LEGISLATIVE COUNCIL.

Tuesday, November 8, 1955.

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

QUESTIONS.

MORGAN-RENMARK ROAD.

The Hon. C. R. STORY—My constituents are concerned about the removal of the gang from the Morgan-Renmark road. Can the Minister of Roads inform me whether this indicates a change in the policy of finishing this road before any other work is done?

The Hon. N. L. JUDE—I am not aware of the implications suggested by the honourable member, and I can assure him that there has been no change in the policy of the Government. Perhaps the gang was removed to do other work of urgent necessity. I shall obtain the information for the honourable member.

COMMERCIAL ROAD VEHICLES.

The Hon. E. ANTHONEY (on notice)—

1. How many commercial vehicles were registered during the years 1950-55 inclusive?

2. What proportion of that number is the property of licensed carriers?

3. How many permits were refused by the Transport Control Board during the year ended June 30, 1955?

4. What reasons were given for the refusals?

The Hon. N. L. JUDE—The replies are:—

1. The total number of commercial motor vehicles registered as at June 30 of each of the years 1950 to 1955 is as follows:—

As at	No.
30/6/50	40,638
30/6/51	46,126
30/6/52	51,553
30/6/53	55,362
30/6/54	59,530
30/6/55	62,507

2. The information regarding the proportion of commercial motor vehicles owned by licensed carriers is not readily available, and would take a considerable number of man-hours to ascertain, involving a scrutiny of 546 registers each containing approximately 750 registrations. In this regard the Chairman of the Transport Control Board has advised that there are operating under licences issued by the board 130 motor coaches, 287 trucks, and 48 trailers. This number would be increased by perhaps 50, as in the case of certain licences the need does not arise to enumerate the vehicles to be used. These figures would not cover carriers operating under special permit, of which the board has no vehicle record, but where the number of vehicles used would run into many hundreds. Special permits are granted for numerous reasons, such as the authorization of a carrier in a country town to carry goods locally and to and from the rail. The board would grant a permit at a nominal fee to such a carrier and would not require him to furnish details as to the number of trucks that he would use for such an essential purpose.

3. Permits refused by the Transport Control Board during year ended 30/6/55—161.

4. The preamble to the Road and Railways Transport Act, 1930-1939, reads as follows:—

> An Act to provide for the co-ordination of passenger and freight transport by railways and by vehicles used for carrying passengers and goods on roads, and to provide for the control and licensing of persons operating such vehicles.

Applications for permits for road transport were refused by the board where the board was of opinion that licensed vehicles and/or railway service was satisfactory for the movement of the goods or passengers concerned and the granting of the request would have resulted in unnecessary duplication of public transport.

GAS ACT AMENDMENT BILL.

Read a third time and passed.

THE Y.W.C.A. OF PORT PIRIE INC. (PORT PIRIE PARKLANDS) BILL.

Read a third time and passed.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL.

Read a third time and passed.

PHYSIOTHERAPISTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 3. Page 1376.)

The Hon. C. R. CUDMORE (Central No. 2)—The reason for this small amending Bill is, as the Minister pointed out, that the Physiotherapists Board found some difficulty in respect of its powers of punishment. The case went to the Full Court which took the view that as it was relatively early days in the life of this profession such matters as unprofessional conduct should be dealt with gently. The board then asked the Government for an amendment of the Act, which is the

aim of this Bill. As far as I can see no principle is involved and it is probably a Bill that can better be discussed in Committee. The only thing I find it necessary to say on the second reading is that the suggested fine of £20 for unprofessional conduct seems to be just ludicrous; it does not mean a thing in achieving what seems to be the aim of the Bill, namely, controlling persons guilty of unprofessional conduct. To my mind anything less than £100 would be quite stupid. I should like to hear the Minister explain why such a small amount is suggested.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—''Deregistration and other orders.''

The Hon. C. R. CUDMORE—As I understand the position, following a judgment of the Full Court, the board informed the Government that it did not have adequate powers to deal with people guilty of unprofessional conduct. Under the proposed new powers the board may deregister a person, censure him or suspend his registration for a period, and in addition may impose a fine not exceeding £20. Remember, that is the maximum, and in the light of present money values £20 seems to be totally inadequate. In order to promote discussion and get an explanation from the Minister I move that the word ''twenty'' in line 37 be struck out with a view to inserting ''one hundred.''

The Hon. E. ANTHONEY—It seems odd that a board clothed with the powers that Parliament has given it has not power to punish a malefactor such as the person involved in the case mentioned by the Minister where a physiotherapist was brought before the board for treating a case of cancer. What in the world has a physiotherapist to do with treating cancer? He should be struck off the roll without question. He may have done, and no doubt did do incalculable harm. I do not know why such a small fine should be superimposed on the other punishments the board may mete out, and I agree with my colleague that some explanation is necessary.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I have a minute relating to the problems that arose when a physiotherapist was suspended because of what was considered unprofessional conduct. The board considered the offence was serious. It found that this person, while purporting to act as a physiotherapist, had treated a child suffering from cancer and had supplied various medicines for the child, including a drug called pentone, which he was prohibited from supplying under the Food and Drugs Act. The board considered that this amounted to unprofessional conduct and the physiotherapist was suspended. An appeal was lodged in the Supreme Court and finally disposed of by the Full Court, which held that, although the physiotherapist was guilty of unprofessional conduct, suspension was not an appropriate punishment. The board had no power to impose any penalty other than deregistration or suspension, so if the board cannot suspend in a case as serious as this it is powerless to do anything except administer a reprimand. The board has no specific power to censure and is thus in a difficult position, as it has no power to deal with minor matters at all and if this case is regarded as serious, as no doubt it would be by many people, many serious cases may occur. In consequence, the board has asked for power to censure and to fine. In a report the Parliamentary Draftsman stated:—

The power to fine for unprofessional conduct seems on the face of it an extreme power.

That is rather contrary to the views expressed this afternoon. The report further states:—

However, there is precedent for such a power in the Pharmacy Act and the Veterinary Surgeons Act.

The report suggests that the board be enabled to impose a fine of up to £20. Beyond that I have no information of why that limitation is suggested. In view of the opinions expressed by honourable members I move that progress be reported.

Progress reported; Committee to sit again.

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 3. Page 1382.)

The Hon. J. L. S. BICE (Southern)—The Milk Board set up under the 1946 legislation certainly showed high appreciation of the problems associated with the dairy industry, and has done a good administrative job. Many dairymen were having a particularly hard time in the early '30s. I am reliably informed that there are 2,500 suppliers within 50 miles of Adelaide, and about 460 retail milk vendors, apart from city shops which retail whole milk. Mr. Condon told us of the progress made in the dairy industry, and yet the *Stock and Station Journal* advertises a number of dairy cows being offered for sale, and one would thus get the impression that the dairy industry

was on the wane. Although dairymen are receiving a reasonable price for their product at the moment, one cannot foresee what will happen at any tick of the clock, and therefore I would be loath to alter any legislation which would interfere with the industry.

I speak with much feeling on the subject, because my original farming experience was associated with the Murray swamps and as a very young man I had to milk cows. Therefore, I know something about the subject. I also learned later of the value of the dairying industry in the Adelaide hills, and that is why I was readily agreeable to support the 1946 legislation. I understand that section 32(2) of that Act allows the board some latitude as to the condition of dairies. In my approach to the board in my early days I found that much sympathy was shown to dairymen, as they were enabled to make a little money to bring their dairies up to the high standard required under the legislation. I am sure that dairymen would agree with the proposal now before us. In 1946 these people were very hard up against it. The Government is wise in amending the Act, and I am sure that it will be in the interests of the industry because it will establish a higher standard of hygiene. Since this Act came into operation 412 dairies have been altered and 813 new milking sheds have been erected. The information given by previous speakers indicates a measure of support for this Bill, which I believe will be in the interests of the consuming public as well as the dairy farmer. I support the second reading.

The Hon. W. W. ROBINSON (Northern)—Although this matter has been fairly well discussed I wish to make a few comments, more particularly because I obtained some knowledge of this industry when I was a school boy. Of the 45 cows run by the family I used to milk eight or nine prior to and after returning from school, and the returns from dairying at that period were very meagre. I can well remember the time when we received only between 4d. and 6d. a pound for butter, and it was more or less a slave industry. Over the years I have retained my sympathy for the dairy farmer, who earns everything he receives. He has to work seven days a week in all weathers and I would not do anything to injure the industry.

This Bill provides for an alteration in the provisions relating to licensing of dairies. The licensing is controlled by the Metropolitan Milk Board which, in its wisdom, lays down certain conditions with which an applicant must comply before he receives a licence. Provisional licences under the Act were granted for three months in order that the dairyman might get his premises in a proper condition to enable him to secure a permanent licence, but because of the shortage of materials this has not been strictly enforced. When the provisional period ran out another member of the family applied, and so it went on, but under this Bill a provisional licence may be granted for a short period and if the applicant does not comply with the regulations his application for a permanent licence will be refused. The Metropolitan Milk Board has done a very good job. It is strict in its administration and as a result the metropolitan milk supply has improved considerably. Over the years the board has endeavoured to secure sufficient milk for the city. During the lean period of the year it is necessary to license a greater number of producers than in the lush period, so the whole of the production cannot be distributed in the city. Some of it has to be manufactured into other products and the dairyman gets the benefit of the proportion he sends to the metropolitan area and that which is manufactured. It is equalized, and he receives payment at the end of each month.

