LEGISLATIVE COUNCIL.

Wednesday, November 19, 1958.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS.

PRESERVATION OF AUSTRAL HOUSE.

The Hon. Sir ARTHUR RYMILL—I ask leave to make a short statement with a view to asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL—Some time ago, I understand, the Chief Secretary was good enough to give an indication to a deputation that Austral House would be preserved in its present form, in so far as that was practicable, with the eventual idea of its becoming available to the public under the control of the National Trust as some sort of museum. I am sure that everyone is grateful for that indication. It happens that I am the President of the National Trust of South Australia at the moment. Quite recently the National Trusts of Australia issued a reprint from an Australian magazine called *Walkabout* showing old colonial houses that have been acquired by the trusts, in both Sydney and Melbourne. Austral House is, I understand, at present used in connection with the training of nurses, and in view of the considerable expenditure on the building programme in connection with the Royal Adelaide Hospital I wondered whether the Chief Secretary would be good enough to say whether he is prepared to do his best to reach that ultimate end of making Austral House over to the public an accomplished fact in our generation. The trust has a promise of some original furniture that came out of the house, and other things are available now that may not be later. Can the Chief Secretary do anything in connection with the progress of the Adelaide Hospital to facilitate that end, which I am sure is close to the hearts of all South Australians?

The Hon. Sir LYELL McEWIN—The matter raised by the honourable member is one on which, as he indicated, approaches have been made to the Government and certain undertakings given. At present Austral House is being used as a preliminary training school for nurses and, of course, while it is being used in this way the building is being properly looked after and kept in a state of preservation. Whether the building programme in connection with Royal Adelaide Hospital will afford the opportunity to do anything in the direction desired I am unable to say at the moment. Consideration is being given to providing preliminary training at other hospitals, because the idea of getting girls in at a younger age than they would ordinarily start their probationary training is becoming more popular, and it is possible that future development will demand that something larger be put into operation. I am sorry that I cannot give the honourable member any definite information at the moment, but I will keep the matter in mind, and the assurance still stands that the building will not go anywhere else and that at the appropriate time, which may occur more quickly than we realize, it will become available to the trust.

The Hon. K. E. J. Bardolph—It will not be added to or demolished?

The Hon. Sir LYELL McEWIN—That undertaking has been given. I know that the architecture is particularly rare. The Government is sympathetic and at the appropriate time its undertaking will be honoured.

SAFETY PRECAUTIONS ON PORT WAKEFIELD ROAD.

The Hon. A. J. MELROSE—Has the Minister of Local Government a reply to the question I asked on November 5 regarding safety precautions on the Port Wakefield Road?

The Hon. N. L. JUDE—Investigations are in hand regarding extending the painting of yellow lines on the Port Wakefield Road and other principal roads radiating from Adelaide. At present the lines terminate at Two Wells and when the work is extended beyond this point the curves and crests referred to by the honourable member will be treated with double lines where necessary.

PARLIAMENTARY PAPERS.

The Hon. Sir LYELL McEWIN (Chief Secretary) moved—

That it be an order of this Council that all papers and other documents ordered by the Council during the session and not returned prior to the prorogation, and such other official reports and returns as are customarily laid before Parliament and printed, be forwarded to the President in print as soon as completed, and if received within two months after such prorogation, that the Clerk of the Council cause such papers and documents to be distributed amongst members and bound with the Minutes of Proceedings; and as regards those not received within such time, that they be laid upon the table on the first day of next Session.

Motion carried.

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

Read a third time and passed.

PULP AND PAPER MILLS AGREEMENT BILL.

Read a third time and passed.

FOOT AND MOUTH DISEASE ERADICATION FUND BILL.

Read a third time and passed.

HOUSING IMPROVEMENT ACT AMENDMENT BILL.

Read a third time and passed.

MENTAL DEFECTIVES ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

LIMITATION OF ACTIONS ACT AMENDMENT BILL.

Second reading.

The Hon. C. D. ROWE (Attorney-General)—I move—

That this Bill be now read a second time.

This Bill extends the time within which actions may be brought against public authorities, *e.g.*, the Crown, Ministers, public officers or public bodies. In a number of Acts conferring powers on public authorities, provisions are included to the effect that any action against the authority in connection with matters arising under the Act must be brought within a specified period. A period commonly specified is six months, but in some cases it is three months. The Government from time to time receives complaints from representative bodies, members of the public, and legal practitioners, that these periods of limitation are too short. It is said that they do not give sufficient time to negotiate settlements of claims and sometimes while negotiations are pending the time for bringing an action runs out, with the result that the would-be plaintiff loses the right to enforce his claim in the courts, unless the public authority decides not to rely on the fact that the action is out of time. It is also said that sometimes a person does not know of his cause of action within the specified time.

After consideration of the matter the Government has formed the opinion that the existing provisions should be liberalised. But it must be borne in mind that public authorities are in a different position from private persons in that their activities are very widespread. They have employees in all parts of the State, including the most remote. It is difficult for Ministers and officers in positions of authority to know or ascertain everything that happens which might give someone a cause of action; and if the responsible officers have no knowledge it is quite possible that investigations will not be made. In such a case, by the time the action is brought no one is available with adequate knowledge of the facts from the point of view of the public authority. For this reason the Bill includes provisions to ensure that public authorities will receive reasonably early notice of the acts, omissions or circumstances which create a cause of action.

The Bill lays it down that where an existing Act provides that an action must be brought within six months or any shorter period after the cause of action arose then, notwithstanding the provisions of the Act, the action may be brought within any of the following times:—

(*a*) not later than six months from the time when the cause of action arose; or

(*b*) between six and twelve months after the cause of the action arose if within six months the plaintiff has given the defendant a notice of the cause of action; or

(*c*) between six and twelve months, if the court in which the action is tried is satisfied that failure to give notice was due to absence from the State, illness or other reasonable cause.

Thus it will be seen that the general effect of the Bill is to allow twelve months for bringing these actions and at the same time to ensure that if the action is not commenced within six months notice will be given within that time.

The Bill does not lay down any difficult conditions concerning notices. A notice merely has to give the name and address of the plaintiff and to state in ordinary language the nature, date and place of the act, omission or circumstances giving rise to the cause of action. Where there are two or more defendants a notice must be given to each defendant. Provisions are included enabling notice to be served personally or by post or by delivery at the defendant's office. The Bill will apply to actions commenced in future irrespective of whether the cause of action arose before or after its passing.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I welcome the advent of this Bill because I have been a practising lawyer,

although I am not now, and I have always felt that litigants were at a disadvantage in regard to the South Australian Government, the Commonwealth Government, Government authorities and Governments in other States in as much as the normal limitation of actions to time in relation to Governments and governmental authorities is less than that applied to private individuals. I listened with interest to the Minister's explanation and what he said certainly has been true in the past and to an extent is still true nominally—that the activities of governmental authorities is more widely spread than those of the normal company or individual. That was truer in the past than it is today, because many larger companies have perhaps wider ramifications than anything concerned with the State Government. For instance, I illustrate the Broken Hill Proprietary Company Ltd., and some of the really large trading banks of Australia. They have enormously widespread activities and, if the argument that because of the width of the activities of Governments the time for taking action should be shorter applies to Governments, it should ideologically apply equally to companies. I am not advocating that. I am welcoming this Bill because it tends to extend time within certain limitations.

Personally, I should like to see the time extended still further because the laity, the general public, have the idea that most actions can be brought within six years. There is a variety of actions of a private nature that have to be brought within a lesser period than that and, as far as Governments are concerned, within a lesser period still, which often lulls litigants into a sense of false security and to sleep, and they find they are out of time. Most Governments behave decently over that. The Statute of Limitations is not often invoked in court by Governments, but I have known it to be. I have known a case where the limitation for bringing an action was six months and the litigant was out of time by only about three days, and a certain Government of this Commonwealth (not our own) took the point. In those cases generally, the judge sitting on the case puts strong pressure on counsel taking that point to withdraw, and occasionally they do. It has been done more than once.

There should, however, be some uniformity about this sort of thing so that people know where they stand. Even lawyers get caught on these governmental limitations of giving notice and times within which actions can be brought.

The Hon. F. J. Condon—Clients are caught, too.

The Hon. Sir ARTHUR RYMILL—Clients are caught first, but lawyers are caught as well as clients. Lawyers ought to know better but, naturally, one cannot be knowledgeable about everything. Certain members of this Council are, but we are not all in that happy position. I rose not to delay the Council but principally because I knew that the Attorney-General was not in any great hurry with this Bill, and I want to point out one thing in the draftsmanship that might be given a closer look. That is clause 3 (3), which reads:—

If there is more than one defendant the notice must be given to each defendant.

The previous subclauses apply if you do not take action within six months; you have to give notice within six months and then you can take action within 12 months. This subclause says that, if there is more than one defendant, the notice must be given to each defendant.

I can visualize an instance where there may be a number of defendants in a cause. Some may be given notice but one may be missed out, and that one may be the person who would ultimately be found liable by the court. As I read this clause, trying to call on the scanty legal knowledge that I think I once possessed, it seems to me that, if there were to be seven defendants and you missed out one and gave the notice to the other six, your whole cause of action against all of them would fall. It might be that your action against the seventh who was ultimately liable could depend on your taking action against the other six as well; or, conversely, the liability of the other six might depend on your taking action against the seventh. My reading of the Bill as at present drawn is that, if you do not give notice to each person who is going to be a defendant, your time is out, your notice is no good and thus you cannot take action against possibly any of them.

I want to draw the attention of the Attorney-General to that because I know he will be reflecting on this Bill a little longer. I like the tenor of the Bill; it appeals to me very much. I also hope that the Attorney-General will consider further extending times as far as Government authorities are concerned, even to the extent that I would advocate of bringing them into line with those prevailing for the general public. Although, as he says, in many instances the individual has only one thing to think about, every public company is in that category for a great length of time under the general law, and many of those public companies have ramifications just as wide as those of State or Commonwealth Governments. In

those circumstances, I think consideration might well be given to bringing everyone under the same length of time so that the public at large will know where they stand and there shall be uniformity, because, whatever we can do to allow people to understand the law and their rights clearly, and when and where they have to exercise them, the better it is for the public.

The Hon. Sir Frank Perry—Isn't 12 months a long time in this regard?

The Hon. Sir ARTHUR RYMILL—My colleague asks a most pertinent question. All I can say is that time goes by very quickly. Twelve or six months sounds to a layman a long time for anyone to take action, or to think of taking action, but I could give a variety of answers to my honourable colleague. For instance, many people badly injured lie in hospital for up to two years; some of them are unconscious for six months and their relatives, if they are decent (as most people are), are not worried about taking action against someone to get a little money out of it: they are worried only about getting the unfortunate injured person well again. That is one case.

Negotiations have been mentioned by the Attorney-General. They take a long time and I have found in practice that, when you are making these negotiations, you are apt to lose sight of the fact (I know you should not but you do; after all, right should be preserved in so far as it is reasonable to do so) that your time is running out while you are having correspondence backwards and forwards to try and negotiate a settlement out of court, which is the object of, I believe, every lawyer. One hears much about lawyers trying to make money, get court cases and so on, but that was not my experience when I was practising. On the contrary, any lawyer I ever came across wanted to try to settle an action out of court and cause the least expense to his client. There are many other reasons I could give in answer, but I do not think it is necessary to delay the Council at this stage because I believe the Attorney-General wishes honourable members to have a full opportunity of considering this Bill. As I see it at present, I intend to support this Bill as it stands because it improves the present law; but I urge that the Minister may consider not only the drafting point I have raised, but the point of extending the rights even further.

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

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 13. Page 1715.)

The Hon. F. J. CONDON (Leader of the Opposition)—I have just had four new Bills placed on my file, and members will excuse me if I say in passing that it is not fair for members to be asked on the last day of the session to vote on these Bills. I have heard that this is a House of Review, but in the course of a few hours at the end of the session we are asked to express opinions on these matters.

