseases and ensure that the public does not get diseased meat. It is expected that even with the reduced amount of stamp duty proposed the fund will continue to grow and consequently I think it is desirable to support the Act in its present form.

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

# ADJOURNMENT.

At 3.15 p.m. the Council adjourned until Tuesday, November 2, at 2 p.m.