

LEGISLATIVE COUNCIL.

Tuesday, November 2, 1954.

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:—Prices Act Amendment, Supply (No. 3), Local Government Act Amendment, and Places of Public Entertainment Act Amendment.

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

Second reading.

The Hon. Sir LYELL McEWIN (Minister of Health)—I move—

That this Bill be now read a second time.

Its object is to authorize the removal of tissue other than eyes from the body of a deceased person for grafting purposes in the same way as the Anatomy Act Amendment Bill recently passed by Parliament authorizes the removal of eyes for grafting purposes. Honourable members will no doubt wonder why this matter was not dealt with in that Bill. The reason is that notwithstanding that the Bill was introduced last year in order to enable people who were interested to offer comments and suggestions, it was not until after the Bill had been introduced again this year that any approach was made to the Government about the present matter. By then it was too late to deal with it in the Bill.

The question of extending the Bill to tissue other than corneas was raised by the honorary surgeons of the Royal Adelaide Hospital and brought to the notice of the Government by the Director-General of Medical Services. It appears that not only are the corneas of deceased persons used for grafting purposes but pieces of artery and bone are also so used, and it is likely that further forms of grafting with parts of the bodies of deceased persons may be developed. The same considerations of law apply to the removal of tissue other than eyes from a body as to the removal of eyes. Without specific statutory authority for removal for grafting purposes such removal is probably unlawful.

The Government has considered the request and has decided that it is desirable to amend the Anatomy Act to authorize the removal of any kind of body tissue subject to exactly the same restrictions as have been imposed on the removal of eyes. This Bill accordingly provides to that effect. This will mean that

a person lawfully in possession of a body will be entitled to authorize the removal of any tissue from the body if the deceased person has expressed a request that the tissue should be removed. When no such request has been made the person lawfully in possession of the body may authorize the removal of any tissue unless he has reason to believe that the deceased objected or the surviving spouse or any relative objects to the removal of that tissue. Where a person lawfully in possession of the body believes an inquest may be necessary he may only give an authority under the Act with the consent of the City Coroner. The person in charge of a hospital or a person appointed in writing for the purpose by the person in charge of a hospital may given the authority under the Act for the removal of tissue. An undertaker however, or any person to whom a body has been entrusted for the purposes of burial or cremation will be prohibited from authorizing the removal of tissue. The tissue will only be removable by a legally qualified medical practitioner who must satisfy himself that life is extinct. Clause 4 provides that the provisions of the Bill will come into operation at the same time as the Anatomy Act Amendment Bill authorizing the removal of eyes for grafting purposes. That Bill provides that its provisions will come into force three months after it is passed.

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

**METROPOLITAN TRANSPORT ADVISORY
COUNCIL BILL.**

Second reading.

The Hon. N. L. JUDE (Minister of Local Government)—I move—

• That this Bill be now read a second time.

The object is to provide for the creation of an advisory body to investigate problems affecting the metropolitan public transport system, and to define the powers of such a body. The proposed authority will be called the Metropolitan Transport Advisory Council; but although it is an advisory body, its recommendations may form the basis of orders which will have binding force. The Government, of course, has now a vital interest in the three main elements of the metropolitan transport system, namely, roads, buses and trams, and railways. It has to provide money for all these things, and therefore has a duty to the public to see that all possible measures are taken to secure the use

of the best methods, to promote economical and co-ordinated working; and to prevent unnecessary duplication of services. The problems which arise in connection with the possibility of over-lapping between road vehicles and railways and in the use of buses as opposed to trams are well known to members and afford evidence of the need for such a body as that proposed. The council will be limited in its inquiries to questions affecting public transport services or public transport requirements in the metropolitan area. This area will include the area in which the Tramways Trust conducts its operations and the district of Salisbury. If necessary, the metropolitan area can be extended for purposes of the Bill by proclamation.

The council will consist of a chairman and two other members, all of whom will be appointed by the Governor. The term of office of a member will be three years calculated from the beginning of the year in which he was appointed. The Bill contains provisions on the usual lines as to the quorum of the council, remuneration of members and staff. The function of the council will be to conduct inquiries into the problems of public transport in the metropolitan area as directed by the Government. The reports of the council must be submitted to the Minister of Railways and laid before Parliament.

In order to enable it to conduct its inquiries the council is given the status and powers of a royal commission. The principal powers conferred by this provision are to call and examine witnesses, to obtain the production of documents, and to inspect premises. Upon receipt of a recommendation from the council the Government is empowered to make orders binding on the Railways Commissioner or the Tramways Trust, or both, as to their general policy, or as to what is to be done in any specific circumstances. Such orders may be made for the following purposes, namely, ensuring adequate services, preventing over-lapping or duplication of services, and securing efficiency and economy. It will be obligatory for the trust and the Railways Commissioner to obey any order made under the Bill, subject to Parliament voting any money which may be required for that purpose. In commending the Bill to honourable members I point out that the Government realizes it is highly desirable that the greatest possible efficiency should be brought to bear on the metropolitan transport system.