My conservative friend, the member for the Midland district (Mr. Story), may wish to amend this legislation now before us, which gives the Renmark Irrigation Trust power to erect embankments to protect the district of the Trust from inundation by floods. Section 65 of the principal Act is as follows:—

(1) The trust may, with the consent in writing of the Minister (who is hereby authorized to give such consent), expend any moneys of the trust derived from the general rates or from any special rate for all or any of the following purposes, namely:—

I. The protection of any land within the district or of any irrigation works of the trust from inundation or damage by flood by the construction of embankments or the carrying out of any other works approved in writing by the Minister; and the maintenance and repair of any such embankments or works:

The Minister has certain powers at present. I realize that the Renmark Irrigation Trust has done a good job and therefore is entitled to consideration. The Attorney-General is more conversant with the matter than I am. The section concludes:—

(2) For any purpose of this section the trust may declare a special rate and any such purpose shall be deemed an object of the trust within the meaning of section 94.

An amendment to the Act in 1950 gave power to the Trust to declare non-ratable land, to sell water to the owner or occupier of non-ratable land on such terms as it thought fit, and to alter the method of irrigation and drainage. The Trust has not the power to erect embankments on land which it does not own, and when a flood occurs the banks must be constructed at speed and without delay. I think we all agree with that because of what happened during the 1956 flood.

The Trust has power to enter any land within its district and construct drains on the land, but compensation must be paid for any resultant damage. Clause 2 of the Bill

empowers the Trust to construct flood embankments on any land within the district and gives the Trust the necessary power of entry. The Trust in the past has acted without statutory authority, and this is the fourth time this year that Parliament has been called on to authorize action already taken. We are asked to come along here and endorse or agree to something that has been done contrary to the law, and I think that is detracting from the authority of Parliament.

The Hon. E. H. Edmonds—There were extreme circumstances.

The Hon. F. J. CONDON—That may be so, but the authority of Parliament was not given and I think Parliament should be supreme. This legislation operates retrospectively to July 1, 1956. Honourable members have heard me speaking on this topic before. Something has been done which has not been within the law, and in passing this Bill we are authorizing something that has already been done. Section 164 of the Act provides that a claim for compensation must be made within one year after the right to compensation arises. I strongly object to any private or Government bodies taking away the powers of Parliament by asking it to come in two years afterwards and ratify what has been done. I support the second reading because I have great confidence in the Renmark Irrigation Trust, which has done a very good job.

The Hon. C. R. STORY (Midland)—As Mr. Condon has pointed out, this Bill deals mainly with the flood embankments position in the Renmark Irrigation Trust area. Under section 65 of the Act the Trust has power to deal with the protection of its own property, but it has no jurisdiction over the private property within the Renmark Irrigation Trust area. It therefore has no power to erect embankments on the land which it does not own.

During the 1956 flood the Trust was forced to go on to private property and erect flood banks for the protection of the common good. Many people through whose property the flood banks went were not vitally interested in the flood, although small portions of their property would have been under water. Much damage has been sustained by some people and the banks in many cases are to remain permanently on these properties. Owing to the urgency with which the Trust had to act, it could not very well come down here and obtain amendments to an Act of Parliament. It was a matter of hopping in and getting some banks erected. I do not think the people of Renmark, or the people of South Australia for that matter, were particularly interested whether the Trust had the statutory powers or not. All they wanted to do was to see that these properties were protected. As I remember very well, everybody was perfectly happy to have the Renmark Irrigation Trust get on with the job of erecting flood banks. It was a case of dire emergency when no time could be wasted. It did not have the time to obtain the statutory authority, and in that respect it was very like the American system of going to war.

It is now desired to give the Trust power to enter land and construct flood banks, in the same way that it has powers under section 115 with regard to the drainage of land. This section gives the owners of land affected the right to compensation for any resultant damage, including any form of loss sustained such as loss of enjoyment, severance and physical damage to crops or soil. Clause 2 of the Bill gives the trust similar powers for the future over embankments. It gives the Trust power to enter, construct and maintain. Members probably realize that it is no use erecting a bank if access is not available for the proper maintenance of the bank. One of the greatest problems the Trust faced at the time of the 1956 flood was that the banks which had been erected in 1931 had been allowed to get into complete disrepair because the Trust at that time had no power to declare flood bank reserves. The Trust has certainly learned its lesson and will never allow its banks to fall into the state of disrepair they were in when the 1956 flood came along. It has therefore come to Parliament asking for this power.

Provision is likewise made for a special rate to be struck to enable the Trust to erect and maintain these banks and to compensate people who have sustained loss. During the 1956 flood the Trust went ahead without statutory authority, but I do not think anybody really disagreed with its action. I cannot quite understand Mr. Condon's taking such a strong line on the subject, because I thought the common sense he has displayed in the past would tell him that the Trust acted wisely and properly. This area is one of the few irrigation areas where the land is held in fee simple. It is therefore in a very different category from land over which the Crown has a hold and an overriding power. In all Crown leases provision is made for right of entry and such other things, and this Bill really only brings this private irrigation settlement into line with Crown land.

I remind members that these flood banks were erected with public money and with the

assistance of many hundreds of volunteers from all over the State, so everyone has an interest in this particular Bill. The Bill does two things. Firstly, it gives the Trust legal powers to control flood defence of the district, and it gives the property owner legal standing to seek compensation for damages sustained. It enables people to go to arbitration under the provisions of the Compulsory Acquisition of Land Act, and if necessary to take court proceedings. Section 164 of the Act under "Miscellaneous" sets out the method by which the Trust can deal with compensation as it applies to entering for the purpose of drainage. This Bill will now bring in exactly the same provisions regarding flood embankments. Under this section any such claim for compensation has to be made within one year after the right of compensation arises. Naturally this provision does not apply to claims which have arisen before the passing of this Bill, and clause 3 provides that for the purpose of such rights a claim for compensation is to be made within six months after the passing of this Bill.

The Bill is a hybrid Bill, and in accordance with our Standing Orders it has been submitted to a Select Committee in another place. Some very interesting and important information was tendered to the committee by the Director of Lands, Mr. A. C. Gordon, and the Assistant Parliamentary Draftsman, Mr. J. P. Cartledge. They stated that an assessment of the damage sustained during the 1956 flood had been made by an assessor employed by the Trust. The Flood Embankment Committee, which was formed at the time of the flood and comprised some of our chief public servants, still exists and still has a considerable sum of money in hand. It has been waiting for some time for the Trust to complete its assessment in order that claims can be met. The committee was provided with these funds by the State and Federal Governments for the purpose of resiting and rehabilitating flood embankments.

The important point, I think, in this matter is to make available sufficient money to cover the assessment made by this assessor, as any litigation which results in a greater amount being required by the Trust will have to be borne by the Trust itself. In other words, the settlers will be told what compensation they will get for the damage, and if they are not satisfied they will endeavour to reach agreement with the Trust, and if that fails their only recourse is to take the matter to court. However, it will be the responsibility of the Trust to find any additional money. We should make that point very clear. July 1, 1956, has been adopted as the date when most of the flood embankment work started in the Renmark irrigation area and all claims will be deemed to be after that date. The money in the fund must be disbursed by June 30, 1959.

I should like to quote one or two points from the evidence submitted to the Select Committee, which set out the position fairly clearly. In reply to a question Mr. Cartledge said this:—

Both section 115 and the present Bill give the owners of the land concerned the right to compensation for any damage they suffer. The damage, of course, would be according to the actual nature of the land in which the banks are constructed. If the trust put a bank through someone's front bedroom, for instance, compensation would be higher than if it were put through on derelict land on the back of a property. The actual method of working out compensation is already in the Renmark Irrigation Trust Act so there is no need to deal with it in this Bill. Section 164 and a number of following sections lay down the way in which compensation is to be assessed. The Compulsory Acquisition of Land Act already applies to the trust so that if it wanted it could actually acquire the land and get the fee simple or an easement, but in most cases that would not be necessary because all the trust wants is the right to put banks on the land and pay for whatever damage results.

In reply to a further question:—

Is there anything in this Bill that would tend to lessen any claim a landholder might have by virtue of the erection of flood banks? In other words, because this power obviates the necessity to obtain a clear title, would the landholder be in the same position as though he had in effect transferred the freehold?—

he replied:—

I do not think he would be in exactly the same position. All sorts of circumstances would arise relating to compensation. If the only thing the bank does is to deprive them of a strip of land, I think compensation would be fairly close to the value of the land, but the bank could possibly subdivide a property by cutting it down the middle, in which event there would be a claim for severance.

The Hon. Sir Frank Perry—How high are the banks?

The Hon. C. R. STORY—At present they are at the 1931 flood level plus 2ft. It depends on the contour of the land, but some are 8ft. or 9ft. high. The width is the most important thing. Two tip trucks could be driven along the top of the banks, so they would be at least three times that width at the base, and consequently much land is involved. Furthermore, the banks are not all on the boundaries; some are well inside, which means that the land between the boundary and the bank has been rendered useless. It will be seen, therefore, that this will be a difficult matter to sort

out and I feel that the trust may have some difficult times ahead in settling compensation. I offer a constructive suggestion to the trust, namely, that it engage the services of a capable solicitor to revise and bring its Act up-to-date. It dates back to 1887 and still contains many of the original provisions. Had the revision taken place a few years ago the provision would naturally have been put in to cover this type of thing, and there is no doubt in my mind that there are some obsolete sections which need revision, because nearly every session we have at least one amending measure in connection with this Act.

I see nothing objectionable in the Bill. I suppose we have had the best legal advice we could get on it. I know the problems confronting the trust and the way in which it is facing up to its responsibilities, and I sincerely hope that owners of property will be generous enough to accept fair compensation without going to litigation unnecessarily, thereby involving their own local government body in expensive litigation and perhaps large sums for compensation. I have much pleasure in supporting the Bill.

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

DAIRY INDUSTRY ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

This Bill has been introduced for the purpose of regulating the sale of the substance called "filled milk" or any other colourable imitation of milk containing substances other than milk products. At the last meeting of the Australian Agricultural Council it was decided that each State would bring in legislation to prevent the manufacture and sale of filled milk. Filled milk is made from ordinary milk by removing the butter fat and substituting vegetable oil. This type of milk has been known for some years but has not been produced in quantities until the end of last year. Since then production in various countries has considerably increased and if it extended to Australia it could have considerable effects on the dairy industry. In the opinion of the Agricultural Council filled milk could be a serious competitor with whole milk. No doubt the abstraction of the butter fat and the substitution of vegetable oil would enable filled milk to be sold more cheaply than milk complying with the usual standards. Thus the demand for whole milk in its natural condition might be reduced.

The object of the Bill is to give effect to the resolution of the Agricultural Council. It contains one provision only, providing that it shall be an offence to manufacture or sell any colourable imitation of milk containing substances not derived from the lacteal secretion of the cow. This provision while sufficient to prohibit the manufacture and sale of artificial milk, will not impose any detailed general control over the products other than imitation milk which may lawfully be manufactured from milk combined with other substances.

The Hon. W. W. ROBINSON (Northern)—The effect of the Bill is to make it an offence for any person to manufacture or sell any liquid which is an imitation of milk and contains any substance not derived from the lacteal secretion of the cow.

The Hon. K. E. J. Bardolph—What would be the comparative selling prices?

The Hon. W. W. ROBINSON—I understand that it is much cheaper than natural milk, but that is not the main consideration concerning any article. It has no guaranteed vitamin value: it is merely powdered milk to which vegetable oil has been added and has small food value compared with whole milk. I believe that if it were allowed to be produced it would come into keen competition with our dairying industry. In my younger days I had some experience in dairying and have always been prepared to extend to producers every consideration because they earn every penny. It is a seven days a week job with long hours and it often entails family labour.