This Bill also provides for the granting of permits for supplying reconstituted milk to distant places such as Woomera and Leigh Creek. In recent years milk has been carried from Jervois on the Murray to these places, and has probably been unfit for consumption on arrival. Reconstituted milk is produced by making a liquid that will comply with the requirements for normal milk by the process of adding one or more of the component parts of milk to all the other parts. Milk is composed of 87.5 per cent water, 4 per cent fat and 8.5 per cent solids not fat. In reconstitution, the water is taken out and added at the supplying end. At Woomera, water from the pipeline is used, but I believe it is treated in such a way that it is pure. As a result they obtain hygienic milk without the disadvantage of having to cart whole milk over long distances in unsuitable weather.

The Bill also provides that permits must be granted for the sale of this milk so that it cannot compete with whole milk in the metropolitan area. This provision is to allay the fears of the dairyman, but I cannot see how this milk could compete with the normal product. I have asked members of the trade and found that they are not concerned about its becoming a competitor with whole milk. That could happen in a time of considerable

shortage, although I cannot visualize it for many years. At present the metropolitan area uses only half the milk produced, and even with the growth of population I cannot see how it will ever be necessary to use reconstituted milk in this area.

This measure also provides for the zoning of vendors. This is being done to enable the customers to have a choice of milkmen. It is proposed that there will be at least three milkmen in each zone, and if the customer is not satisfied with his supplier he can deal off either of the other two. I do not think this will mean any big changeover from one vendor to another because the knowledge that the customers can change will keep the vendors up to the mark. Also, the quality of the milk is good in most cases.

I am pleased to note the great improvement that has taken place in the dairying industry in the last few years. Some interesting figures appear in the *Year Book* regarding the increase in production per head of cattle in the last 30 or 40 years. In 1916 the production per head was 261 gallons a year; in 1926, 317; in 1931, 396; in 1936, 378; in 1941, 493; in 1946, 509; and in 1952, 554. With the better treatment dairymen have been receiving over the last few years they have been able to improve their herds to such an extent that production per head has doubled since 1916. As a result, the average production per head in this State has increased from the lowest in the Commonwealth to the highest. As the attention given to the dairy industry has enabled dairymen to improve their herds, the new licensing laws will improve the quality of the milk, and the zoning will enable people in the metropolitan area to have a greater choice. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Zoning of milk deliveries."

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

In new section 46 (*a*) to insert the following subsection:—

(3) This section shall not take away or restrict the duty of any person to comply with the provisions of, or the regulations made under, the Food and Drugs Act, 1908-1954.

Members will have noticed that this Bill is more of a marketing of milk Bill than one dealing with the standard of milk and the Metropolitan County Board has requested that it should be made clear that there is no cross purpose between the duties and responsibilities of the Milk Board and those of the Metropolitan County Board. It was, of course, not the intention of the Government that the zoning system should affect the licensing of dairymen and milk vendors or the registration of their premises. I have considered the desirability of including some words in the Bill to make it clear that the Bill will not affect the operation of the Food and Drugs Act, and have come to the conclusion that it would be wise to provide for this. Otherwise it might be argued that a milk vendor to whom a zone had been allotted under the Bill would get the right to carry on business without compliance with the Food and Drugs Act. It is desirable that there should be no doubt about this matter and I have accordingly had the amendment drafted for this purpose.

Amendment carried; clause as amended passed.

Title passed.

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

APPROPRIATION BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 3. Page 1375.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill budgets for a deficit of £748,000. When I came into this Chamber first a Liberal Government was in power and at that time the estimated revenue was £8,811,802 and the expenditure £8,875,053 but although the Government of the day budgeted for a surplus there was a deficiency of over £53,000. In the following year, 1923-4, the Gunn Government was returned to office and the estimated revenue for its first term was £9,625,682 and the estimated expenditure £9,615,000. I mention these figures to draw a comparison between 1923-4 and 1955-6 when the estimated expenditure has reached a sum exceeding £60,000,000. I do not think any member who was in Parliament at that time would ever have thought that in such a short period the State's expenditure would have risen to such an enormous amount.

We are asked this afternoon to pass an Appropriation Bill, and although we talked for a week we could not make any alteration to it. It is simply an informative statement that shows what we have to face during the ensuing year. I listened recently to the speech of the Federal Treasurer and the conclusion I reached was that the Commonwealth is in for a bad time, and I think we have to face up to something.

The Hon. E. Anthoney—It's time we did, isn't it?

The Hon. F. J. CONDON—If that means unemployment I say "no."

The Hon. E. Anthoney—We are not talking about that.

The Hon. F. J. CONDON—The honourable member is complaining but in this Bill the Government is providing for advances to people who have been blessed with high prices for their products for a number of years. Despite the so-called prosperity we find ourselves unable to balance our Budget today.

The Hon. S. C. Bevan—You will be told that that is because of the 40-hour week.

The Hon. Sir Wallace Sandford—You will hear a lot more about that one of these days.

The Hon. F. J. CONDON—Probably after next March, and you will hear it again. My friend must recognize that all brains do not belong to one Party. Now I come to something which may be a little personal, but I am not afraid to say what I think regarding it. Seven years ago Parliament passed the Parliamentary Superannuation Act. Since that time the fund has accumulated £64,000 but has been called upon to pay out very little. Last year the expenditure was little over £3,000 whereas the income was over £10,000 and I say with great respect that it is time the Government saw fit to amend the Act. After all, members are paying for it and they do not object to added contributions provided they get the same consideration as other public servants. A member has to wait for 12 years before he can benefit and he could go on paying for 30 years. Those who have spent a long period in Parliament, rendering a service to the people and the State, are entitled to more than meagre consideration. It may be too late for a Bill to be brought forward this year, but it is not the fault of the Labor Party that one has not been introduced before, as it is more than six months since the matter was raised. I ask members to look at the Auditor-General's report in reference to the state of the fund. I venture to say, whether they would mention it publicly or not, they would support what I am now mentioning, and I hope that any influence they have will be in the right direction.

It would take a long time to deal with every item in the Estimates. In explaining the Bill, the Chief Secretary referred to taxation. Some States favour reverting to State taxation, but why do not they do it?

The Hon. E. Anthoney—Is not South Australia one of them?

The Hon. F. J. CONDON—Yes, and I often wonder whether it is sincere and whether it is not putting up a smokescreen. I do not see any great effort being made to revert to the old system, and I do not know whether South Australia would be better off under it.

The Hon. W. W. Robinson—Who is to decide the terms?

The Hon. F. J. CONDON—I should think the State Governments should have a say, and that the Federal Government should not be supreme all the time. With a little agitation, I consider the States could get what they require.

The Hon. E. Anthoney—It is certainly supreme now and has been for a long time.

The Hon. F. J. CONDON—What are you going to do about it? It is in the States' hands. There are six State Parliaments compared with one Commonwealth Parliament. I question the sincerity of those who advocate a return to State taxation. For the last financial year excess payments over receipts in the Police Department amounted to £1,264,932. I am pleased that the department intends to take action against those who drive at excessive speed, which is often the cause of many deaths and injuries. I often wish I had the power to deal with these maniacs, particularly on the Port Road, who never consider the rights of the general public.

The Hon. E. Anthoney—Not only on the Port Road.

The Hon. F. J. CONDON—Exactly. I have noticed the excessive speed there, and often it was so great that I had no opportunity to take the number of the offending car. I hope the department's efforts against these speedsters will be successful. It is the fellow who takes the risks at intersections who causes the trouble. I notice that the Auditor-General's report gives the total of unclaimed totalizator dividends, and the amount does not seem to be decreasing compared with previous years. Often the poor disgruntled gambler cannot get what he is entitled to because he has lost his betting ticket and the money which he should have received goes to the coffers of the State.

The amount provided for the Engineering and Water Supply Department is £2,026,000. The State's investment in this activity to June 30, 1955, amounted to £37,353,231, an increase of more than £5,000,000 compared with

last year. After providing for depreciation and interest, the deficit for last year amounted to £1,225,923, an increase of £423,912 over the previous year. Whereas the Adelaide water district previously registered a profit of 11 per cent in a year's operations, a loss is now experienced. Last year the loss was £372,000, and on the combined country districts it was £854,000. Some of the loss on the Adelaide district was due to the high pumping costs associated with the Adelaide-Mannum water scheme. I make the point that the Government has missed the bus. If it wanted to make up any of the deficits, it should have been done earlier when things were prosperous. Many people are not now in a position, despite what some say, to meet their commitments. The arrears owing to the department are higher than for many years. When the people had the money, that was the time to deal with this question, and not when things are getting a little tough. Only three of the water districts earned sufficient to meet working expenses. They were Adelaide and Morgan-Whyalla, which each returned less than 1 per cent on funds employed, and Barossa, which returned 1.4 per cent. A return of 2.9 per cent would have been required to meet the full interest charge. This is not a very rosy picture. We have to face up to the spending of £3,000,000 on the proposed Myponga reservoir and paying a huge sum to complete the South Para reservoir, and then there is the Yorke Peninsula water supply scheme. It has already been suggested that we want two more reservoirs on the Onkaparinga River, in addition to certain country water schemes. We must view this position seriously.