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

PUBLIC SERVICE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 27. Page 1162.)

The Hon. C. R. CUDMORE (Central No. 2)—This is a short Bill amending the very important Public Service Act. The provisions generally have been explained by the Chief Secretary and emphasized as it were by Mr. Condon in supporting it, I think rather grudgingly, because apparently it did not please him as there is nothing in it about workmen's compensation. There is little to be said on the second reading of such a Bill. The chief provision amends section 57 of the Act which says that everyone in the employment of the Government must retire at the age of 65 years if a male and 60 years if a female. With that I agree. I should not have spoken on the second reading but for the fact that clause 4 provides that the Governor may by proclamation specify offices on statutory bodies and so on. In an interjection during Mr. Anthony's speech I asked what was a statutory body under the Bill, and since then I have done a little more homework and found it is provided for in new subsection (9) of section 57. If we carry the Bill, then anyone on any of these boards could carry on irrespective of age unless a proclamation was issued saying that this law should not apply to that particular office. That is the point we want to be clear on. When I first read it, it appeared that we were doing it in reverse. The Act itself says that every male officer shall retire on attaining the age of 65 years and every female officer on attaining 60 years. We are not now saying that some may be carried on by proclamation but that all may continue unless the Governor by proclamation specifies offices on statutory bodies, the holders of which shall be subject to subsection (1) of section 57. That means they have to retire at the retiring age. That is the scheme of this Bill. The reason I drew attention to it is that I could not see at first why we should do this by proclamation. I find that under section 6 it is set out who are public servants within the meaning of the Act; they comprise all persons employed in any capacity in the Public Service, with certain exceptions which are set out, such as Judges of the Supreme Court, the Judge of Insolvency, the President of the

Industrial Court, the Agent-General, etc. Sub-section 2 of section 6 of the Act provides:— Except so far as inconsistent with any Act for the time being in force the Governor may declare by proclamation that this Act, or any specified provisions of this Act, shall, from the time specified in that behalf in such proclamation—

1. apply to any of the persons or officers, classes, or departments, mentioned or referred to in this section; or . . . and every such proclamation shall, except as aforesaid, have effect according to the tenor thereof.

That is just a lot of legal wording. The general set-up of the Public Service Act is that in the past exemptions have been dealt with by proclamation. I think the section I am quoting goes back to 1916. For that reason, I do not at this stage raise any objection to the introduction of a proclamation under the particular circumstances. The second part of the Bill permits people who leave the service and then return within two years to have their services considered continuous for purposes which are most beneficial to employees in the Public Service. I support the second reading.

The Hon. F. T. PERRY (Central No. 2)—One cannot help feeling that the Public Service as a body has built around itself restrictions that are becoming more or less unwelcome. This Bill seeks to give two further loopholes, and I wish to draw attention to the Auditor-General's report in which he states that the proper conduct of Government business has substantially suffered, both as to the standard of performance and cost, because it has become subservient to a consideration of the statutory rights and interests of officers in the Public Service. That is a very strong statement. It seems to me that all types of people in the Public Service wish to surround their occupations with so many restrictions and rights that it becomes difficult for them and certainly very difficult for the Government as a whole to work under them.

The Hon. F. J. Condon—Can you tell us why so many are leaving the Public Service?

The Hon. F. T. PERRY—I do not know, except that it is a free country and I cannot see any reason why public servants should not exercise the same right as others to seek occupations in another sphere if they desire to do so. However, after having elected to go outside, they will be permitted under this Bill to return to the Public Service without losing any rights or privileges they had before leaving, and I think that is wrong.

The Hon. E. Anthony—Within limits.

The Hon. F. T. PERRY—It all depends on why an officer leaves, but when a man elects to give up his privileges I do not see why he should have the right to come back within two or three years and claim the same privileges. In my opinion this provision should not be allowed.

The Hon. K. E. J. Bardolph—But the Public Service Commissioner and the department still have rights.

The Hon. F. T. PERRY—I know that, but the provision in the Bill indicates what Parliament thinks of the matter—that is, that he should have the right to these privileges, and I am against that.

The Hon. C. R. Cudmore—The Government does not have to re-employ.

The Hon. F. T. PERRY—Then why is the provision in the Bill? A man has a perfect right to leave the Public Service but if he elects to do so I do not see any reason why he should have the right to obtain full privileges on re-employment. If he wishes to come back he should do so on the conditions existing at the time of his re-entry. The Public Service has served this State very well, but if officers leave they do so with their eyes open, so they should not have these rights presented to them on re-employment.

The Hon. K. E. J. Bardolph—But if the Government re-employs them it also has its eyes open when it does so.