After having visited some Western European and Scandinavian countries and seen the conditions under which dairymen work to produce butter and milk for sale overseas I suggest that we are justified in passing this measure to protect the dairying industry. If this product were equivalent in food value to whole milk, which it proposes to supersede, we should have no great justification in opposing it. Because it has little food value and because of its cheapness it would come into grave competition with the dairying industry, therefore I support the measure.

The Hon. S. C. BEVAN (Central No. 1)—The Chief Secretary pointed out that during

the last couple of years filled milk had come on the market and was prominent in other parts of the world. Once the butter fat content of milk is extracted the milk loses its food value. Whole milk naturally has a high protein content and once the butterfat is removed little is left. The addition of a vegetable oil does not add to the nutritional value. This legislation is to safeguard the public against the person who felt inclined to manufacture such a product and misrepresent that he was supplying something equal in food value to natural milk. The Bill provides for the total prohibition of filled milk, therefore I cannot see the value of subsection (2) of proposed section 22a, which reads as follows:—

In a prosecution for an offence against this section it shall not be necessary for the prosecution to prove any intention to deceive or other form of guilty knowledge and where the offence charged is a sale it shall be no defence that the defendant informed the purchaser of the true nature of the substance.

Therefore, if any person proceeded to manufacture filled milk he would immediately be liable to prosecution.

The Hon. Sir Frank Perry—It may be to guard against the imported article.

The Hon. S. C. BEVAN—That may be the explanation. This legislation will protect the general public. If this kind of manufacture were permitted considerable harm could be done to our baby population. I commend the Government for introducing the Bill and have much pleasure in supporting it.

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

STATE BANK ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

Its purpose is to make amendments to the State Bank Act relating to the capital of the State Bank. Section 8 of the State Bank Act, as amended in 1941, provides that the capital of the bank is to be £5,000,000, to be raised by the issue of debentures. Part V of the Act authorizes the bank to issue these debentures. Section 9 provides that the Treasurer may make advances to the bank for the purpose of providing capital for carrying on business.

The State Bank has suggested that, in view of the increased business of the bank, the capital of the bank which may be raised by the issue of debentures should be increased to £10,000,000. During the last 10 years the scope of the bank has increased considerably. The number of branches has increased from 18 to 32, the amount of advances from £2,300,000 to £8,900,000, and deposits from £3,050,000 to £8,950,000. Reserves have risen from £664,000 to £1,380,000. In addition, the Crown Solicitor has suggested that, as the amounts advanced by the Treasurer under section 9 constitute capital of the bank, section 8 should be amended to include these advances among the capital of the bank.

Accordingly, clause 2 of the Bill increases to £10,000,000 the amount which may be raised by the issue of debentures as capital of the bank. Clause 3 makes a consequential amendment to section 39 and increases to £10,000,000 the amount which the bank may raise by the issue of debentures. Returning to clause 2, this clause also provides that any advances made to the bank by the Treasurer under section 9, including advances made before the passing of the Bill, are to be included in the capital of the bank.

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading of this Bill. Let me say at the outset that the relationship that exists between the respective lending institutions and the State Bank is cordial. The State Bank has played a prominent part in the development of our local industries and also the advancing of moneys to the canning industry in South Australia. Thus, it has the twofold effect of assisting the growers in our fruitgrowing areas and assisting the secondary industries in their canning activities. As indicated by the honourable the Minister who introduced this Bill, this proposal increases the capital of the State Bank to £10,000,000. Although it is true that the State Bank has developed, my only regret is that, whilst it was established originally to carry on, and carried on, a successful home-building programme, it has gone out of that field with the establishment of the South Australian Housing Trust. For many years the State Bank was one of the major home-building authorities in South Australia. It not only provided the finance but it constructed the homes for which it lent the moneys to purchasers to buy them from the State Bank. In recent years, although the provisions of the Act still make it possible for the bank to build, it has gone out of the building section of its home construction programme and is now merely a lending authority. In that connection, the bank has played its part, together with the Savings Bank, in lending

moneys under the Advances for Homes Act and various other Acts for the building of homes.

The State Bank is on the march and progressing. To the standing of the bank and its board I think every member will give the highest praise. It reviews all proposals from a big field in the secondary producing industries. The bank has played a prominent part in the development of South Australia and I see no reason why members of the Opposition should not support this Bill.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I give my full support to this amending Bill. The State Bank is a very important feature of the financial structure of this State, in relation not only to the Government but to the advancement of the welfare of the people of the State, which it is, I think, the intention of us all here to foster. The Bank is financed by debentures from the Government, as mentioned by the Chief Secretary, and the idea of this Bill is principally to increase the amount that the State can make available by way of capital from £5,000,000 to £10,000,000. It has been pointed out that the advances over the period mentioned have increased from £2,300,000 to £8,900,000, and that the deposits have likewise increased from roughly £3,000,000 to nearly £9,000,000. (The figures I cite are approximations.) The progress and success of the bank are reflected in its reserves, which have increased from £664,000 to £1,380,000 for the period stated in the Minister's second reading speech.

The extent of these advances, in relation to capital and deposits, is probably greater than that in which the ordinary trading bank could indulge. I do not criticize that for one moment, because this bank has all the resources of the Government behind it. Its capital, in a certain sense, is nominal, in as much as, if there were any call on the funds of the bank, the Government would stand behind it and make available any further moneys required. It would not be possible for an ordinary trading bank with the prudence required from such an institution to make available to its borrowers the extent of those advances, which are really, one might say, 100 per cent of the deposits. Trading banks must lend less than that because they have not, of course, a Government behind them to step in where necessary.

Mr. Bardolph said, in effect, that we take pride in the State Bank as an institution. That is something we all assent to and agree on. I should like to point out this important factor: that the State Bank is exempt from control by the Commonwealth under the Commonwealth Constitution. For instance, in 1948 we were threatened with nationalization of all trading banks, something which to my mind would have been an absolute and complete tragedy to Australia as it would have meant that, if you were refused accommodation by one bank, you had no-one else to go to. The only answer to that would have been State banking because that is exempt by the Constitution from Commonwealth control. I am not sufficient of an optimist to think that once again the banks may not be threatened with nationalization by some extreme form of government. If that happens, then once again the people of Australia will be faced with the most perilous financial situation imaginable. It could happen. I never agree with people who say, "It can't happen here." I always think that, whatever one thinks, one must face up to possibilities, even if they are not on the present horizon. Thus, it behoves us all who believe in the integrity of South Australia and the fact that South Australia must remain a State entity—because we know what could happen to us if we became merely a department of Canberra—to see that these State institutions are kept intact, developed and made strong.

The institution we are discussing is not only very much in that category but is also in the happy situation that I have mentioned that, whatever happens in the Commonwealth sphere, the State Bank can continue. I want to see the State Bank going from strength to strength. I have said before that I do not believe in unfair competition between Government and private banks. I do not, but there never has been to my knowledge any unfair competition between the State Bank and any other banks, and I do not expect there will be because we are in charge of our own affairs in this State. They have always been well handled and I think we have sufficient community of interest to see that that is always so.

The Hon. K. E. J. Bardolph—I said there was a cordial relationship.

The Hon. Sir ARTHUR RYMILL—Yes, I agree with that. Our State institutions operate for the benefit of all the people. Thus, I welcome this Bill as something that will even further strengthen the State Bank and enable it to continue to progress in these days of great advancement. Our population is increasing, our wealth is increasing, our industries are increasing and we have those wonderful recent announcements. South Australia in my generation has really been on the move from a rural

State to a state of balanced primary and secondary industries. Instead of being a State relying purely on rural matters, it has now a balanced economy of primary and secondary industry, which will be further strengthened by the Broken Hill Proprietary Company's steelworks, the oil refinery and all the ancillary things that will develop around those two wonderful projects. Thus, I think it behoves us all to support this increase in the structure and stature of our State. I give the Bill my fullest support.

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

PAYMENT OF MEMBERS OF PARLIAMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 18. Page 1741.)

The Hon. C. R. STORY (Midland)—This Bill has been discussed fairly fully here and was given a fair airing in another place. As Sir Frank Perry said, it affects every member differently. Its purpose is to alter the basic remuneration of members from £1,900 to £2,150.

The Hon. F. J. Condon—It is not an increased payment but an allowance.

The Hon. C. R. STORY—The honourable member is right in correcting me. It is an allowance, but it does not alter in any way the £50 allowance to members who represent districts more than 50 miles from the G.P.O. or the £75 allowance to those representing districts more than 200 miles from the G.P.O., and I think that it is in those two categories where the greatest hardship is being felt by members. It should be readily accepted that in country electorates the distances to be covered by a member are considerable. The time a member is called upon to devote to his Parliamentary duties has been mentioned. This is entirely a matter for the individual. If he sets himself up as a legislator only and attends only the sittings of Parliament he needs little recompense for the time he gives to his duties but if, as most members do, he works in and for his district during the time Parliament is not sitting his salary is little enough.

The Midland district, which I have the honour with three others to represent, comprises eight House of Assembly districts and takes in places as widely separated as Snowtown and Morgan, Loxton and Eudunda, Nuriootpa and Wallaroo, Karoonda and Salisbury, and I have always felt that, if a person represents a country electorate, he is better living in the country among the people he represents. This, again, is purely a personal matter for each member to solve for himself. Also, I believe in the bi-cameral system of government and that there is a part for every member in both Houses to play. The members of the second House can play a very important part in the good government of the State, especially where there are eight or nine Assembly districts in one Legislative Council district such as we have in this State. The Legislative Council members can act as liaison officers between the Assembly districts which very often are represented by members of both political persuasions, as well as by Independents, and I believe that they can do much in co-ordinating those districts where joint action is necessary; they can link up the groups in different portions of the electorate that have the same interests and need co-ordinated action, and the only way that a member can keep in touch with the requirements of the people of his district is to move among them and understand their changing conditions.

Electors in the main are not opposed, I feel sure, to members of Parliament getting proper recompense for the services they render to the State. Complaints come mainly from the ill-informed on the subject and from those who do not have an opportunity to know exactly what members of Parliament do and what they get for their services.

Let us consider the present salary of £1,900 and see what it really is worth to a member. I have taken out figures to show the position of every member placed in circumstances similar to mine, and I have been very conservative in the figures I have adopted. Firstly £240 would be deducted for taxation and £100 for superannuation, bringing the figure of £1,950 down to £1,610. I have adopted 9d. a mile for car mileage, which I think is well below the figure recognized in the Public Service and other places. My average mileage during the last three years has been 20,000 per annum which, at 9d. a mile costs £750. That brings the salary back to £860. One who lives in the country and attends all sittings of Parliament and various functions in his district has to meet hotel expenses, and I have adopted £150 for this item which is a bare figure. This brings the salary back to £710. Deducting £55 for donations and £75 for telephone brings it back to £570 and it

will be noticed that I have made no allowance whatever for entertainment, which would be a considerable item.

The £570 remaining has to clothe and feed the family and make some provision for the time when the electors do not require my services any longer. Moreover, I have not deducted election expenses because I did not want to cloud the issue. The £570 does not leave much with which to maintain a family.

The Hon. E. H. Edmonds—Labourers get more than that.

The Hon. C. R. STORY—The gold pass for railway travel is of little use to me as it is impossible on the present schedule for me to make any use of the railways. The journey from Renmark to Adelaide takes about 12 hours, so I cannot afford the luxury of railway travel.

The Hon. A. J. Shard—That does not say much for the administration of the railways.

The Hon. C. R. STORY—That is another question which must not be confused with this. One has to leave a day before he is required in Adelaide, and the gold pass is not much use if you want to visit a portion of the district on the way home from Parliament on Fridays. I therefore discount the value of the gold pass as being of any assistance to my salary.