The Hon. E. Anthoney—The honourable member will agree that the conservation of water is a good policy.

The Hon. F. J. CONDON—Exactly, and I agreed with that when we were paying 11 per cent interest.

The Hon. E. Anthoney—In those days one man was doing what two men are doing today. That is where the money is going.

The Hon. F. J. CONDON—Admittedly costs have increased.

The Hon. R. R. Wilson—What do you suggest as a remedy?

The Hon. F. J. CONDON—Last week I suggested a remedy. I think too much overtime is worked to keep men from going to other jobs for which they are offered higher pay. Mr. Anthoney believes in pegging wages and in every worker being robbed of 13s. a week.

The Hon. N. L. Jude—The court did that.

The Hon. F. J. CONDON—This Government, as it did before, will send its Crown Solicitor to the Arbitration Court to defeat the workers' case.

The Hon. C. D. Rowe—That is not correct.

The Hon. C. R. Cudmore—How can you be robbed of something you never had?

The Hon. F. J. CONDON—The Playford Government sent legal representatives over to put up a fight when the A.C.T.U. and other unions were fighting for better wages and conditions.

The Hon. Sir Frank Perry—Give the facts of the case.

The Hon. F. J. CONDON—Why not admit when you are wrong? If you have principles, stand by them, but do not deny things you are doing. Despite the conditions today, industry is not in a bad way. If this Government had recognized the position, as the New South Wales Labor Government did—

The Hon. E. Anthoney—They caused all the trouble.

The Hon. F. J. CONDON—The New South Wales Government introduced a 40-hour week to which this Government objected, yet we read about the prosperity of this State! The workers of South Australia and the Commonwealth have not received a fair deal because, if cost of living adjustments had been given, they would now be receiving 13s. a week more. Every time a union approaches the Arbitration Court or a Wages Board it is fighting not only for its members, but for the highest paid men in the Commonwealth because, when the union achieves something, it is passed on to other men who perhaps would not think of themselves as workers. I defend the trade union movement, and applaud it for what it has done over a period of years.

The Hon. E. Anthoney—It would not be too good for the honourable member if he did not.

The Hon. F. J. CONDON—I have applauded this Government at times although I might have been wrong in doing so. I do not take the one-sided view that all in the Labor movement are angels, but I give credit where it is due. This Government has done very good work and has accomplished a lot, but if someone else had had the opportunity they might have done better. I have spoken about water supplies because of their importance. If it were not for the activity in extending water mains throughout the State South Australia would have been at a great disadvantage. It

matters little to me whether these schemes pay so long as they develop the country and help to produce something in the interests of Australia.

This year £1,454,000 is to be provided for the Harbors Board. The surplus for the year ended June 30, 1955, was £175,442, which was an improvement of £386,208 on the previous year, when a deficit was made. Earnings for the year reached a record of £1,842,796, which was an increase of 33 per cent over the previous year's operations. Of that increase, £330,317 was from wharfage dues. The excess of earnings over working expenses of £527,447 represented a return of 4.6 per cent on the funds employed. The volume of goods passing through the ports was over 10,000,000 tons, yet honourable members say that the men do not work. Of the 37 ports under control of the board only four—Port Adelaide, Port Pirie, Port Lincoln and Whyalla—operated at a profit. The deficit of the other 33 ports was £56,941. The cost of maintaining wharves and jetties in other localities from which the board receives little return amounted to £50,106.

Although this department is making a reasonable profit it has to face up to heavy expenditure in the next year or two because of the installation of bulk handling facilities at Wallaroo, Port Lincoln, Thevenard and Port Pirie. Also, it is proposed to spend £1,500,000 at Port Pirie on deepening the river and reconstructing the wharves. Although this is a colossal sum, it must be found because these things are overdue. It is also proposed to spend considerably more than £100,000 to make alterations and to erect new facilities at the Waratah Plaster Works at Thevenard. It will be impossible for this or any Government to meet such commitments. The Public Works Standing Committee has recommended the building of schools and other projects, but they will not be constructed for a number of years because it will be impossible to find the money.

The Hon. E. Anthoney—Or the labour.

The Hon. F. J. CONDON—I think labour could be found now because a number of people have taken advantage of our immigration policy, and we all hope that this country will be further populated so that we may be able to make up some of the leeway. The sum provided for the Minister of Roads and Local Government is £326,399. Included in this is a special contribution to the Highways Fund of £250,000. During 1954-55 the amount spent on roads, allied works and plant by the road-constructing authorities was approximately £8,640,000. The funds made available to the department for the year amounted to over £6,000,000 and of this £3,546,000, or 58.4 per cent was provided by the State and £2,522,000, or 41.5 per cent, by the Commonwealth. Revenue from motor taxation, etc., was nearly £3,000,000.

There are quite a number of other matters to which I should like to refer, but I do not want to monopolize the whole of the time available. In supporting the second reading I have tried to explain the position as I see it because all members have their responsibilities in safeguarding the welfare of the State, irrespective of Party.

The Hon. C. R. CUDMORE (Central No. 2)—In the past I have not very often joined in the debate on the Appropriation Bill, which is purely a financial matter and does not concern this Council as much as it does the House of Assembly. However, I was very interested this year to compare the amount of the Budget for the first year that I came into Parliament, 1933-34, with the present total. In 1933-34 the amount of the Estimates was £6,761,000. This year it is £60,000,000, practically ten times as much. I remember that, following a report by a committee on education on which Sir Wallace Sandford took a very prominent part, I criticized the amount being spent on free education in that year, approximately £850,000. This year it is over £5,000,000. That shows that the value of our currency has very sadly depreciated, and I fear that it has not yet stopped depreciating and will not until we do a little more work for the money we get. I was interested in Mr. Condon's remarks about the Parliamentary Superannuation Fund and the fact that we have had our salaries increased. I agree entirely with him that the existing arrangement should be altered; we could pay more into the fund and provide more for pensions. I think something should be done in that way.

I have particularly interposed in this debate, as it were, for the purpose of bringing to general knowledge a position which I think is wrong. I want to draw the attention of the Government, and of Parliament in particular, to the position of clerks at the Table and the fact that they have not been properly and fairly treated in the matter of remuneration. Members know that I have always been interested in and jealous of the standing, privileges and rights of Parliament. I believe that we should stand by our procedure and our rights. If Parliament is to be respected it must respect

itself and must see that it behaves, in itself and in its support and protection of its officers, in such a way that it will be respected by people outside. It has often been said that the backbone of the Army is its non-commissioned officers, and it may well be said that the backbone of the institution of Parliament is what we might term its non-commissioned officers—the officers of Parliament. They are the people to whom we are indebted; they advise the presiding officers, Ministers, supporters of the Government and members of the Opposition. They are our confidential advisers, and yet, as I will show, in this State they are very far from being adequately remunerated.

Under the Public Service Act certain important people who serve the State are exempted from the Public Service such as the Judges of the Supreme Court, the Judge in Insolvency, the President of the Industrial Court, the Agent-General, the Auditor-General, any officer of either House of Parliament or any person under the separate control of the President or the Speaker, or under their joint control. Therefore they are in a different position from any of the ordinary civil servants. Also under the Constitution the Clerk of Parliament cannot be dismissed; he is in the same secure position as judges and others. Section 58 of the Constitution says:—

1. The salary of the President of the Legislative Council shall be at least equal to the salary of the Speaker of the House of Assembly, and the salaries and allowances of officers of the Legislative Council shall be the same as those of the corresponding officers of the House of Assembly.

2. The Chief Clerk for the time being of the Legislative Council and of the House of Assembly shall respectively be removable from office only in accordance with the vote of the House in which he is an officer.

Therefore they are under our control, they are our responsibility and it is Parliament's business to see that they are protected. I am drawing attention to this because I think that some alteration in the position is long overdue. Their status is established, but their salaries are not.

At the risk of boring members for a few minutes I desire to read something from the Journal of the Society of Clerks at the Table in Empire Parliaments. This article was written by Mr. Owen Clough, C.M.G., who was made an honorary Doctor of Laws because of his wonderful work throughout the Empire in pointing out the status of the officers of Parliament. He was Clerk of the Senate in South Africa from the time of the formation of the Union Parliament, and he has now lately retired. In 1950 there was a general inquiry into the whole set-up of the status of officers at the Table of the House, and I cannot help feeling that, perhaps because they have been simply called clerks, the importance of their position has not been understood as well as it might be in this State. Mr. Owen Clough drew certain conclusions from which I will quote briefly:—

The extent of the duties and responsibilities of the Clerk of an Upper or Lower House of Parliament throughout our Commonwealth and Empire varies in accordance with the importance of the country and the type of Constitution under which a particular Parliament or Legislature functions . . . The title "Clerk" is perhaps not so impressive to the ordinary ear as that of "Secretary-General" so much in use in foreign legislatures, but in all those many and varied types of Constitutions which have grown up in our Commonwealth and Empire a great and high tradition attaches to the modest title of "Clerk." From times far away back in history at Westminster the persons filling the office of Clerk have usually been either "Gentlemen of the Long Robe" or of some academic standing. It is not, however, only by his legal or academic qualifications that the Clerk of a House attains efficiency, but by his actual working knowledge and experience gained through the years. Indeed, that is why it is necessary in the larger Parliaments and Legislatures, to have, occupying the office of Clerk, one who has devoted many years to service at the Table, during which he has seen the application of the authorities and precedents laid down in the text books, put into practice.