The Hon. F. T. PERRY—That may be; the honourable member has his opinions and I have mine.

The Hon. Sir Lyell McEwin—You are not interpreting the clause correctly. It refers only to re-employment of an officer who has been retrenched and does not deal with resignations.

The Hon. F. T. PERRY—Then I withdraw my remarks. I understood from the Leader's comments that if a public servant left he could return and get the same privileges, but as the provision relates to retrenchment I have no objection to it. I feel we are surrounding the Public Service with so many restrictions and obligations on the part of the Government and the officers that we are tending to make the Act unworkable, and as a result the Auditor-General made the comments I have mentioned.

The Hon. E. Anthony—Doesn't this amendment tend to rectify that?

The Hon. F. T. PERRY—It does, to a degree, and I support the first part of the clause on that basis.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Retirement."

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

In new subsection (9) of section 57 after "Governor" to insert "or a Minister."

Examination of the clause and the list of boards indicates that there are some appointments which are not made by the Governor. The Phylloxera Board and the Sanitary Plumbing Examination Board are instances where the appointments are made by Ministers, so in order to meet the principle covered by the Act it is necessary to insert these words.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with an amendment and Committee's report adopted.

SWINE COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 27. Page 1163.)

The Hon. A. J. MELROSE (Midland)—What I had to say about a sister Bill under discussion a while ago and which is still on the Notice Paper would apply equally in discussing this measure which sets out to lighten the burden of stamp duty on the sale of certain carcasses, and extend the provisions to cover unspecified diseases. After listening to Mr. Densley on the Cattle Compensation Bill I gathered that the Government takes the view that these funds were established mainly with the object of eradicating certain diseases, and not for the purpose of compensating people for other losses beyond their control. If that is so there is no point in my further discussing this Bill. However, there are losses in this industry which, as is the case with cattle, are not covered by any stretching of the word "disease" when it is found upon slaughtering that the carcasses are unfit for human consumption. Considering that these funds are subscribed by the people most interested in the industry and that they have now accumulated to what is considered a safe level, it seems to me that it might be wise to consider extending the compensation to unforeseen and unpredictable losses. If their attitude, however, endorses what appears to be the official attitude, namely, that these funds are established for the purpose of compensating people whose stock are condemned because of certain specified diseases,

one would have to support these amending Bills. But I do suggest that having accumulated enough money to act as a kind of backlog to the diseases specified, consideration might be given by those people most keenly interested, perhaps even to increasing their subscriptions in order to reimburse themselves for losses which are not now covered. I support the second reading.

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

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 27. Page 1163.)

The Hon. Sir WALLACE SANDFORD (Central No. 2)—In his second reading speech the Chief Secretary explained the position of the Metropolitan and Export Abattoirs Board and Mr. Condon, in supporting him, emphasized the desirability of nominations of members being entrusted to bodies that are actively interested in the industry. As most members will recall, a Select Committee was set up by the Government in 1944 to examine and report upon matters connected with the abattoirs. The Committee sat not only here, but travelled interstate and inspected abattoirs, both urban and rural, in New South Wales and Victoria. As the matter was considered to be one of urgency no time was lost by the committee in collating and presenting its report, as is seen from the fact that it was tabled on October 4, 1945, and a Bill was introduced in another place and finally passed on December 20 that year.

During the sittings of the Select Committee, and the debate on the ensuing Bill, considerable discussion took place regarding the selection and appointment of persons who were to constitute the board. I feel that the Chief Secretary and Mr. Condon so clearly set out the position that it is unnecessary for me to traverse the ground they covered, but following the passage of the Bill through this Chamber a very long conference was held with members of another place before agreement could be concluded. In a nutshell, the position is that a body called the South Australian Chamber of Rural Industries, named as qualified for representation in 1945, is now inactive, and in order that nominations shall be entrusted to bodies actively interested in the industry the Bill makes the necessary provisions. I am sure that all members who were associated with

the Committee in 1944-45 and the Bill of that year will feel pleased that the Government is taking the necessary steps to protect the recommendations of the Select Committee relating to representatives on the board, for it is on selection of men considered to be most valuable, because of their experience and knowledge of the work entailed and the results aimed at, that the future smooth working of the board depends and therefore I find myself in complete accord with the alterations made by this Bill. I have pleasure in supporting the second reading.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I agree with what Sir Wallace said, because he was chairman of the Select Committee. It is true that the committee journeyed to other States at considerable inconvenience, for it will be remembered that it was still during the war period when sleeping berths were unavailable and travelling generally was far from comfortable. The committee made every effort to glean all the information essential to making a report which led to the Bill which was passed in 1945. It is also true that in order that all interests should be represented and to ensure the smooth working and management of the board the committee named certain organizations as responsible for submitting panels of names from which the Government could make selections. At that time the Chamber of Rural Industries was considered the authoritative body to represent fat lamb producers, but this has become moribund and the Bill now provides that three names shall be submitted jointly by the committees of management of the Stockowners' Association, the South Australian branch of the Australian Society of Breeders of British Sheep, the South Australian Wheat and Wool Growers' Association and the South Australian executive of the Australian Primary Producers' Union. These organizations will now submit a panel of three names, one of which will be selected to take the place of the representative of the South Australian Chamber of Rural Industries. A panel of three names shall also be submitted by the committee of management of the South Australian branch of the Australian Pig Society, one of which shall be selected.