Many mistaken ideas exist in the minds of the public regarding Parliamentary salaries. Many seem to think that a Parliamentarian has a free car and that the travelling he does is paid for by the State; they also seem to have another misguided idea that he is provided with free meals at Parliament House, that there are special taxation allowances, that there is some mysterious secret expense account, and that therefore he has the whole of the £1,950 for himself and could well afford to spend a few shillings on his constituents. I believe that most members of Parliament are actuated by worthy motives, otherwise they would not be here, because no member will get rich if he is doing his job properly. He offers himself to the electors and I do not think that the electors require him to be out of pocket as a result. If some honourable members feel that they are overpaid for their services, I suggest that they pay the surplus into a pool and those honourable members who think they are underpaid could draw from that pool. I am sure that some of us would subscribe to that idea. Yesterday, Mr. Edmonds gave us a very good idea of the duties of country members and how their wives are called upon to assist to a large degree in their work. I support the Bill without any reservations and consider that the increase is well justified.

The Hon. A. J. MELROSE (Midland)—We are indebted to Mr. Story, Mr. Edmonds and other honourable members who have given us very thoughtful speeches. I rise to speak because I think this is one of those Bills on which no member should give a silent vote. If Parliamentary salaries are to be paid at all they should be of such a standard as to enable all honourable members to maintain the proper dignity and status expected by those who elect them. As has been mentioned, wives of honourable members are involved in the expenses and the very prestige of Parliament is involved, and unless honourable members are reasonably paid that prestige cannot be achieved. It has been said and I agree entirely, that there are two types of honourable members—those who by some accident or chance make this a whole-time occupation and are prevented from having any other strings to their bows, and others who are involved in other forms of public life or perhaps in private business and are not entirely dependent on their Paliamentary salary. Those who make this a full-time job and whose only apparent source of income is their Parliamentary salary are inadequately paid.

Having sprung from one of the foundation Scottish families of South Australia, I can say that we are a damned cheeseparing lot. One thing about South Australia is that if something is going to cost anything, we are "agin it." That is the curse of all our semi-public life. If anything is free, we are all for it. As one who has other sources of income, I am prepared to face up to the public criticism which has been mentioned by my honourable colleague and which is based on lack of knowledge and on the presumption that every member gets everything free and that there is some kind of black market under whose protection we operate for our own benefit. I support the Bill entirely. I have previously expressed the opinion that the raising of members' salaries to a practical level would have the effect of attracting a better standard of member of Parliament.

The Hon. F. J. Condon—What is wrong with the present standard?

The Hon. A. J. MELROSE—My comment was merely a figure of speech. The alternative

is to have no payment at all and then only the hardiest would be induced to enter Parliament. If we are to do the job properly, we should sink the fact that we are pure South Australians and pay honourable members properly.

The Hon. R. R. WILSON (Northern)—I support the remarks of other honourable members. After all, Parliament is the supreme body in this State, therefore members should have some say as to what salary they should be paid. It is often said that members are the recipients of very large salaries and do very little for the money they receive. To those critics I say that they do not know what they are talking about. I do not feel conscious of being paid a reasonably good salary and not giving service for it. Members of the Northern district have a very difficult task because it represents four-fifths of the area of the State and the extra £75 allowance does not go very far. Recently, in one trip I covered 1,300 miles and on the figures quoted by Mr. Story that trip alone would have absorbed a large proportion of that £75. There is extensive depreciation on a car on these trips in negotiating rough roads in outlying places and that depreciation is much more extensive than if one were able to keep to sealed roads. Members for the district accept engagements in this large area and if they are conscientious they must accept these engagements. Not only is a member involved in travelling expenses, but he is expected to financially support the functions he attends.

I have not used my railway gold pass this year except for a trip to Sydney. It does not suit honourable members to use the pass, as time is so important. In the earlier days I understand that the gold pass was of very great value. Members are allowed to undertake a certain number of air trips, and sea travel is also limited. There are nine House of Assembly districts in the Northern District and I agree with Mr. Story that the House of Assembly members can be of great assistance to Council members. Members of the Council are expected to have a knowledge of everything that happens in the House of Assembly. We are sometimes unable to get the information we require concerning our district unless we have the co-operation of our Assembly members. It might be criticized that the increase proposed is suggested just prior to the end of Parliament, but it is better to have such a Bill presented at this stage than when the new House meets. Such action would be subject to even more criticism than it is now. Recently reference was made to the very few days that this Chamber sits. Such criticism is grossly unfair, because this is not where all our time is spent—it is what goes on outside that counts. I hope that the public does not accept as a fact that the only work we do for our salary is when the Council is actually sitting. I have much pleasure in supporting the Bill and feel sure that no-one expects members of Parliament to be short of money. Those who have no income apart from their Parliamentary salary should not be expected to be short of money, and I believe they are. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—''Payments to Members.''

The Hon. F. J. CONDON (Leader of the Opposition)—I am sorry that the Chief Secretary did not reply to the questions I asked about retrospectivity. Will the allowances be subject to tax? If the Government is not prepared to make this increase retrospective to July 1, it should make it retrospective to November 1.

The Hon. Sir LYELL McEWIN (Chief Secretary)—I believe a press report suggested this would be a tax-free payment, but it is nothing of the kind. We cannot prescribe a tax exemption in our legislation. Regarding retrospectivity, admittedly some legislation this session has contained retrospective clauses but in every instance the purpose was to correct some anomaly that affected somebody who was in an equivalent position to somebody else but who, through some omission in the Statute, had suffered some disadvantage.

There must be some starting point and the delay will not be great compared with what the honourable member suggested. He said, ''If you can't make it July 1, make it November 1,'' but this legislation will operate almost immediately. In spite of all that has been said, I do not think any member of Parliament wants to put himself in the position of saying, ''We had to dip back into the Treasury in this matter.''

Clause passed.

Clause 4—''Consequential amendments of section 6 of the principal Act.''

The Hon. Sir LYELL McEWIN—I move the following suggested amendment:—

To delete ''striking out'' and to insert in lieu thereof ''inserting the words 'and allowance' after the word 'payment'.''

Clause 4 was drafted to make consequential amendments rendered necessary by the new

system of payment and electorate allowances. The language of the clause is, however, inappropriate. It is in a form used in an early draft of the Bill which was subsequently altered. The need for altering the consequential amendments was overlooked. The amendments to clause 4 now suggested will bring the clause into harmony with the language of clause 3. They do not affect the substance of the Bill.

Suggested amendment carried.

The Hon. Sir LYELL McEWIN—I move the following suggested amendment:—

To delete all words after "subsection (1)."

This is a consequential amendment.

Suggested amendment carried; clause as amended passed.

Title passed. Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's suggested amendments without amendment.

PUBLIC SERVICE ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

This Bill deals with the effect of retrenchment upon long service leave. Under the Public Service Act the right to long service leave depends on the service being continuous, but this principle is now subject to modifications. In 1954 Parliament provided that a break of service of not more than two years due to retrenchment would not be deemed to affect continuity, so that in the case mentioned the whole of a retrenched officer's service before and after the break counts for long service leave. Some cases are now coming to light in which employees were retrenched a good many years ago and although desirous of securing re-employment in the public service did not succeed in doing so until after the lapse of two years.

The Government has been asked to grant long service leave to such employees based on the total amount of their service; but where the break exceeds two years, service prior to the break cannot at present be counted. The Government, after consideration, has decided that in some cases where the break exceeds two years it would be just to grant leave, provided that the break was due to retrenchment and the employee sought and obtained re-employment as soon as was reasonable after the retrenchment.

The Bill is therefore an enabling one providing that in cases where the Public Service Commissioner certifies that an employee who had been retrenched sought and obtained re-employment in the public service as soon as was reasonable after the retrenchment, and has had at least one continuous period of 10 years' service, the whole of his service before and after the retrenchment may be taken into account in computing his rights to long leave. Each case will be considered on the merits. The Bill is prospective in the sense that it applies only to employees retiring after it comes into operation.

The Hon. A. J. SHARD (Central No. 1)—I support this Bill, and commend the Government for at last doing something the Trades and Labor Council has been seeking for some years. In the depression days apprentices at the Islington railway workshops were retrenched on becoming tradesmen because of lack of work, and could not secure work as quickly as they would have liked. Many of these men did not get an opportunity to return to work for some years. Since their re-employment they have been good employees, but have been denied the benefit of their service before retrenchment in calculating long service leave. The Trades and Labor Council asked that a period be fixed and that all who came back within that period be entitled to long service leave. The Government has agreed that each case will be considered on its merits, and if the Public Service Commissioner gives a certificate that the employee returned to work as soon as possible, the whole of his service will be taken into account provided that he has had 10 years' continuous service. This Bill meets the situation, and we commend the Government for acceding to the request of the deputation that only last week asked that an anomaly be corrected.

The Hon. Sir FRANK PERRY (Central No. 2)—Members should have had some opportunity to consider this Bill before being asked to discuss it. This is the first time I have heard that such a measure was to be introduced. According to Mr. Shard it is to meet a situation that was caused by the depression, but it will operate for present employees. Once we start making allowances on long service leave we are likely to get anywhere. I do not know what "retrenchment" means. I heard that word used a lot during the depression, when it meant a close-down of work, but I have not heard it recently. I do not know whether any particular meaning is

to be given to the word, so I hope the Minister will give some further information on whether the Bill extends or improves long service leave provisions or whether it is just to rectify something that happened during the last depression, as mentioned by Mr. Shard.

The Hon. C. D. ROWE (Minister of Industry and Employment)—During the last depression certain people were retrenched, mainly in the railways. At that time Government policy was to give preference to married men who sought employment, consequently many single men who had been retrenched could not be re-employed because married men were seeking positions. I think in 1954 we amended the Public Service Act to provide that where a man was retrenched and re-employed again within two years, his service would be regarded as continuous for the purpose of calculating long service leave. It has since been discovered that there were some genuine cases of men who were retrenched and not re-employed within two years, who had made continuous application to be re-employed but could not be given work because no jobs were available. Under this Bill the authorities, when satisfied by inquiry firstly that the man was retrenched and did not leave of his own volition or through misconduct, secondly, that he returned to employment at the first available opportunity after it became available, and thirdly, when he remained in that employment for 10 years after being re-employed, can ignore the break in determining long service leave. I feel that the measure clears up a long existing anomaly, that we are doing the right and proper thing, and not interfering with the general principle of long service leave. We have provided that the man must have served either for 10 years before retrenchment or 10 years after he was qualified to be re-employed. We have only intended to cover the people who have made an occupation their station in life, not those who have entered the service and have left after a short period. I think there are adequate safeguards in the legislation, and I commend it to members.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Long leave of absence."

The Hon. Sir FRANK PERRY—I accept the explanation of the Minister on this matter. As long as the Bill rectifies something that has happened, I am satisfied.

Clause passed.

Title passed. Bill read a third time and passed.

SUPERANNUATION ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

In recent months the Government has received requests from representative organizations for improvements in the benefits under the Superannuation Act. In order to determine to what extent these requests were justified, a comprehensive review was made of our own Act and the comparable provisions in force in the other States. It is clear that our scheme is at present less favourable to employees than those of the Commonwealth, New South Wales, Victoria and Western Australia. The Queensland scheme is so different as not to be comparable, while the Tasmanian scheme is less favourable than ours in some ways, and more favourable in others. On the assumption that it is just that South Australian standards should approximate to the general Australian standard, there is a good case in favour of the alterations which are proposed in this Bill.

Three aspects in which the South Australian scheme is less favourable than those of the other States are the rates of pension for widows and children, the maximum pension which may be subscribed for, and the rates of pension payable to the older existing pensioners. The Bill deals with these three matters and some other problems which have arisen. I will explain the clauses in the order in which they appear, which is not necessarily the order of their importance.