The nature of the duties of the Clerk, being so different from those of a member of the Administrative Civil Service, and his continuity of office as the permanent head of the Parliament Office being of such importance to the efficient working of the Parliamentary machine, he cannot look to the wide field of promotion offered members of the Administrative Service. It is therefore important that the salary of the Clerk in the larger overseas Parliaments and Legislatures should be on the same footing as that of head of a Ministerial Division.

There is much to be said for officials of Parliament being excluded from the Civil Service and included in a Parliamentary Service. In view of the necessarily slow promotion in a Parliamentary establishment there should not be a very marked difference between the salaries of the senior members of the Parliamentary Staff.

The Clerk of the House, as the permanent head of the office of Parliament, the Crown, the Upper and Lower Houses of Parliament being the supreme governing body in the country, naturally suggests that the Clerk of the Executive, or Privy Council, the Clerk of the Upper House and of the Lower House should, in that order, take precedence of permanent heads of Ministerial Divisions.

Honourable members will have some idea of what permanent heads of Ministerial Divisions get in salaries here, and I will show directly

what our Clerks receive in comparison. I give that quotation to show that the position of Clerk of the House is a very important one. What is the actual position here? I shall compare the salaries of the Clerks at the Table of this House with those of the *Hansard* staff and the Library staff, because I think that is a reasonable comparison. The position is rather startling. The Clerk of the House in the United Kingdom gets £4,500 a year, whereas the Chief of the *Hansard* staff receives £1,600. Coming to South Australia, the Clerk of the House receives £2,150 and the Chief of the *Hansard* staff gets the same. That is how we evaluate the importance of the services. There is no question about it that the Clerk of the House is a very different person, but he is not so recognized here. Admittedly, in the United Kingdom it is a bigger Parliament, but for that reason they have a much bigger establishment, with far more people working in it. In the Commonwealth Parliament that officer receives £3,750; in New South Wales £2,900; in Victoria £2,664 (plus £400 a year for the Clerk of Parliaments) making a total of £3,064; and in South Australia that officer receives £2,150. Now we come to the Clerk Assistants. In the Upper House of the Commonwealth Parliament that officer receives £2,678; in New South Wales £2,195; in Victoria £2,464; and in South Australia £1,750. There are numerous other figures I could quote, but I am not so insistent on the actual figures. The point I raise is, "Who should decide the salaries of these gentlemen, and are we adopting the right system in this State?"

The Hon. E. Anthoney—Could you give the salaries of the Librarians?

The Hon. C. R. CUDMORE—In the Commonwealth Parliament he is paid £3,250; in New South Wales £2,395; in Victoria £2,164; and in South Australia £1,700. In other words, the Librarian receives the same as the rank and file *Hansard* reporter, which is absolutely wrong. Officers of Parliament in this State have always been expressly excluded from the Public Service Act for the very good reason that they are employed to serve the Legislature and not merely the Executive Government of the State. They are neutral politically. In the discharge of their duties the officers of Parliament must display equal courtesy and impartiality to Ministers, members of the Government Party and the Opposition. It must be borne in mind that in the exercise of any particular point of procedure Ministers and members are inclined to look at the momentary advantage to their Party. The Clerks, however, have to consider such questions from the permanent and precedent point of view and strive for continuity of practice and consistency in principle. These are important things. I have often raised a question on the departure from our procedure. To ensure their impartiality and independence of the Government, the Constitution Act provides that the Chief Clerk in each House can only be removed from office by a vote of the House of which he is an officer, but, as a further safeguard, it is essential that their financial status should be appropriate and adequately protected. For the first 65 years of responsible Government in this State the Clerks of the two Houses received the same salaries as the respective presiding officers—the President and the Speaker. And it must be remembered that in those days members of Parliament as such were not paid at all. This indicates the high status and prestige accorded the office of Clerk of the House by our predecessors.

For many years it was the practice for the President and the Speaker to confer in respect of the salaries of the officers of Parliament and to submit their recommendations with the annual Estimates of expenditure to the Government for approval. In recent years, however, it became the practice for the Government to forward the submissions of the President and the Speaker to the Public Service Commissioner for recommendation. From this time onwards we have the considered recommendation of experienced presiding officers being frequently overridden, in effect, by a public servant, without any redress being available to the recommending individual or to the officers of Parliament concerned. This state of affairs was recognized as unsatisfactory and at the suggestion of the Premier steps were taken to enable the Public Service Board to fix the salaries of officers of Parliament. Accordingly, a proclamation was issued in 1950 bringing the officers under the relevant sections of the Public Service Act only to the extent necessary to enable the board to fix such salaries. I am not decrying the Public Service Board. It has a big task. The Public Service Commissioner is the head of it and his recommendations probably carry much weight. The other members are civil servants, not even necessarily senior persons in their own departments. I believe the secretary to the Attorney-General is one of them. They fix the salaries and evaluate the work of the Clerks of Parliament, and apparently they do not put them any higher than ordinary reporters on the *Hansard* Staff.

I must make it clear that I am not complaining about the *Hansard* Staff. When they

are listening they always give me a very excellent report and I am very much obliged to them, but when it comes to considering them in the same category as the Clerks at the Table of the House, it seems to me that there is something wrong. The presiding officers of this Parliament and others, including myself, have become very concerned with the salary relationship existing between the various staffs of the Legislature. It is the considered opinion of a number of us that the officers directly concerned with the working of Parliament—the Clerks at the Table—should be granted a salary status in keeping with the relative importance and prestige of Parliament as an institution and of their offices in Parliament. These officers should rank before, rather than after, the corresponding officers in the ancillary departments of Parliament—that is, in relation to the secretary of the Public Works Standing Committee, the secretary of the Land Settlement Committee, the Parliamentary Librarian and the *Hansard* Reporting Staff—all ancillary to the general status and working of Parliament itself. While this is the position in London, Canberra, Sydney and Melbourne, it is the reverse in South Australia. In this State the officers of the Reporting Department have been granted substantially equal salaries with those of their counterparts in New South Wales and Victoria, but this has been denied to the officers of Parliament. It is ludicrous that an officer at the Table of the House should have to transefr to an ancillary department of the Legislature to improve his financial status. In 1946 the services of one of the most valuable officers in the House of Assembly, with 22 years' experience at the Table, were lost to the House because the salary offered for the position of secretary to a subordinate committee of the Parliament was greater than that paid for a position at the Table.

A similar situation has occurred again, in as much as the position of Assistant Secretary to the same committee, created in recent weeks, is also to be remunerated at a much higher salary rate than that fixed for the Clerk Assistant and Black Rod of this Council. Surely there is something wrong about that. In the eastern States the Clerk Assistant enjoys a status at least equal to or above that of the Assistant Chief Reporter; and notwithstanding the fact that in South Australia this officer holds the dual office of Clerk Assistant and Black Rod, his salary from December, 1954, until last week was lower than that of the rank and file reporter. Surely that is wrong. It is a matter that our presiding officers have been trying to rectify for years, but they have been unable to get anywhere. Therefore, I am drawing the attention of Parliament to this, because I think it is our duty to see that something is done about it. After strong recommendations and representations by you, Sir, that the status of the Clerk Assistant should be at least equal to that of the Assistant Leader of the *Hansard* staff, the Public Service Commissioner disregarded your recommendation and granted a small increase. He gave the Black Rod an increase of £50 per annum, which made his salary equal only to that of a rank and file reporter. The Council's third Clerk, Mr. Gardiner, who is Clerk of Papers and Records, succeeded in obtaining a recommendation for a position as a reporter on the *Hansard* staff. His salary at present as a Council officer is £1,060, and as a reporter his maximum salary will be £1,750, so we lose a prospective officer at the Table. How are we going to have trained officers to carry on the important work of Parliament if this goes on? It is clear that the Council will have difficulty in retaining the services of officers suitable for Table appointments. The same position arises in considering the relative status of the Librarian.

To sum up, the *Hansard* staff in this State, which is under the control of the Public Service Commissioner, has been granted a substantial degree of equality with similar staffs in both New South Wales and Victoria, whilst the Secretary and Assistant Secretary of the Public Works Committee have been more generously remunerated than officers holding similar appointments elsewhere in Australia. The officers under the control of this Parliament, however, have been denied the same basis of consideration by the Public Service Board. It has been argued that, because the South Australian Parliament has a smaller membership than the Parliaments of New South Wales and Victoria, the officers of the House should not receive the same consideration as officers in those Parliaments. However, whereas the establishment of officers of the House and of the Library in South Australia is correspondingly smaller than in the eastern States, the *Hansard* staff in South Australia is the same in numbers as the staffs in Melbourne and Sydney. In consequence, the hours worked by the House and Library staffs in this State are both longer and more varied than those of the *Hansard* staff, whose officers have the advantage of a considerable amount of time off during the adjournment and recess.

The Hon. F. J. Condon—We have reports of proceedings every day right throughout the year.