I pay a compliment to the employees' representative on the board. As Sir Wallace Sandford, who was chairman of a Select Committee which inquired into abattoirs matters, could tell the Council, his committee went exhaustively into the question of whether an employees' representative should sit on the board. Among

witnesses who supported such a proposal was the Honourable W. W. Robinson. The Government in its wisdom acted on the majority report of the committee and appointed an employees' representative. Until this move there had always been industrial turmoil at the abattoirs, particularly during the period when fat lambs were being killed for export. It is interesting to notice that in 1946 sheep killed at the abattoirs numbered 818,000 and lambs 842,000. Killings have increased progressively until for the last killing season the number of sheep killed was 1,588,711 and lambs 1,0400,269. I do not think any honourable member will question the improvement following upon the appointment of an employees' representative on the board. Credit is due to the co-operation of representatives of employees and the other interests on the board for the smooth working of the abattoirs. I have always advocated and will continue to advocate that on semi-governmental organizations such as the abattoirs, the Tramways Trust and the Electricity Trust in which public money is involved, it is essential for their smooth working that there should be an employees' representative in order that he shall know the facts relevant to the conduct and control of the industry.

The Hon. W. W. ROBINSON secured the adjournment of the debate.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL.

In Committee.

(Continued from October 27, Page 1164.)

Clause 3 "Regulations."

The Hon. Sir LYELL McEWIN (Chief Secretary)—At the last meeting of the committee I reported progress with a view to reconciling my information with that given to Mr. Rowe. I have now received the following report from the Registrar of Companies:—

When Mr. Rowe rang me concerning this matter I had not time to give it much consideration. Since then I have looked further into the matter and find that fees under the Industrial and Provident Societies Act have always been fixed by regulation. It is therefore consistent with the policy of the Act on this matter that additional fees imposed should also be fixed by regulation. It might also be confusing to the public if some fees were fixed by regulation and others by the Act itself. A precedent for fixing fees by regulation is contained in the Fees Regulation Act which gave the Governor wide powers to prescribe and vary statutory fees of all kinds. As the regulations are subject to disallowance

by Parliament the fact that the Governor fixes fees does not take them entirely out of the control of Parliament.

Mr. Cudmore had asked why the Bill provided for the fixing of late filing fees by regulation. On this I have obtained the following report from the Parliamentary Draftsman:—

Under the Companies Act all fees for transactions under the Act are fixed by Schedule to the Act and late filing fees are conveniently included with those fees. Under the Industrial and Provident Societies Act, on the other hand, fees for transactions under the Act are fixed by regulation. Unless all fees under the Industrial and Provident Societies Act are to be fixed by the Act it would be most inconvenient to provide for late filing fees in a Schedule to the Act. First, it is not a good arrangement to fix the fees partly by regulations and partly by the Act. Second, when any alteration to the ordinary filing fees were made it would be almost certainly necessary to adjust the late filing fees, and to do this would require not only alteration of the regulations, but of the Act also.

The public are unlikely to be inconvenienced by the fixing of these fees by regulation. The fees quickly become known and can be ascertained from the Companies Office. There is nothing unusual in the fixing of fees by regulation. These are the kinds of administrative matters which can conveniently be dealt with by regulation. In fact, it is the usual practice to provide for fees to be fixed by regulation. In this regard it may be mentioned that the Industrial and Provident Societies

Act provided for this long before the present Companies Act was passed. In times when the value of money is likely to fluctuate widely, it is considered that to fix fees by regulation is the most logical method. Such fees can be readily adjusted to suit changing circumstances.

The Hon. C. R. CUDMORE—The Minister in introducing this Bill referred to the Companies Act. I examined the Companies Act and found that fees in that Act are fixed by schedule, and I therefore raised the question whether it would not be better to fix the fees similarly in the Industrial and Provident Societies Act, rather than by regulation. I agree with the Minister that it is desirable to have all the fees included either by schedule or by regulation. It is only adding worse confusion if some are in a schedule and the remainder in regulations. I agree with the Bill that any alteration in filing fees will appear in a regulation.

Clause passed.

Title passed.

Bill reported without amendment and Committee's report adopted.

ADJOURNMENT.

At 3 p.m. the Council adjourned until Wednesday, November 3, at 2 p.m.