Clause 3 of the Bill is an enabling clause which will permit the Superannuation Board to administer superannuation schemes for employees of Crown authorities other than the Government. The clause provides that the Board, with the approval of the Treasurer, may make an arrangement with any public authority as defined in the Clause for the purpose of permitting the employees of that authority to contribute to the Superannuation Fund and obtain rights to benefits in accordance with the arrangement. It has been represented to the Government that the scheme of superannuation applicable to Government employees, as administered by the Board, is in some ways

more suitable for employees of certain authorities of the Crown than their existing schemes. The authorities would be willing to have their employees brought under the Superannuation Act and to make contributions in respect of their employees similar to the contributions made by the Government. The words "the public authority", as defined in the Clause, means any body of persons appointed by the Crown and holding property for and on account of the Crown. Two such authorities are already negotiating with the Government concerning the superannuation of their employees, and if the negotiations are successful machinery such as is provided in Clause 3 will be required to carry the proposals into effect.

Clause 4 increases the maximum number of units of pension which may be contributed for. At present the maximum is 26 units. This number can be contributed for by any officer whose salary is £1,820. Any salary in excess of this amount does not confer any further right to take up units. The maximum of 26 units in South Australia for a salary of £1,820 may be contrasted with 36 in the Commonwealth and New South Wales for a salary of £3,380; 32 in Tasmania for a salary of £2,912; and 26 in Victoria and Western Australia for a salary of £2,080. After considering the position in other States, and taking into account the higher contributions made by employees in South Australia, the Government has decided that is would be just to extend the scale. Clause 4 therefore sets out a new scale under which the maximum number of units is increased from 26 to 36 and the maximum salary carrying the right to units is increased from £1,820 to £3,275. The right to take out additional units is granted both to those whose salaries now exceed £1,820, and those whose salaries are increased above this amount in future. As a general rule contributions for the new units will be at the rate for the contributor's age next birthday after he elects to take the units, but employees now in the service who are over fifty years of age are given the right to take up half of the additional units to which they are entitled, at the rate appropriate to a contributor whose age next birthday is fifty.

A similar concession was granted when the scale of units was lengthened in 1954. The right to take up additional units will apply to all those who fall within the definition of "contributor" in clause 4. Under the Superannuation Act, contributions by every contributor cease before he reaches the age of sixty-five, sometimes nearly 12 months earlier. The Bill provides that employees whose contributions are fully paid shall be regarded as contributors for the purpose of taking up additional units, but must pay at least a full year's contribution before becoming entitled to pension. Clause 6 increases the rate of pension payable to the wives and children of contributors who die before retirement. Under the existing law a wife's pension is one half of the pension for which her husband was subscribing, and the allowance for each child is £22 15s. a year. It is proposed to increase these rates by one-seventh, so that the wife's pension will become four-sevenths of her husband's rate, and the children's allowance will be £26.

Clause 7 makes a similar increase in the rate of pension and children's allowance for the widows and children of male pensioners. Clauses 8, 9 and 11 increase the rate of pension for orphan children in all cases by one-seventh, so that this pension, at present £45 10s. a year, will become £52 a year. Clause 10 provides additional benefits payable on the death of a pensioner in certain cases. It is proposed that if the total amount of the pensions received by a contributor and his or her spouse and children are less in the aggregate than the contributions paid, and the pensioner is survived by a widow, widower, son or daughter not entitled to any pension or benefit under the other provisions of the Act, the excess of the contributions over the total of the pensions and children's benefits previously paid will be paid to or divided among such widow, widower, son or daughter. The persons who would benefit under these provisions are the following:—

(*a*) A son or daughter over the age of sixteen years.

(*b*) A widow whom the pensioner had married after retirement.

(*c*) A surviving second husband of the widow of a pensioner.

Clause 12 provides for an increase of one-seventh in all the pensions payable to all present pensioners who retired or attained the retiring age before 1st January, 1949, and to all widows and children now in receipt of pension. The reason for applying the increase to persons who entered on pension before the end of 1948 is that up to this time the number of units for which an officer could contribute, and the salary rates which limited the number of units, were much lower than they became subsequently. The same position existed in connection with the Commonwealth Public Service, and the Commonwealth has recently taken action to increase pensions which have been in force for more than 10 years. The Government has

been informed that similar action is under consideration in some other States. There is a good case for an increase of this kind in South Australia.

The Hon. F. J. CONDON (Leader of the Opposition)—I support the second reading of the Bill, which was introduced in the House of Assembly on October 23. The Bill has been brought here in the dying hours of the session. It has been before another place for four weeks, and we are asked this afternoon, at such short notice, to vote on it. Early this session in the House of Assembly the Opposition asked the Government to amend the Act to bring it in line with today's values. Again, we are lagging behind most other States.

Clause 3 permits the Superannuation Board to administer superannuation schemes for employees of Crown authorities other than the Government. Clause 4 increases the maximum number of units of pension which may be contributed for from 26 to 36. Under the proposed scale most officers will be precluded from taking out additional units. I maintain that we should provide for a revision of the scale. The present schedule prescribes intervals of £70 in salary for each additional unit.

Clause 6 provides increased benefits for widows and children of contributors who die before retirement. Again, I do not think the increases are adequate, and they should be further increased. Clause 12 provides for an increase of one-seventh in all pensions payable to pensioners who retired or attained the retiring age before January 1, 1949, and to all widows and children now in receipt of pensions. Why refuse to increase the pensions of those who retired after that date? The Bill singles out a section of the Public Service and does not provide for others who should be provided for.

We can either accept or reject this Bill. I do not oppose the Bill, but I think its provisions are inadequate and unfair to pensioners and widows. I have no option but to support the second reading.

The Hon. E. ANTHONEY (Central No. 2)—I support the Bill but, like the honourable Mr. Condon, I feel it is rather belated and ungenerous. The Superannuation Fund, which increased by about £1,000,000 last year, now has a surplus of about £9,000,000. I know that all these cases have to be worked out actuarially. I appreciate that wherever the line is drawn somebody is excluded and suffers as a result, but one cannot help feeling sympathy towards some people who were in the service for many years and are now just outside the ambit of this legislation and therefore will not receive any benefit.

A letter was recently handed to me by a person who had been in the Public Service for 41 years. He says:—

I spent 41 years in the Woods and Forests Department and retired on June 30, 1950, having reached the retiring age on that date. When the superannuation scheme came into effect in 1926 I was on a small wage which only entitled me to take out four units of pension at the age rate of 30 (I was then 41 years of age) and this was equal to a pension of £130 a year. When I was placed on the salaried staff I was given a salary of £360 which was, however, during the depression years of 1929 and 1931 cut to £260. When the scheme started in 1926 my wages were so small that I was not permitted to take more than four units at the amount set out at the age of 30 but that I could subsequently take a further two units at the applicable age rate. This would have been prohibitive on the reduced salary and would have left little to bring up a family. It was some 10 years or more before I got back the £100, the amount my salary was cut in 1929-31. I made several applications for an increase in salary but was knocked back each time . . . .

This Bill gives a measure of relief, although it is very limited. It deals with three aspects, namely, the maximum pension, the pension of widows, and a very small increase to old pensioners who have been living very close to the bone for a number of years. Like Mr. Condon I feel that I can do nothing but support the Bill, for half a loaf is better than no bread, but I hope that the Government will later consider the plight of some older superannuants. This Bill enables those on larger salaries to make better provision for their retirement, but there are some hard cases amongst the older pensioners and I hope that the Government will be able to take a more liberal view on this aspect next year.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I support the Bill in general, but there is one clause with which I am not altogether in agreement and which may, I feel, need amendment. This is clause 10 which provides—and I know that this has been a bone of contention for years—that if a contributor to the Superannuation Fund does not receive any benefit the amount that he has contributed to the fund will go to other dependants. I agree with that in principle. However, this amending clause has a curious provision to me, but that may be because I am a mere male. It says that the excess

contributions shall be distributed to or among the surviving dependants of the pensioner or of the widow. The Minister's second reading speech explained that by saying, "The persons who would benefit are—(*a*) a son or daughter over the age of 16 years." I have no doubt that the pensioners would like these people to benefit. Paragraph (*b*) refers to a widow whom the pensioner had married after retirement. If the man took on this further responsibility after his retirement no doubt he would like to see her benefit after his death. Paragraph (*c*) rather startles me because it provides that the other person to benefit is the surviving second husband of the widow of a pensioner. Some people may be broader minded than I, but I would not like to know that my hard earned shekels were going to a second husband my wife acquired after my death. I should not like to think that the superannuation I had worked for would benefit a man my wife married after my death. I do not know whether any pensioner wants the second husband of his widow to get the benefits of his hard work. This would not happen very often and it does not affect me one iota because neither I nor my wife come under this Act. If we did, I do not know that I would be terribly enthusiastic about her second husband being supported after her death at my expense.

The gravamen of the situation is that there is no specific definition relating to the proportions in which these amounts are to be distributed. They are to be distributed among the surviving dependants of the widow or of the pensioner, and if there are two or more such dependants the board will determine the share of each. I have had experience with public boards of this nature and one of the principles applied is whether the granting of a pension of this nature will relieve the Government of some other pension and it might be that that principle would apply in this case. The clause not only relates to a second husband, but to children by another husband who would also be dependants of the widow. In Committee I will move to strike out the words "or of the widow." I honestly cannot see why we should be worried about dependants of the widow of a person entitled to superannuation. Certainly we should consider his dependants, his widow and any second wife who may become a widow. They all depend on the contributor, but why should we go further and benefit people totally unrelated to the pensioner?

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—"Payments where contributions exceed benefits."

The Hon. Sir ARTHUR RYMILL—For the reasons I have already mentioned, I move the following suggested amendment:—

In new section 45a (1) to delete the words "or of the widow."

The Hon. Sir LYELL McEWIN (Chief Secretary)—I think we understand what the honourable member desires to do, but I suggest he does not press the amendment. We hear much of the equality of the sexes nowadays and if it is good enough to pass on benefits to the second wife of the pensioner, why should not the second husband of the pensioner benefit?

The Hon. Sir Arthur Rymill—It is not the second husband of a pensioner.

The Hon. Sir LYELL McEWIN—It is a beneficiary, and he will only get the amount of contributions that have been paid in. These cases will be rare. The Bill has been carefully prepared and I do not think this provision is inconsistent with the general purpose of the Superannuation Act.

The Hon. Sir ARTHUR RYMILL—The Minister seems entirely to have missed the point of my objection. He says that I am worried about the widow of a pensioner or the husband of a pensioner. I am not worried about that at all, but about the second husband of the widow of a pensioner who is a person totally remote from the pensioner. I wish the Minister would give closer attention to the point I have taken and apply himself to the substance of my argument, rather than try to score off me.

It is a wrong principle that the second husband of a widow of a pensioner may compete with the children of the pensioner in the allotment of moneys. Secondly, I do not see that a pensioner is at all interested in the second husband of his wife. Whether a person likes the idea of one's wife remarrying after one's death is a matter that is purely personal to the individual. I do not for one second intend to discuss that matter with the Minister, and I think it is most regrettable that he should raise it. I ask him to direct his mind to my amendment, not to indulge in personalities, and to give me an answer as to why the second husband of a widow of a pensioner, who is completely remote from the pensioner and is no relation to him whatever, should not only enjoy the benefit under this clause, but also

should be capable of obtaining a benefit under the clause at the expense of the children of the pensioner.

The Committee divided on the suggested amendment—

Ayes (9).—The Hons. E. Anthoney, Sir Collier Cudmore, L. H. Densley, A. J. Melrose, Sir Frank Perry, W. W. Robinson, Sir Arthur Rymill (teller), C. R. Story, and R. R. Wilson.

Noes (10).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, E. H. Edmonds, N. L. Jude, Sir Lyell McEwin (teller), C. D. Rowe, and A. J. Shard.

Majority of 1 for the Noes.

Suggested amendment thus negatived; clause passed.

Remaining clauses (11 and 12) passed and title passed.

Bill read a third time and passed.