The Hon. C. R. CUDMORE—Not right throughout the year; the reporters are called upon to report the Public Works Committee and all subsidiary committees of Parliament, and when it is necessary they are there. Those committees do not sit every day, however, or anything like it, and I think the honourable member is just as well aware as I am that the reporters are enabled by their position to get outside work, and a good deal of it, and that they put their money into a pool. They are very fair to each other in this.

The Hon. F. J. Condon—They are brought into every dog fight to take evidence.

The Hon. C. R. CUDMORE—That is so, but evidence is not going on every day by any means. I consider it is the duty of Parliament to see that the officers of Parliament have their financial status protected, firstly, to ensure that impartiality that is so necessary for the successful working of Parliament. We all go to them for advice. What has a reporter in comparison? No responsibility at all; he has just to take down what people say and see that it is properly reported. What a difference between his responsibility and that of the officers of the House, who have to advise all of us on all sorts of things. Secondly, the status should be protected for the continuity of training of officers for the Table, and thirdly, to maintain the prestige of Parliament. If we do not think Parliament is worth anything and should be properly conducted and looked after, who is going to?

The Hon. E. Anthoney—But surely we do.

The Hon. C. R. CUDMORE—I hope we do, so it is our duty to see that our officers are properly treated. I am confident that the members of this Chamber will strongly support your efforts, Mr. President, to place in proper perspective the status and salary of the officers directly associated with the Parliament in this State. I think that the final decision as to the salaries of these officers should be with Parliament, and that the present system is the wrong way round. The presiding officers make a recommendation that goes to the Public Service Board, which has very little knowledge of the work that the clerks do, and that board makes the decision. I draw attention to the difference between that and the position in England where the importance of these officers and their positions is recognized. Under the House of Commons (Offices) Act, 1812, which has worked for over 150 years, there is a system under which the Speaker of the House of Commons for the time being, and the Secretary or Secretaries of State, the Chancellor of the Exchequer, the Master of the Rolls and the Attorney and Solicitor-General for the time being shall be and are nominated, constituted, and appointed commissioners for the purpose of that Act; and any three of the said commissioners (whereof the Speaker of the House of Commons for the time being shall be one) shall be and are authorized to carry this Act into execution. Section 3 provides:—

> All salaries, fees, perquisites, and emoluments which would have been due and payable to any future clerk or clerk assistants of the House of Commons or sergeant at arms attending the Speaker of the House of Commons for the time being in case this Act had not been made, shall from time to time, as the said commissioners shall direct, be paid into the hands of the said commissioners, or of any such persons as they shall by warrant under their hands and seals appoint to collect the same.

In other words, that is the highest tribunal you could have, and I suggest the proper tribunal here would be one consisting of the Speaker as chairman, Ministers of the Crown and high Government officials to decide the proper remuneration for the Clerks of Parliament. I could go into a great deal more detail as to the salaries paid to the Assistant Librarian, the Assistant Leader of *Hansard*, and various other things, but I feel they might confuse the issue on the big point I wish to make. I am not sure whether we should agitate and ask the Government to appoint a committee or commission such as they have in England, or whether the recommendation to that committee should come from the presiding officers or from the Public Service Commissioner, but whichever way it goes, the ultimate decision should be either by Parliament itself on the recommendation of the presiding officers or somebody else, or by a commission as high as the one to which I have referred, appointed by Parliament itself. I only wish to emphasize that the Executive Government derives its authority from Parliament, nowhere else. The public elects a Parliament, which appoints an Executive Government, but it is Parliament itself, and only Parliament, that can protect its solemn dignity, rights and prerogatives and, very important in these days, the salaries of the officers of Parliament. I draw the attention of the Government to this in the hope that something will be done to

improve their positions very much, and that everyone will recognize the importance and status of that very honourable position, Clerk of Parliaments.

The Hon. E. ANTHONEY (Central No. 2)—This afternoon I have listened to a discussion on a subject that has never been so well ventilated, and it must have taken considerable work to get this material together. I feel that I am not competent to make any criticism and that if we are not considering our officers properly, whether the Librarian, Clerks of the Table or anyone else, it is Parliament's duty to do so. Beyond that, I am not prepared to say anything. I am not competent to express a valid opinion on the matter because I have not gone into it as Mr. Cudmore did, but if we are failing in our duty we should rectify the position as quickly as possible.

When the Premier was introducing the Budget, he took a considerable amount of time to refer to the disability the State is suffering as a result of uniform taxation. I opposed the introduction of uniform taxation, but because of the war we had to do many things we would not have thought of doing otherwise, so we acquiesced. We are, however, under considerable disabilities because of uniform taxation. As Mr. Condon said, the State Premiers say they want taxing powers restored to them, but they do nothing. Our Premier says every year that it is time those powers were restored to us, and I agree with him. Constitutionalists say that a State that has lost its taxing powers has lost its sovereignty. A constitutional authority, I think during the time of office of Mr. Bruce, now Lord Bruce, said that for a State to tax another and repay it is improper. That is wrong in principle, so why should we persist in it and not do something about it? At least once a year there is a Premiers' Conference at which these matters are discussed, and I feel very strongly that a return of taxing power is long overdue. It was promised that after the war had ended these powers would be restored, but the war has been over for many years, and still they have not been given back to us.

The Hon. S. C. Bevan—The Prime Minister offered the States to return their taxing powers, but they refused to take them.

The Hon. E. ANTHONEY—That is something I could not understand. Since the war there has been an orgy of expenditure, and at the end of each year the States have asked the Commonwealth Government to make good their deficits. The Premier acknowledged that it is a great temptation for States to embark on heavy expenditure. This makes the States irresponsible, and at the same time it gives the Commonwealth Government more money than it requires, thus producing a state of complete unbalance. I hope the Premiers will be adamant in their insistence that taxing powers shall be restored to the respective States to which they rightly belong. If taxation is imposed by the States they have to carry the responsibility. It often makes them unpopular, and some of the Premiers do not like it, but that is wrong.

The Budget is a large financial statement dealing with all departments in South Australia, and it would take too long if members were to devote their attention to an analysis of it. I have picked out one or two items about which I would like to make some comment. The first one I would like to refer to is the Department of Education. It is true that in the last few years the growth and expenditure of the department has more than doubled and it has become now a very large spending department. Our population is growing and the children of the State have to be provided for. It has become the State's duty very largely to provide schools and teaching staff and this has become a tremendously onerous task. Not only is it a very expensive business, but it is a difficult job to get the work carried out because of the shortness of labour, and I am sure that the portfolio of Minister of Education is no sinecure; it must be a constant headache to him to try to staff his schools and provide the additional accommodation for the thousands and thousands of children coming forward. Our child population has doubled in the last few years, and it will continue to grow with the natural increase of population and the continued influx of immigrants.

There is one thing to which I want to draw attention, and it seems to be an innovation in public administration. It is the appointment by the Education Department of an outside committee to inquire into some of the work of the department, and I say that the principle is wrong. I am referring to the increasing cost of transporting country children to schools. It runs into something like half a million pounds. I can see that the department is becoming apprehensive about it, not only in regard to the cost but to the type of transport, but to appoint an outside committee—

The Hon. N. L. Jude—Who appointed this committee?

The Hon. E. ANTHONEY—I saw a reference to it in the debate in the House of Assembly. If the committee has not been appointed it has been foreshadowed and its personnel has been mentioned. The principle is wrong, but it does highlight the necessity of appointing a Public Accounts Committee—something that has been advocated for many years; I have done it myself. With the growing expenditure in State departments it would be a very good thing to appoint a Public Accounts Committee and thus obviate the necessity of any outside departmental inquiry. The principle of appointing persons from other departments to inquire into the doings of a special department is quite wrong and I hope it will not be persisted in.

Turning to the Railways Department, again we find that expenditure is increasing heavily every year. I want to refer to a report by a visiting Commissioner which was published in 1918, in which he made the following statement:—

An attractive future expansion on the suburban lines would be the linking up of the North Terrace-Glenelg-Henley Beach section, the Grange-Henley Beach section being taken out of the street.

That was a sensible suggestion, and even at the risk of resuscitating the old argument about the closing of the North Terrace-Glenelg line the Minister could possibly take into consideration the recommendation of that Commissioner. It would open up the whole of that area—

The Hon. N. L. Jude—That has been referred to the committee that was appointed last year.

The Hon. E. ANTHONEY—I am glad to hear that. It has always seemed to me an economic waste to have three forms of transport operating in an area such as that, whereas we could open up the whole area with a good railway service and eliminate the other two altogether.

The other matter I wish to touch on concerns the operations of the Transport Control Board. I cannot help feeling that although the board was set up for the specific purpose of diverting traffic from the roads to the railways it has done nothing of the kind; unfortunately, it has accentuated the trouble. The figures the Minister gave me this afternoon in reply to a question indicate how ancillary traffic has grown. In the five year period concerning which I sought information the number of vehicles has grown from 40,000 to 62,550, an increase of over 20,000. I took the trouble recently to get up early and go to Gepps Cross at about 7.30 a.m. and there I saw vehicles coming in from every part of the State—hundreds of them carrying all kinds of merchandise.

The Hon. N. L. Jude—Their own?

The Hon. E. ANTHONEY—Yes. We set up the Transport Control Board to try to protect the roads and assist the finances of the railways and I contend that it has done neither. On the contrary, it has had the effect of driving the farmer on to the roads, either because he will not or cannot afford to put his merchandise on the railways. The result has been that hundreds of these people have come on to the roads instead of going off them.