ANIMALS AND BIRDS PROTECTION ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

It has been introduced to deal with a problem arising from the opening of the channel in the South-East between Lake Bonney and the sea. This channel has lowered the level of the lake by several feet, and some former islands in the lake are now connected with the mainland. One of these islands is a traditional nesting place for ibis. In future it will be possible for members of the general public to walk across dry land to the area inhabited by the ibis, and this intrusion may cause the ibis to leave the locality.

The Chief Inspector of Fisheries and Game (Mr. Moorhouse) recently made an inspection of the area, following inquiries made by an honourable member in another place. The Chief Inspector reported as follows:—

Though the three islands at the northern end of the lake have been declared a bird sanctuary, it is only on the outermost island that the ibis nests. Two species are present—the strawnecked and the white. The strawnecked ibis is the more plentiful, outnumbering the white by probably 1,000 to one. Many thousands of ibis were present when we walked across to the island, although there is a constant coming and going of birds. They depart in small numbers of two to five birds all the day, but at intervals 100 or more (which have collected on a sand spit running southwards from the island) will rise and circle up and up above the island, eventually taking off for distant fields. Birds are constantly returning to the island in flocks of up to 100 or more.

The birds are breeding now, so we searched for signs of vandalism, but though broken eggshells were common, each appeared to have resulted from the hatching of a chick. The nests littered the ground and were built on fallen trees as well as on those standing. In many cases no attempt had been made to build a nest other than to form a depression in the ground. Eggs were plentiful. So, too, were chickens in various stages of development from wet newly borns to fully fledged striplings not yet able to fly. The adults often stood together. Apparently pecking of each other is not adopted by this species.

The waters of the lake have drained away from the island on the northern side except for a shallow wide trickle coming in from a drain nearby. The mud near the old shore lines is deep and too treacherous to walk on except near the island. It is drying out quickly so that it will soon be quite easy to get to the island dry shod. Today rubber knee boots are required because of the sloshy mud and the shallow drainage waters. I fear that the ibis, which are now busy rearing their young, will shun the locality eventually, not so much because of foxes, but because of the change due to the lack of water. Their isolated island is no longer an island. Man's visits to the area will also cause disturbances to their one-time quiet. Unless the Government can see its way clear to dig a wide moat around the northern portion of the "island" thus making the one-time island an island again, I recommend that it be made an offence for any unauthorized person to go on the area now used as a breeding ground. This prohibition could not be enforced under any of the provisions of the Animals and Birds Protection Act.

This Bill has been brought down for the purpose of protecting the ibis' breeding ground against trespass by the public. The area is at present a closed area within the meaning of the Animals and Birds Protection Act. This means that the birds therein are wholly protected against being taken, but it does not prevent trespass on the area. The Bill provides that the Governor may by proclamation declare the whole or any part of a closed area under the Animals and Birds Protection Act to be a prohibited area. While any area is a prohibited area within the meaning of a proclamation it will be an offence to enter or remain on it except with the permission of the Minister of Agriculture in the case of Crown lands, or of the private occupier, in the case of other lands.

The Hon. K. E. J. BARDOLPH (Central No. 1)—This Bill contains only two points. It provides that the area where these birds are

now breeding is to be declared a sanctuary, and that it will be an offence for any individual to trespass upon the area which has been declared. The birds are protected under the Act, and this Bill makes it an offence to trespass upon the area which they are using as a breeding ground. The only point exercising my mind is how the provisions will be policed. I do not know whether the ranger will have the added responsibility of policing this particular area, or whether the matter will be in the hands of some of the surrounding landowners.

The Hon. L. H. DENSLEY (Southern)—I support the Bill. This particular area being used by the ibis as a breeding ground was formerly an island in Lake Bonney but is now connected with the shore. I feel that if we wish to protect these birds it is necessary to have these additional provisions in the Act.

Clause 4 provides for considerable increases in penalties. For the first offence under this legislation the maximum penalty has been increased from £5 to £20, and for the second offence from £30 to £50. As this Act has not been amended for over 20 years I think it proper that the penalties should be increased. I support the Bill.

The Hon. A. J. MELROSE (Midland)—I support the Bill. I congratulate the Government on the promptness with which it has dealt with this newly arisen crisis. As the Minister has said, with the partial drainage of this lake, the area used by the ibis as a breeding ground is now really part of the mainland. I think it is very important that we should take care and a great interest in the preservation of either rare or economically valuable birds and animals.

The change in land settlement has resulted in conditions inimical to the protection of fauna increasing at an astronomical rate. Time is not on our side, and if we do not act promptly and efficiently we shall find that it is too late. Anyone familiar with the subject will know that already many species of fauna that were reasonably common a few years ago are now either extinct or very rare, and I congratulate the Government on taking some really prompt steps to preserve these birds. Factors that should be cultivated are a greater public interest in the subject, a greater public support and enthusiasm for the protection of the animals, and support for those people who actively engage in carrying out what they think is the correct policy.

I have said when speaking on other measures that we South Australians are a little parsimonious in most things. As far as I know, there is only one effective board in South Australia actively entrusted with the protection of fauna and flora—the Fauna and Flora Board. That board has had to combat much public criticism. I have often said in this Chamber that the board has been expected by the Government and Parliament—and therefore by the people of South Australia—to carry out its functions not only despite uninformed public opinion but very largely at its own expense. I am associated with that board, and I was surprised the other day to find that in this year alone I have paid five normal visits to Flinders Chase in the supervision of the conduct of the board, in addition to making a trip there by chartered aircraft in an emergency, and that it has cost me out of my own pocket probably £80 or £90. I mention that, not because I begrudge it, but because that sort of treatment to board members limits the field from which the board can recruit its members.

The Bill before us sets out to lend a protective umbrella to the ibis family whose loss would be a complete economic disaster. These birds live in a higher rainfall district mostly, and one of their chief items of diet is snails. A few years ago snails were not seen much outside of the metropolitan area, but today they are to be found probably 100 miles north and are rapidly spreading all over the country. These birds are the natural enemies of the snail family and anything we can do to protect them we should do wholeheartedly.

Mr. Densley referred to the penalties prescribed in this Bill. It is proposed to increase the penalty for a first offence from a maximum of £5 to a maximum of £20, which is a fourfold increase, and for the second offence from £30 to £50, which does not preserve the same proportion, and I feel that it would be more fitting if the penalty for subsequent offences were raised to £100. Other than that I support the Bill entirely.

The Hon. C. R. STORY (Midland)—I congratulate the Government on bringing down this measure and express my gratitude to the Fauna and Flora Board and the protectors of wild life who act in a voluntary capacity throughout the State. The ibis fulfil an important function in the irrigation areas and one can almost set one's clock by their arrival in the morning and their going home at night. Their main diet consists of grasshoppers and snails' eggs, and they have been successful in doing something that chemical warfare has not been able to do in irrigation areas, for they have practically wiped out snails. A monument

has been erected to the ibis, and several important societies have been named after it in Griffith and Leeton in New South Wales, where at one time the settlements were approaching abandonment because of the snail menace. These birds are well worth preserving and anything we can do to protect them and other forms of bird life is well worthwhile. I have pleasure in supporting the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Penalties."

The Hon. A. J. MELROSE—As foreshadowed in my remarks on the second reading, I should like to see the fine for second and subsequent offences increased from £50 to £100 in keeping with the increase proposed in respect of the first offence. I therefore move—

In the last line to strike out "fifty" and insert "one hundred."

The Hon. Sir LYELL McEWIN (Chief Secretary)—The position is that a fairly substantial increase in the fine is already provided for in the clause—an increase from £5 to £20 in one case and from £30 to £50 in the other. In view of that I think it may be said that the position is well covered with a fine of £50.

The Hon. A. J. MELROSE—Although I do not desire unduly to delay both Houses by moving amendments at awkward times, I think we do not take a serious enough view of the protection of birds and animals. Whereas some excuse may be found for someone guilty of a first offence in a prohibited area, surely nobody can imagine a satisfactory excuse for a second or subsequent offence. I think the penalty should be such as really to bring to an end these offences and make the public realize that the Government is determined to protect our birds and animals from the insane attacks of armed human beings.

Amendment negatived; clause passed.

Title passed. Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

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

No. 1. Page 1, line 17 (clause 3)—Strike out "district."

No. 2. Page 1, line 18 (clause 3)—After "the" second occurring insert "deputy-mayor or, as the case may be, the."

No. 3. Page 1, line 19 (clause 3)—After "of" insert "deputy-mayor or."

No. 4. Page 1, line 21 (clause 3)—After "of" insert "deputy-mayor or."

No. 5. Page 2 (clause 3)—After paragraph (*b*) insert the following paragraph:—

(*b*1) by inserting after the word "absence" in the second line thereof the words "and if the council has elected a deputy-mayor, the deputy-mayor or in the absence of both."

No. 6. Page 3 (clause 7)—After paragraph (*a*) insert the following paragraph:—

(*a*1) by adding at the end of subsection (10) thereof the words "If previous to the notice being given as aforesaid to the owner of any ratable property any other amount or amounts have been payable under this section towards the cost of any work by the owner of the ratable property or any predecessor in title of the owner, the notice shall specify the amount or amounts, as the case may be, which have been so payable in respect of the ratable property and the time or times when the amount or amounts became so payable and, if no such amount has been payable, the notice shall specify accordingly."

Amendments Nos. 1-5.

The Hon. N. L. JUDE (Minister of Local Government)—All these amendments are for the one purpose and should stand or fall together. Clause 3 as introduced provided that a district council could, if it so desired, elect one of its members to be the deputy-chairman.

The amendments to clause 3 are for the purpose of enabling a municipal council, if it so desires, to elect one of its members to be the deputy-mayor. The view taken was that the appointment of a deputy-mayor was as necessary as the appointment of a deputy-chairman and that there should be no distinction between the two classes of councils. These amendments were accepted by the Government in the House of Assembly.

The Hon. Sir ARTHUR RYMILL—The Minister seems to have made somewhat of a *volte face* since I raised this matter in Committee. I also mentioned it on the second reading. I apologized for missing the clause, which went through in Committee and then had to be recommitted at the end. I raised it on the question, the only one before this Council, whether or not there should be a permanent deputy-chairman of a district council elected for the whole of the year. I raised it, as I said in Committee, because—

I am afraid that if we pass the clause without challenge this practice may spread to municipal corporations, and I feel that would be undesirable.

That was the specific purpose for which I raised it, to try to draw a distinction in this

regard between district councils and municipal corporations—because I knew there was one and I was not altogether happy about even the practice applying to district councils. The Minister's reply was:—

I point out that it is somewhat different in the case of municipal corporations, where most representatives do not have far to go to attend meetings and are able to attend regularly or find out exactly what is going on. It is very different in the country where some councillors live as far as 50 miles away from the seat of local government.

I said that I bowed to his superior knowledge but I am not now so certain I was right in saying that.

The cases are utterly different and I hope to be able to show honourable members that that is so. Apparently, the Minister drew some distinction at that stage; now he finds there is no distinction. The main distinction is one of absolute principle. The chairmen of district councils are elected by the councils concerned whereas the mayors of municipalities are elected by the ratepayers; but in both instances here we shall have a deputy elected by the council. That is why when it referred only to the district councils I was prepared to support it, because the same people were to elect the chairman and deputy chairman. Although we feel on principle (I presume we do) that the ratepayers should elect the mayor, we are going to elect the deputy mayor as a stand-in for him throughout the whole of the municipal year, to sit over him as it were, possibly as a council stooge.

The Hon. F. J. Condon—That happens today.

The Hon. Sir ARTHUR RYMILL—It does not. In the one case, both are elected by the same people; in the other case, we are being asked to approve a principle whereby the mayor is elected by the ratepayers and a permanent deputy is to be elected by the council, not by the ratepayers. In other words, we are starting to undermine that most desirable provision of the Local Government Act whereby the ratepayers elect their own mayor. Having had some experience of it, I say that that is something that I will always stand for, that the ratepayers should elect the mayor, because he is then independent of his council; he does not have to kow-tow to pressure groups within the council. He can do what he thinks fit in the best interests of the ratepayers who elected him. The Council should contemplate and understand the present situation. Section 70 of the Act makes complete provision for an acting mayor to be appointed in the case of the death or resignation of a mayor or, and this is most important, his absence from the area or any other lawful impediment that prevents him from performing his duties. That section provides also that no portion of the allowance shall be allowed to the acting mayor, except in the case of a vacancy in the office of mayor through death or resignation.

The Act has carefully provided not only that the mayor is to be elected by the ratepayers, but that his acting stand-in, as it were, is to have only limited powers and cannot sit over him in the way of an allowance or anything else. If we allow this principle to creep into the Act the next thing we shall be asked for is an allowance for the deputy mayor because he will be a man with permanent duties. He will be able to entertain in another part of the town hall and will be able to undermine the authority of the mayor, so all sorts of practices may creep in that will be undesirable. There are many other arguments why this amendment should not be agreed to. This Chamber does not elect a permanent Deputy President. When the President is unavoidably absent we elect a Deputy President for the day, and that works well.

The present system of having acting mayors has worked well in all municipalities, and I have never heard of any serious inconvenience being caused as a result of that system. When the mayor of a municipal corporation wants someone to act for him he appoints the most suitable man for the purpose. If it is a function in which a particular member of the council is interested he asks him to represent him, and on many occasions if the mayor cannot attend a function he is asked to appoint a certain person as his deputy because the people concerned want that man. If a permanent deputy mayor is appointed what can the mayor do about asking another man to represent him, for the deputy must go along, and no one else.

Most councillors are prepared to act sporadically for the mayor when asked, but few people would be prepared to take on the permanent deputy mayoralty because usually the most useful members of a council are the busiest members, and many of them could not take the position of permanent deputy mayor and act for the mayor whenever he was ill or unavoidably absent. Therefore, in most cases it would not be possible to get the best man as deputy mayor, but the man appointed would be lined up for the office of mayor when it became vacant, and if there were

another more suitable man he would start at a great disadvantage if he sought office. I cannot see any virtue in this amendment, or any need for it. The present procedure has worked well in all municipalities, as far as I know. I was afraid that as a result of the provision for the appointment of deputy chairmen of councils someone would say, "Why not apply it to municipal corporations too?," and I believe that the other place, with insufficient thought, has inserted this amendment. We always say that the Legislative Council is a House of review and that we are here to consider what the other House has done. The Council should assume its proper role and reject the amendment of the House of Assembly.

The Hon. F. J. Condon—Are you speaking on behalf of the Adelaide City Council?

The Hon. Sir ARTHUR RYMILL—I am speaking for myself, and I have had some years of experience in a difficult job. I oppose the amendment.

The Hon. N. L. JUDE—The honourable Sir Arthur Rymill was right when he said I made a certain statement about chairmen of district councils, but he was wrong when he said I was guilty of a *volte face,* for I did not mention municipal councils beyond saying, "As regards municipal councils, that is a different matter."

The Hon. F. J. CONDON—I support the amendment. When speaking on the second reading I advocated what is proposed by the amendment. I understand the Adelaide City Council has forwarded a motion for consideration by the Municipal Association at its meeting on December 10 asking for the appointment of deputy mayors. That matter should be left to the association, and I was surprised at the remarks of Sir Arthur Rymill.

The Committee divided on amendments numbers 1 to 5—

Ayes (9).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, N. L. Jude (teller), Sir Lyell McEwin, C. D. Rowe and A. J. Shard.

Noes (10).—The Hons. E. Anthoney, Sir Collier Cudmore, L. H. Densley, E. H. Edmonds, A. J. Melrose, Sir Frank Perry, W. W. Robinson, Sir Arthur Rymill (teller), C. R. Story, and R. R. Wilson.

Majority of 1 for the Noes.

Amendments thus disagreed to.

Amendment No. 6.

The Hon. N. L. JUDE—Subsection (10) of section 319 of the Local Government Act, which was enacted in 1954, provides that before a council can require an owner of ratable property to contribute to the cost of roadwork under section 319, the council must, within six months of the completion of the work, give notice to the owner specifying the amount payable and requiring payment by the owner. Subsection (11) limits the total amount payable under the section to 10s. per foot of the frontage of the ratable property. The amendment provides that the notice given under subsection (10) is to include particulars of the amounts which have previously been payable under the section, including the times when they were payable and whether payable by the present or any previous owner.

Thus, if in the past there have been payable in respect of the ratable property at different times amounts of, say, 2s. and 4s. per foot, these facts must be stated in the notice and it then becomes apparent that, as 6s. per foot has been payable in the past, the maximum amount which can now be payable by the owner is 4s. per foot, as the total of all payments must, under subsection (11), not exceed 10s. per foot.

It is not unreasonable for the notice to contain this information as the council must, of necessity, have this information and must have regard to previous payments before giving notice to an owner. This is more or less an administrative amendment to clarify the position in the minds of the ratepayers when they get their notices, and I commend it.

Amendment agreed to.

[*Sitting suspended from* 5.54 *to* 8 *p.m.*]

The following reason for disagreement to amendments Nos. 1 to 5 was adopted:—

Because the amendments are opposed to the principles of the Local Government Act.

The House of Assembly intimated that it insisted upon its amendments to which the Legislative Council had disagreed.

In Committee.

The Hon. N. L. JUDE—I move—

That the Council do not insist on its disagreement with amendments Nos. 1 to 5 of the House of Assembly.

I have heard the arguments advanced in the House of Assembly and in view of the very close vote this afternoon and another important fact I learned earlier this evening, namely, that the Municipal Association has before it a

resolution dealing with the appointment of a deputy mayor, I think it advisable that this Council should not insist upon the disagreement.

The Hon. Sir FRANK PERRY—Most honourable members have had experience as a mayor or in municipal affairs and in my experience there is no necessity to have a deputy mayor. All the facilities are available in the Act to cover eventualities that have happened during the last 75 years and there has been no trouble. This afternoon Sir Arthur Rymill produced arguments that I thought were unassailable. If the Council is to take notice of such a matter, it should do so when it is passed by all the municipal councils sitting in conference. Whether Port Augusta, Mount Gambier or the Adelaide City Council wants to appoint a deputy mayor, to my mind it does not mean anything until the council itself has pronounced on the matter. I see all sorts of difficulties in it. This Chamber has functioned for 100 years without a Deputy President. We are bigger and have more responsibility than any municipal council and we have suffered no disability. The appointment of a deputy mayor for 12 months can be embarrassing to the sitting mayor and probably members of the council. I ask this Chamber to insist on its disagreement, at least until a pronouncement is made by the Municipal Association on this matter.

The Hon. Sir ARTHUR RYMILL—I was always brought up on the principle that one should stick to one's guns. I hope honourable members observe the same principle. I should like to clear up a point about the Adelaide City Council that was raised by Mr. Condon this afternoon. I consulted a distinguished member of the council this evening (whom I do not want to name) and he agreed that it was true that the city council passed on a recommendation to the Municipal Association which has not yet been considered. He said, "I have not seen the Bill before the House but, from what you tell me about it, the recommendation is entirely different from what the House is proposing to pass." That is how these things can get exaggerated and enlarged. Because it is said that the Adelaide City Council has passed a certain resolution, that is used as a lever why this honourable Council, which stands high in the State, should listen to a body whose resolution they do not know. Its terms are not known, yet someone is endeavouring to persuade us that we should listen to such a resolution when we are the people who are telling them what powers they should and should not have.

I am a member of and have great respect for the Adelaide City Council but they are only a body of men such as we are. I do not want to make any comparisons but they can only sit in judgment on this sort of thing just as we can. I ask honourable members to do what they ought to do, and that is sit in judgment as they see it on this Bill and not be persuaded by some objectively placed putative resolution, of which we do not even know the terms. We must make up our own minds. We have already done so. I suggest that we stand by our decision.

The Hon. N. L. JUDE—I think I should possibly make one more point that has not been laboured even this afternoon, and that is that this clause is purely permissive. It does not say that the council "shall" appoint a deputy; it says it "may." The same applies to district councils. As regards Sir Arthur's remarks about sticking to our guns, if there had been an outstanding majority on this matter, I would have been prepared to fight it out to the last. On this occasion I remind him that the Government is maintaining the same attitude as it maintained earlier this afternoon.

The Hon. Sir Arthur Rymill—It is late in the day.

The Hon. N. L. JUDE—In view of the attitude of the other place, I feel that our decision should not be proceeded with.

The Hon. L. H. DENSLEY—This clause was passed unanimously here so that the point that the Minister has taken does not carry any weight. The fact that it has come from another place and was voted upon as regards this amendment is a different matter from the introduction of the original Bill. I feel it is undesirable and I am prepared to continue to oppose it.

The Committee divided on the motion—

Ayes (9).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, N. L. Jude (teller), Sir Lyell McEwin, C. D. Rowe, and A. J. Shard.

Noes (10).—The Hons. E. Anthoney, Sir Collier Cudmore, L. H. Densley, E. H. Edmonds, A. J. Melrose, Sir Frank Perry (teller), W. W. Robinson, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 1 for the Noes.

Disagreement thus insisted on.

The PRESIDENT—I rule that the Minister may now move to ask for a conference or move that the Bill be laid aside.

The Hon. N. L. JUDE—I move—

That the Legislative Council ask for a conference, and that the House of Assembly be informed that in the event of a conference being agreed to the Council will be represented by managers to be appointed.

The Hon. Sir COLLIER CUDMORE—I have not entered into this discussion until now. This procedure seems to me to be quite ridiculous, because only a very small point is involved. The amendment was introduced in another place; we have disagreed with the amendment and reaffirmed our disagreement, so what is the use of having a conference and wasting the time of two Houses of Parliament on one small point? When we have a conference it is, as a rule, on a number of points and there is an opportunity for give and take. In this matter there is no such opportunity. We have reaffirmed our decision and that is the end of it, and I ask the Council to refuse to agree to this motion.

The Council divided on the motion:—

Ayes (9).—The Hons. K. E. J. Bardolph, S. C. Bevan, J. L. S. Bice, F. J. Condon, J. L. Cowan, N. L. Jude (teller), Sir Lyell McEwin, C. D. Rowe and A. J. Shard.

Noes (10).—The Hons. E. Anthoney, Sir Collier Cudmore (teller), L. H. Densley, E. H. Edmonds, A. J. Melrose, Sir Frank Perry, W. W. Robinson, Sir Arthur Rymill, C. R. Story and R. R. Wilson.

Majority of 1 for the Noes.

Motion thus negatived.

The PRESIDENT—The Bill is therefore laid aside.

FIREARMS BILL.

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

Page 3, line 8 (clause 8)—After the word "thereof" add the words "or on the grounds or an incorporated gun or pistol club or registered rifle club."

The Hon. Sir LYELL McEWIN (Chief Secretary)—Clause 8 sets out a number of circumstances in which firearms may be used by an unlicensed person under the age of 18 years. The amendment will allow such unlicensed person to use a firearm when a member of an incorporated gun or pistol club or registered rifle club.

The activities of these clubs are carried on under proper supervision and therefore the Government has no objection to the amendment. One could enlarge on this amendment, if necessary, but I feel that it is self-explanatory. A person is allowed to become a member of a rifle club at 16 years of age. These people shoot under supervision, and the clubs are associated with and subsidised by the defence authorities of the Commonwealth. I know that members of pistol clubs are well vetted, and anybody who is a member of such a club is accepted by the police and would be accepted under this Act. I think the amendment is one that we can readily accept as being in conformity with the rest of the Bill.

Amendment agreed to.

HOSPITALS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

PROROGATION SPEECHES.

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

That the Council at its rising do adjourn until Tuesday, December 16, 1958, at 2.15 p.m.