The Hon. N. L. Jude—They pay registration fees.

The Hon. E. ANTHONEY—But only half fees and I think they could well pay a licence fee as some contribution to the upkeep of roads, because their heavy vehicles must do a tremendous amount of damage.

The Hon. L. H. Densley—The time they spend on the roads is infinitesimal compared with that of the carriers.

The Hon. E. ANTHONEY—That may be, but if the common carrier were allowed more permits he could take the farmer's produce and allow him to stay on his farm.

The Hon. N. L. Jude—What would be the back loading?

The Hon. E. ANTHONEY—I do not know, but I am sure that there is a lot of back loading available. Therefore, I suggest to the Minister that he has a look at the question of licensing these people. I would not debar the roads to them, but they should pay for the privilege of using them the same as everyone else.

The Hon. S. C. Bevan—Are you not advocating that they should carry their goods by rail?

The Hon. E. ANTHONEY—That is why the Transport Control Board was set up, but the farmers will not put their goods on the railways. They say it is not convenient or it is too costly. I agree with the Leader of the Opposition that it is rather deplorable that our metropolitan water scheme, instead of showing a profit as it did in years gone by, is now showing a deficit, but I think he would agree that it is the load of interest that has thrown the department's budget out of balance.

The Hon. W. W. Robinson—How would you get around that?

The Hon. E. ANTHONEY—I think it quite wrong that a certain quantity of water should

be supplied to any consumer at a concession rate. If all water were supplied at the same rate I think the Government would get a good deal more revenue, no injustice would be done to anyone and a considerable quantity of water would be saved. I agree with the Leader of the Opposition with regard to the Parliamentary superannuation fund, which, as I have said before, is the most ungenerous in the Commonwealth. It should be looked into and I hope it will be. I support the first line.

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

THE NATIONAL TRUST OF SOUTH AUSTRALIA BILL.

Adjourned debate on second reading.

(Continued from November 3. Page 1381.)

The Hon. Sir FRANK PERRY (Central No. 2)—This Bill may appear to be a little ambitious for a young country such as South Australia, but I think every country takes a pride in its history and consequently I feel that the establishment of this trust, though perhaps early in our history, is a step in the right direction. National trusts are usually established for the purpose of preserving for posterity national and historic items or buildings or places of interest. They should, of course, be good buildings and should be preserved for future generations. I congratulate those who have banded themselves together for this purpose. It has been a matter of concern to some of them, but they have now achieved their objective, and the Government by this Bill is making it possible for them to function. However, in doing so it has not granted any direct financial aid. It is perhaps one of the few organizations of this type prepared to depend on benefactions from the general public to support their operations. I would not have thought it out of place if the Government had made a direct contribution. However, it has eliminated taxation and succession duties and stamp duty, for what it is worth, on any benefactions. I do not know whether that will be sufficient, but it is certainly an encouragement in the operation of the trust.

Most of us have seen similar types of trusts in operation in other countries. In England, these benefactions are almost an embarrassment. But there history goes back for hundreds, if not thousands, of years. There they have a number of items of historical interest, and the durability of their buildings is often much greater that that of many of our historical buildings. I was interested in Sydney to see the Wentworth House at Vaucluse which is controlled by a trust. There they have an old well-built home of the early period of New South Wales history, set in a very fine garden and furnished as it was in the early days. It provides a very interesting visit for anyone privileged to see it and is a very valuable addition to the places of interest in and around Sydney. Whether it is possible for our trust to develop on those lines, I do not know, but there are a few places in South Australia which could, before it is too late, be set up as reminders to future generations of the way of living of their pioneering forefathers. I support the Bill and wish the supporters of the scheme all possible success. I believe there are people who, in the interests of our history, will support the aims of the trust with their benefactions.

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

LANDLORD AND TENANT (CONTROL OF RENTS) ACT AMENDMENT BILL.

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

LAND AGENTS BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 1344.)

The Hon. Sir FRANK PERRY (Central No. 2)—It seems that something wrong in the control of land agents in South Australia has been developed over the years, and it has therefore become necessary for a long Bill to be introduced to control the sale of land. Apparently there are too many restrictions, and it has occurred to me that perhaps we act differently from the other States in this respect. There, the transaction on the sale of a property, is completed by the land agent and then a lawyer arranges the transfer. We do not do that here. The land agent or land broker has the right to fulfil all the functions necessary in the transfer of the land. Perhaps that has made it necessary for all the definitions occurring in the Bill covering those engaged in land sales, whether they are land agents, land salesmen or land brokers.

It seems strange that a man should be able to sell motor cars or any other form of merchandise without being licensed or controlled and his character examined and checked by a magistrate or board, whereas in the sale and transference of land we have provided for the licensing of land agents for the protection

of the public. I feel that legislation of this type is extraordinary. In all other forms of sales and purchases a man's word or status in the community is sufficient for him to be trusted, and he can go about his lawful occupation without the restrictions applying under this Bill. Here the Government and custom seem to set out to protect the buyer, and in so doing restricts the land agent in his operations. That seems to me to be unnecessary. I support the second reading in the hope that members will be further enlightened by the Minister.

The Hon. C. D. ROWE (Attorney-General)—I am indebted to members for their speeches. I realize it is a long Bill and it deals with a subject with which perhaps members are not familiar from their ordinary knowledge, and it is necessary to acquire some particular knowledge before one can decide whether or not the Bill is worthy of favourable consideration. I have had an opportunity to consider members' speeches and shall endeavour to answer the criticisms raised, and I hope my remarks will be helpful to members and perhaps save considerable time in Committee.

Mr. Cudmore went into the history of this legislation and gave some valuable details on that aspect. I do not want to go over that ground again, but to say that the present Act came into force in 1925. Since then the number of land agents has greatly increased and property values have also increased tremendously. Because of those two facts, certain deficiencies and omissions have been discovered in the Act and instances have occurred where the public has suffered severely thereby. In an attempt to remedy some of those omissions and deficiencies, the Act was amended in 1950 and it provided for the appointment of the Land Agents Board. That Act placed certain obligations upon the board and these are defined chiefly in section 7 of that Act, which is now section 29a of the principal Act, and is as follows:—

Whenever the board is informed or has reason to suspect that any land agent or land salesman has in the course of his business or work as such agent or salesman been guilty of any crime, neglect of duty towards a client, breach of trust, breach or non-observance of any provision of this Act, negligence, dishonesty or other conduct indicating that he is not a fit and proper person to act as land agent or land salesman, it shall obtain such statements of the facts as are necessary to enable it to decide—

(*a*) in the case of a land agent whether proceedings should be taken against him under section 27 of this Act; or

(*b*) in the case of a land salesman whether proceedings should be taken against him under the regulations relating to the cancellation of the registration of land salesmen: or

(*c*) in either case whether objection should be lodged against the renewal of the licence or registration of the said person.

In 1950 we amended the Act, appointed the board and gave it power and direction to inquire into those matters.

The Hon. C. R. Cudmore—A great deal of misunderstanding has been caused by the fact that half of what is in this Bill was previously in the regulations. All the matters relating to land salesmen were in the regulations.

The Hon. C. D. ROWE—I am coming to that. In 1950 we appointed the board, gave it certain responsibilities and as a result of its activities the most serious cases of difficulties into which land agents have got have been discovered and brought to light. Since 1950 the position has been watched by the members of the board, by the Government, the Real Estate Institute and other interested bodies, which from time to time have made various suggestions, and as a result this Bill has been introduced. It can be seen, therefore, that the Bill was not brought here without very serious and careful consideration by practically every party interested in this type of legislation.

Some of the confusion that has arisen in members' minds has been brought about by the fact that it is not realized that there are only four or five matters in the Bill that touch new ground. In the main, it simply re-enacts the present legislation, but it does three or four new things with which I will deal. The first of these is that it provides that the licensing authority for land agents and land salesmen shall be the board and not the court. The present law is that land salesmen and land agents are licensed by a local court, but it is proposed that the licensing authority shall be the board. The board consists of three persons—a nominee of the Real Estate Institute and two nominees of the Attorney-General. One of these nominees must be a solicitor of no less than seven years' standing in practice; that is to say, the requirements are the same as those for the appointment of a magistrate to a local court. The other nominee is entirely at the discretion of the Attorney-General. Since the board was constituted in 1950 the other nominee has been the secretary to the Attorney-General or the acting secretary, and there appears to be no reason why that precedent should be altered, so that there can be no question of any interested party getting a

majority on the board. I think that is an adequate protection to see that the board operates impartially and without favour.

The reason for making the board the licensing authority I will deal with in detail, because it was raised by Mr. Condon. Where applicants are licensed by the court, local courts from one end of the State to the other carry out the licensing. There is no uniform standard and no reasonable chance of ensuring that all applicants are put to the same test to discover whether they are suitable, whereas, if it is done by this board consisting of three members, there will be a greater degree of uniformity, which I think is desirable. Further, if an applicant applies to a court and the court for some reason feels that the application should not be granted, there is a record that the application is refused. This may have an adverse effect on his future career, whereas if the application is made to the board, it may feel that there is nothing against him as regards his character, but it may feel that he needs some further experience before he is sufficiently competent to manage the business of a land agent. It can then ask him to make a further application in 12 months, in which case there is no decision against him and no adverse publicity. The Parliamentary Draftsman has considered whether the licensing authority should be the court or the board, and his view is that the question of issuing a licence is more of an administrative than a judicial function, and that the board is the proper authority.

With regard to the transition from the time when the court will be the licensing authority to the time when the board will be the authority, the Bill provides that these provisions will not come into force until proclaimed. It is the intention that it will not be proclaimed until approximately April 1 next. That will mean that the renewal of licences for next year will be done by the court and that, it is hoped, will give applicants a reasonable opportunity to understand the provisions of the Bill and avoid any possibility of confusion. I think that deals fairly effectively with the point raised by Mr. Condon regarding the reason for the transfer from the court to the boards, as to who are the members of the board and what is the responsibility of the Attorney-General in connection with the nominees to the Board.

The second matter dealt with by the Bill, and which cuts new ground, is that it does make the qualifications to obtain a land agent's licence much stronger and much more to the point. At present, speaking in general terms, all an applicant need do is to get three or four people to say that he is of good character. He goes to the court and, unless there is any contrary evidence, it must give him his licence. There is nothing that requires the court to discover what experience he has had, what he knows about certificates of title, about the Registrar-General of Deeds Office, and so on. Clause 27 requires that the applicant shall have a reasonable knowledge of the business before he can secure a licence. That clause provides:—

> Subject to subsection (2) of this section, on the making of an application in accordance with this Act, the applicant (not being a corporation) shall be entitled to be granted a licence by the board if he proves to the satisfaction of the board that—
>
> (*a*) he is over the age of twenty-one years;
>
> (*b*) he is of good character;
>
> (*c*) he is not an undischarged bankrupt and has not entered into any composition or scheme of arrangement, which is still subsisting, with his creditors, and has not executed any deed of arrangement, which is still subsisting, for the benefit of his creditors; and
>
> (*d*) he has been employed in the business of one or more land agents for two years in the aggregate whether before or after the commencement of this Act or partly before and partly after the commencement of this Act.

The clause also contains a proviso which covers the possibility of a person being employed in a minor position in a land agent's office. The proviso sets out the following:—

> The board shall not be obliged to grant a licence by reason of employment for two years as mentioned in paragraph (*d*) of subsection (1) of this section unless the board is satisfied that the employment was such as to give the applicant sufficient knowledge of the duties and liabilities of a land agent to carry on the business of a land agent.

The mere fact that he has been employed for two years will not in itself entitle him to a licence, but he must show that that employment was such that it gave him a reasonable knowledge of the responsibilities and duties of a land agent.

The next point with which I will deal is the question of the different people entitled to handle sales of land. There are three classes that I shall mention particularly to clear up confusion. The first class is the land broker, the second the land agent, and the third the land salesman. Land brokers are appointed under section 271 of the Real Property Act. Mr. Cudmore made certain very relevant remarks regarding the action of Sir Robert Torrens who in 1857 drafted the Real Property

Act and was later responsible for the registration of land brokers. I do not wish to follow that line of argument at present, but briefly the position of a land broker is that he must secure registration from the Registrar-General of Deeds. Before he can be registered, he must pass either an examination set by the Registrar, or more recently, a course set by the School of Mines and the Registrar generally accepts the certificate of a pass in that course for the purposes of registration. Once the man becomes a land broker, he has the same rights as a solicitor to prepare, stamp and register and do what is required with regard to documents under the Real Property Act. Land brokers are not dealt with under this Bill, but under the Real Property Act, which has been in operation since 1857.

The land agent is dealt with under this Act. He is the person who carries on business as a principal. His accounts must be audited, he must have a registered office, and he must enter into a fidelity bond of £500. The requirements of a land agent are tightened up very considerably under this Bill. As mentioned by Mr. Cudmore, the land salesman was dealt with previously by regulations, and it is because of this that certain confusion has arisen. It is proposed, not to set out the requirements by regulations, but to deal with them in Part IV of the Bill. For the purposes of easy definition, a land salesman is the employee of a land agent. He is not required to keep a trust account as his principal has to do, and he must work under the control and protection of a principal, hence the requirements for securing a licence as a land salesman are not as stringent as in the case of a land agent. The next point that breaks new ground is the nomination and registration of managers of corporations. Previously the position was that an applicant applied to the court for a licence as an employee of a particular corporation or company. Under the Bill every corporation, for example, the larger stock firms and some land agents companies, will be required to be registered as land agents, and in addition they will be required to nominate someone as the manager, and that, it is believed, will have a good effect because at present there is nothing to stop a person from applying for a land agent's licence on behalf of a corporation and subsequently leaving that corporation but continuing to hold his licence. The Bill will correct that anomaly and I think that will be to the advantage of all concerned.

The Hon. C. R. Cudmore—Will the actual licence now be in the name of the company?

The Hon. C. D. ROWE—The company will have a licence and its registered manager will have a licence as well. It has been pointed out that some companies or corporations have numerous branches throughout the State with a land salesman at each, and the point was raised as to whether it would be necessary for each of them to supply a bond. I have had a careful look at that and I think the practice which has obtained is not covered by the Bill. An amendment is being prepared providing that it will be competent for the Minister to accept an undertaking from the registered company or corporation instead of requiring each salesman to enter into a bond.

Clause 58 makes certain more detailed provision with regard to the keeping of trust accounts by land agents. In particular it provides that any land agent, whether a firm, corporation or individual, must keep his trust moneys relevant to land transactions in a separate account from any trust moneys he may have in respect of other departments of his business. It has been found in at least one case that difficulties occurred in connection with the audit because other trust moneys had been mixed up with trust moneys which related to land transactions. It will assist the auditors if it is provided that every land agent must keep a separate trust account relating to his land transactions, and it is proposed that that will be done.

The other point which breaks new ground is the matter of the preparation of instruments in connection with the transfer or mortgage of land. At present a land agent can prepare a mortgage or transfer, but cannot sue to recover the cost of that work. It has been felt for a long time—and I think with good reason—that these important documents should be prepared by people who are competent and who have had the necessary experience to know how to prepare them, and the Bill provides that in future Real Property Act documents can be prepared only by a land broker or a barrister or solicitor, with the exception of the person who, if he wishes to do so, may prepare documents for his own private transaction. In general terms it means that land agents as such will not be permitted to prepare their own documents, and I think that is a desirable improvement.

Clause 62, which is also new, has to do with the non-de-plume advertising by agents. I understand there are numerous people who

prefer not to deal with land agents in connection with property sales, and it happens on occasions that land agents or their employees insert advertisements under a non-de-plume in the newspapers asking that they be given certain properties to sell or indicating that they have a client prepared to purchase a certain property. The owner quite unsuspectingly replies and then finds that the person is not a private individual but a land agent. It is proposed that in future a land agent must disclose his identity and certain other details when he advertises.

Another point is in relation to appeals from decisions of the board. The Bill provides for the right of appeal to the Supreme Court from decisions of the board, which I feel is reasonable and a protection. I have already dealt with the question of transitional provisions, and I hope that what I have said will clarify members' minds of the real provisions of the Bill.

The Hon. C. R. Cudmore—The Bill insists on an insurance company bond whereas at present a bond of a reputable company will be accepted.

The Hon. C. D. ROWE—I am indebted to the honourable member for raising that point. The Bill does not cover it, but I am having an amendment drafted which will allow the present practice to remain. With regard to the matter raised by Sir Frank Perry as to why so much detail is required with regard to land agents who have to deal with transactions in land when, apparently, other transactions do not require so much control, I think the answer to that is that there is a complete system of registration of land transactions. In other words, anyone who searches a title in the Land Titles Office has the right to assume that the information is correct and that the record contains all the information regarding the land and any charges that may be upon it. This has proved to be a very satisfactory system, and because of the efficiency of that system I think it is necessary that people who are handling it should be competent and have a certain degree of integrity. I think the points I have raised cover fairly fully the various new phases of the Bill. It has been considered by the Real Estate Institute and by the Law Society and I feel that it meets with the general approval of all interested parties and therefore hope it will receive the favourable consideration of the Council.

Bill read a second time.

In Commmittee.

Clauses 1 to 4 passed.

Progress reported; Committee to sit again.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

Received from House of Assembly and read a first time.

SUCCESSION DUTIES ACT AMENDMENT BILL.

Received from House of Assembly and read a first time.

INTERSTATE DESTITUTE PERSONS RELIEF ACT AMENDMENT BILL.

Returned from House of Assembly without amendment.

MARGARINE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 1333.)

The Hon. Sir LYELL McEWIN (Chief Secretary)—This is the second occasion this session that this Chamber has had this subject brought before it. Mr. Condon first raised the question on an adjournment motion relative to a decision of the Agricultural Council that had been referred to the Standing Committee, namely, the quotas for margarine production throughout the Commonwealth. The original quotas to be manufactured in the respective States were fixed on the initiative of the Agricultural Council. Conditions in the meantime have altered. Some States have broken away from the quotas or, should I say, the manufacturers have been allowed to break away. There has been a legal challenge to the legislation in another State and, of course, as mentioned by the honourable member, there has also been an alteration in the distribution of population throughout the Commonwealth. The main point of the honourable member's contention was to the effect that the Agricultural Council had referred this matter to a Standing Committee, and he was seeking to learn the decision at that moment because it was known that the committee had met in Adelaide during last September. On that occasion I told the honourable member that the matter had not been considered by the Agricultural Council and therefore the Government did not intend to take any steps at the moment to alter the position in South Australia. Whilst the honourable member was speaking Mr. Anthoney interjected, "Can we act without that recommendation," to which the honourable member replied, "I do not think so, but are we to sleep until next January." So at that time the honourable member and myself apparently were in complete agreement that if any State were to take independent action before the Agricultural

Council agreed to something it would certainly be breaking the contract which was binding on the States comprising the Agricultural Council. I am bound to say on behalf of my colleague, the Minister of Agriculture, that he could not be a party to any suggestion of breaking the contract embodied in the resolution of the Agricultural Council which consists of the Federal Minister for Agriculture and the Ministers of Agriculture of each State. I would go further and say there was no dissension on the resolution ultimately carried and that it was binding on the States and the Commonwealth. In justification of his Bill, Mr. Condon quoted what had been done in another State. He read from the *Hansard* of that State a statement by the Acting Minister of Agriculture, who, in introducing the legislation, said:—

This matter was fully discussed at the last meeting of the Australian Agricultural Council in Canberra when an effort was made to determine the quota for Australia. The State Ministers were unable to agree and it was decided that the matter should be left to the Standing Committee which consists of the Under Secretaries of the Department of Agriculture in each State and of the Commonwealth Department of Agriculture. It met in Adelaide and decided that 11,000 tons should be the quota for the whole of Australia.

He quoted that as being sufficient authority for New South Wales to proceed, and it apparently did, to establish a quota of 9,000 tons, which was being manufactured in New South Wales when the agreed quota is 2,500. When we consider the consumption of Queensland and Victoria, it would appear that the additional production went to them. I wish to compare the statement of the New South Wales Minister with the actual resolution of the Council, which was as follows:—

In view of the lapse of time since quotas were originally adopted by the Australian Agricultural Council, the subsequent action by some States in departing from these quotas and the implications for the dairy industry of an unregulated growth in the margarine industry, council considers it desirable to review the 1940 quotas. Council agrees that a new total quota should be fixed in the light of these circumstances and of present consumption levels, and asks the standing committee at its September meeting to recommend a total quota, and its distribution among the States. The standing committee should suggest special arrangements where export production is feasible.

That was the request of the Agricultural Council to the standing committee when it met last September. There is no doubt about that resolution because the council itself was unable to agree, but it was agreed, because of the effect on the dairy industry by any alteration of the margarine quotas, that the officers should meet and discuss the position and see what opinions they could present in the form of a recommendation to the council for its consideration. It cannot be claimed, as the Minister claimed in the quotation given by Mr. Condon, that the standing committee fixed the quota. It had no authority to do that. There was behind that resolution the responsibility and obligation on every party to the conference to observe it, and it was tantamount to a binding agreement. It had no authority to set a quota, but only to make a recommendation for the consideration of the Agricultural Council. Even if it had the authority, that would not have justified New South Wales in increasing its quota which, out of the total, would be 4,250 tons to 9,000 tons.

I do not think the action taken does credit to those responsible in departing from the desires of the Agricultural Council. The recommendations of 11,000 tons remains to be considered by the Agricultural Council, and associated with it was a recommendation as to the quota distributions for the various States. That is why I refer honourable members to the wording of the resolution. The Standing Committee did not reach any agreement as to how the quotas were to be dispersed among the respective States. Mr. Condon said that an injustice was being done to South Australian consumers, but at the same time he claimed, a claim which is denied, that margarine was coming in freely from the other States. The two claims are not on all fours, because if consumers are getting as much as they want, there cannot be any injustice to them.

The Hon. F. J. Condon—But they have to pay 4d. a pound more.

The Hon. Sir LYELL McEWIN—As a matter of fact, they were buying the equivalent of table margarine for 4d. a pound less. The honourable member sounded very convincing, but I have gone to some trouble to look into the matter. Mention was made of 468 tons capable of use as an equivalent for table margarine as being the quota for margarine, but 234 tons was sold voluntarily marked as cooking margarine at 4d. a pound less, so if there is any difference, consumers gained the advantage. Honourable members spoke of injustice to manufacturers. In his speech the honourable member said, "No other manufacturing industry is penalized by quotas." That is rather a remarkable statement when we have protection accepted as a principle of the fiscal policy of our great Continent of Australia.

The question arises, "Why then this concern about an important and essential primary industry of this State?" How many other things are denied people which could be bought at a cheaper price if they had the opportunity, and yet they cannot have them because of the protective policy of this country? The policy of quotas as applied to the dairy industry merely provides quaranteed costs of production as does the machinery provided to protect secondary industries.

The honourable member's own Government was the first to initiate subsidies to the dairy industry on the cost of production to enable it to carry on, and at present the industry has difficulties because of the increased cost of production. The present Commonwealth Government has honoured the obligation placed upon it by a previous Government, and paid as much as £17,000,000 in one year as subsidies to maintain the industry. The honourable member asked, "What would another 124 tons of margarine mean to the dairying industry?" Perhaps the House would be interested to hear what would be the effect on the dairy industry if the position in relation to margarine were just allowed to drift and get completely out of control, as it has done in New South Wales, where, with a quota of 2,500 tons, production has been increased to 9,000 tons. There we have the fallacy and farce of Parliament providing legislation to fix the quantity produced illegally as the quota. They may as well have abandoned the legislation altogether.

The approach to this Bill turns upon the effects of increased margarine supplies upon the dairy industry. The economic condition of that industry is causing concern at present and was discussed at the conference last year. Margarine displaces butter from the local market with two disadvantages to the dairy industry. Firstly, it denies butter access to the higher priced local market. Each thousand tons of butter displaced reduces the return to the dairy industry by £50,000 on the basis of present export values. I know that amuses Mr. Condon, but I do not think it is so humorous to those who really have the interests of this industry at heart. Its importance was recognized by the Chifley Government, whose policy has been followed and supported by the present Federal Government. Secondly, margarine reduces the amount of butter locally consumed, which is the basis on which the Commonwealth subsidy is paid. Mr. Condon is no doubt aware that the subsidy is paid in respect of local consumption plus exports to the extent of 20 per cent of local consumption, so that the importance of the local consumption is paramount in any support for the industry, because the subsidy applies to every pound of local consumption.

The Hon. S. C. Bevan—In other words, the more used on the local market the better it is for the manufacturer.

The Hon. Sir LYELL McEWIN—The greater the subsidy to the industry. Figures for per capita consumption of butter and table margarine support the contention that an increase in the availability of margarine displaces an equal amount of butter. The pre-war average consumption between 1936-37 and 1938-39 was 32.9 lb. of butter and 0.9 lb. of table margarine. In 1952-53 31.3 lb. of butter and 2.2 lb. of table margarine per head were consumed. In other words, the increase in use of margarine balanced the drop in butter consumption. That same position has been seen in other countries where restrictions on the manufacture of table margarine have been removed and butter consumption has declined sharply. In 1938 Canada's consumption of butter was 32 lb. per head, and no margarine was consumed. In 1953, 21 lb. of butter and 7 lb. of margarine were consumed, which shows a big fall in butter consumption because of the use of margarine. In 1938, 16.4 lb. of butter and 2.9 lb. of margarine per head were consumed in the United States of America. In 1953 butter consumption fell to 8.6 lb. and margarine consumption increased to 8.1 lb. In the United Kingdom in 1938 24.1 lb. of butter and 10 lb. of margarine per head were consumed; in 1953 butter consumption had fallen to 13.2 lb. and margarine had risen to 17.9 lb. per head.

Comparative figures relating to employment and capital investment in the dairy and margarine manufacturing industries in this State in 1953-54 show that 33 were employed in the margarine industry, and that the value of land, buildings, plant and machinery was £36,600. At the same time 771 people were employed in butter and cheese factories, and the value of land, plant, buildings and machinery in these factories was £889,200. I have no figures relating to whole milk production or cream manufacture, all of which depend on the dairy industry.

When speaking to Mr. Condon's motion about six week's ago, I said that the capital value of the State's 12,500 dairy farms, by which I mean farms with five or more dairy cattle, is £50,000,000 to £60,000,000. That gives some indication of whether this industry is worthy of support. We have tariff boards

and other means to protect secondary industries, but dairying is one of the fundamental primary industries. I submit these particulars to members and stress the importance of this industry, one that has been supported over the last decade because of its importance, and because it is an accepted principle in the fiscal policy of Australia that local industries shall be protected.

If we accept the principle of protection for secondary industries, it is just as relevant that that policy should be applied to an industry of the importance to this State of the dairying industry. If, of course, Australia as a whole is prepared to throw that policy overboard, I am prepared to accept it, but I have not heard any suggestion of that being done. All I have heard, particularly from the members of the Opposition, is something about Australian standards and the importance of maintaining them. All I ask is that the same consideration will be given to an industry that is spread all over the State, not centralized—and decentralization is something to which we hear much lip service given—and that nothing will be done to the detriment of its interests.

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

ADJOURNMENT.

At 5.41 p.m. the Council adjourned until Wednesday, November 9, at 2 p.m.