Members know the significance of such a resolution. It means that the curtain is drawn upon the concluding session of the thirty-fifth Parliament of the State. It is an historic occasion, I think, because it also represents the conclusion of the twentieth session of Parliament since this new Legislative Council was constructed and opened in 1939. One is inclined to become reminiscent, but I do not think this is an occasion for that atmosphere. During the session we have dealt with positive legislation in the interests of the advancement of the State and have covered such subjects as homes, mining, the establishment of an oil refinery, the Indenture with the Broken Hill Proprietary Company for the establishment of steelworks, the establishment of pulp and paper mills, the stabilization of the wheat industry, superannuation and many other topics, all reflecting the interests of this Parliament in the welfare of the people and the development of the State. I cannot remember a session when we have dealt with legislation of so far-reaching possibilities.

We have been happy that you have presided over us again, Mr. President, and it is particularly pleasing to see you looking fitter and brighter than you were at the opening of the session. We know what your personality and your characteristic good humour means to the happy conduct of affairs of the Chamber, and I feel that I speak for all honourable members when I say how much we respect you and appreciate what you contribute to the decorum of the debates. One could follow

through the whole retinue of the staff of the Chamber. We are fortunate in having a capable Clerk and a Black Rod who are always available to give every assistance to honourable members, and I know that their efficient services are appreciated by all, including yourself, Mr. President. We know that the business side of the Chamber is in capable hands. And then we have the Library staff. We come to accept all theses things for granted and we appreciate their assistance. On the *Hansard* staff we have a new Leader in Mr. Parr, and I am sure that the services of *Hansard* have been right up to the standard that we have come to recognise as being something that belongs to the South Australian Parliament. The messengers have done all they could to the best of their ability to assist us all and make our work as pleasant as possible.

One honourable member said to me that it would be worth another £500 a year to honourable members if we could dispense with the Valedictory Speeches. Not being mercenary, I place the greatest value on what I am about to refer to now, because it means that on this occasion of going into recess we shall be parting with a number of old friends in this Chamber with whom we have been associated for a number of years and whom we have come to revere and respect. The time to retire has arrived and we shall not have them with us any more.

I shall now refer to our Parliamentary Draftsman, Sir Edgar Bean, who is shortly to retire. Some honourable members may remember the period prior to his appointment, but it would be a very small percentage. Only four of us were members of the Council 20 years ago. I think we have all come to lean upon the Parliamentary Draftsman very considerably in understanding the legislation and in putting amendments before the Chamber. Sir Edgar has been all things to all people irrespective of Party. He has set out to draft amendments to suit honourable members in every way possible. His advice has always been worthwhile and followed by members. It it not only because of his long experience in a drafting capacity that we admire him, but because of his general practical approach to all things. We are going to miss him greatly. It has already been announced that we are to take the opportunity at the appropriate time to tell him personally what we think of him. In saying these things I do not wish to detract from the efforts of his assistants, Mr. Cartledge and Mr. Marshall. Mr. Marshall is only in his second or third year, and we are coming to know him and what is more important he is coming to know us; and because of his good fortune in having commenced his duties in draftsmanship under such an able exponent as Sir Edgar Bean we look forward to further years of happy associations and the time when we can say the same things about him as we are able to say about Sir Edgar.

I now move on to the retiring members. We have a very illustrous list of honourable members who have decided of their own volition, after having given years of valued services to the community, to lay down their Parliamentary labours and responsiblities to someone else so that they can enjoy their remaining years under less arduous conditions. First, I refer to our old friend Sir Collier Cudmore, who has had 26 years in this Council, extending from 1933 until his actual retirement in 1959. Sir Collier and I came into this Chamber within a few months of each other. I remember our early association here. I soon had reason to appreciate his great capacity, particularly when I assumed Ministerial responsibilities and he became virtually the "Leader of the Opposition." It has been a most interesting experience which has endeared him to me more as the years have passed. I do not know who is considered the more intolerable, Sir Collier or I, but I think we would share that honour evenly. I believe our efforts have had the one aim: to provide the best legislation and to do what is best in the State's interests. I always appreciate a straight shooter and one always knows where Sir Collier stands; in fact, I knew him so well I could accurately foretell his attitude. If we had cross words they did not last long because we always found means of overcoming our differences. With others, I will miss him greatly and on the eve of his retirement I can only say, "Don't forget where Parliament House is; there will always be a welcome here from those of us who remain."

His colleague in Central No. 2, the Honourable Ernest Anthoney, is also retiring. Mr. Anthoney was a member of the House of Assembly for 18 years, and after a respite of three years, entered this Chamber where he has spent a further 18 years since 1941. He has given this State a combined service of 36 years as member of Parliament. We have come to know him well and to appreciate his many virtues, some of which we would like to possess ourselves. To him we say "Farewell" and assure him of the future good wishes of every member.

Two members are retiring from the district of Southern, both of whom are sons of former Ministers of this Chamber. The Honourable John Bice is the son of the late Sir John Bice, who was Chief Secretary, and who probably could be spoken of more familiarly by the President than I because the late Sir John was no longer a member when I entered this Chamber. I remember him as an elderly gentleman with a grey beard who visited my town when I was a country lad. I thought then what a wonderful man he was but I did not dream that one day I would be in this Chamber and be associated with his son. The Honourable John Bice has represented the district of Southern for 18 years. He has been active in his district and has the respect of all his electors. He has served on the Public Works Committee and like his father has given long service to the political life of South Australia. The Honourable John Cowan has been a member of this Chamber for 10 years. His father was also a Minister in this House and most members knew him. Even in his advanced years he still remained of a perfect upright stature and he also voluntarily retired. His son has followed his footsteps and now, after 10 years, we bid him farewell.

I hope I have not overlooked anybody to whom I should have paid a tribute. As Leader of the Government in this House, I have appreciated the consideration shown me by honourable members. At times we have held different views, as is only natural, but there has always been an atmosphere of tolerance and respect for one another's views. I have mentioned the members who are voluntarily retiring and whilst I do not think there will be any other changes in this Chamber next year, if circumstances over which we have no control dictate otherwise, I assure those members who are no longer with us that they have the goodwill of all other members. In conclusion I congratulate you, Mr. President, and assure you of our best wishes for the festive season. We hope to see you resume your office next year as hale and hearty as you have finished this session.

The Hon. F. J. CONDON—First, I support the remarks of the honourable the Chief Secretary about the Opposition in this Council. To you, Mr. President, I express the thanks of the Opposition for your consideration, courtesy, kindness and, may I say, leniency to us who are always trying to do our best. I have sat under three Presidents in this Council and you, Sir, have followed your predecessors with dignity, honour, tradition and the goodwill of everybody. To your Chief Secretary and your Ministers I express my best thanks. The Chief Secretary is an old stager but, when the two boys on his right first took office, we wondered whether they would make good. They have done so and I congratulate them on the work they have done as Ministers of the Crown for South Australia. I am not unmindful of the kindness and courtesy extended to me by Mr. Ball and Mr. Drummond, officers of this House, who are always happy to help.

I also extend my congratulations to Sir Frank Perry for the way he has worked in the last few months in this House. He is always able to rise to the occasion and take part in the debate on any Bill. The way in which he has assisted in our legislation does him great credit. My fellow members and I appreciate it. It is not often that one mentions the unofficial Whip in this Chamber, Mr. Densley. I want to place on record the appreciation of my colleagues and myself of what he does to help this Chamber function. He is always prepared to assist in any way possible.

Reference has been made tonight to Sir Edgar Bean, whom I have known a long time. Parliament will miss Sir Edgar for his sound advice and what he has done for Parliament. Nothing is too much trouble for him. He does not want to know one's Party; he is always there to assist. His colleagues I compliment, too. The work of *Hansard* has been mentioned and I support what has been said there.

I turn now to my own colleagues. I have never experienced greater loyalty than the loyalty I have received from my colleagues. I hope the time is far distant when they will not be sitting here. I hope they will be in this Council for many years to give loyalty not only to me but to the principles for which they have always stood. It is with a tinge of sadness and regret that tonight I have to bid farewell to men who have rendered valuable service to the State. I will speak of them as I know them.

First, let me refer to the honourable Mr. Anthoney. What a wonderful record he has! I think we should place on the records of Parliament the service these men have rendered to the State. Mr. Anthoney was first returned to Parliament on April 9, 1921—a long time ago. He was a member of the Public Works Standing Committee from July 30, 1933, to 1938. What a wonderful record of service! He came to this Council on March 29, 1941. He joined the Committee on Subordinate Legislation on July 8, 1941, and was chairman on August 3, 1944. Is that not a

wonderful record? These men who leave us tonight have not been pushed or thrown out: they are going out of their own sweet will and they can go out proud of the service they have rendered to South Australia.

I come now to my honourable friend on my right. I met him before he entered Parliament and I say that the Hon. Sir Collier Cudmore is one of the most outstanding men ever to enter public life in South Australia. He is a man of energy, ability and hard work, one who has devoted long service to this State. I cannot pay you, Sir Collier, a higher or more sincere tribute in recognition of what you have done for South Australia. I hope that your name will always be remembered.

Next, I come to my colleague on the Public Works Standing Committee, John Bice. I knew his father, a great man, who rendered fine service to this State. He was Chief Secretary for many years and today in the Statute Books is legislation with which he was connected and of which we are all proud. He was followed by our friend who leaves us tonight. May I pay that tribute to his father in recognition of what he did for this State. Mr. Bice entered the Southern district on March 29, 1941. He was a member of the Industries Development Committee from August, 1942, to September, 1944, and a member of the Public Works Committee since 1944. He has done very good work, and when he retires from Parliament he can remember that he has played an important part in inquiries and recommendations on projects that have been outstanding in this State.

I now pay a tribute to Mr. John Cowan. I was associated with his father before he became Minister of Agriculture, and I also had many trips away with him as a member of the Public Works Committee. He rendered a great service to this State and he has been followed by his son, who is now retiring from this Parliament. The present John Cowan may not have taken the active part that his father did, but he is a man who has always been listened to and respected and his opinions have always been valued. I pay that tribute to Mr. Cowan for the part he has played in the Parliament of South Australia.

I feel that none of the gentlemen who are leaving here tonight would have been so successful in public life had it not been for their partners and the sacrifices which they made over the years. A member of Parliament has to make many sacrifices, but his wife has to make even more. I pay my respects to Lady Cudmore, Mrs. Anthoney, Mrs. Bice and Mrs. Cowan. Members are leaving this Parliament and others are coming to take their places. These men will be able to learn much in this Council, and they will learn that it is a good place in which to work. Elections come and go, and personally I would not like to see any member lose his seat. However, that may be another matter politically.

I thank all members for their assistance, friendship and courtesy, and I hope whether in Parliament or out of Parliament that they will be spared for many years to enjoy the company of our good friends here.

The Hon. Sir COLLIER CUDMORE (Central No. 2)—I am reminded of the first piece of advice that Mr. Percy Morice, then Clerk of Parliaments, gave me when I entered Parliament, and that was to address all remarks to the President and to take no notice of anybody else. I thought about that advice just now because I could not hear very much coming this way and I apologize if I did not hear half of what Mr. Condon was saying.

The two previous speakers both referred to this possibly being a sad occasion. To me there is more than a tinge of sadness in standing in this place and addressing you, Sir, for the last time. I naturally recall the same evening in 1943—15 years ago—when we saw the retirement of those three great statesmen, Sir David Gordon, Sir George Ritchie and Sir John Cowan (as he became). Those were troublous times. We had reached a stage in the war which our great war leader had called "The end of the beginning," but we were still well in it. So that we will not think, when people read out the years of service we have given, that we have done very much, I point out that those three gentlemen had between them totalled 109 years of service, and we four who are now retiring, even with Mr. Anthoney's 36 years, total only 90 years. We are therefore a long way behind those stalwarts who retired 15 years ago.

I should like to refer to one of the speeches made that night because I think it was very important and prophetic. At the centenary sitting of Parliament I referred to the fact that on the very first day that this Legislative Council sat as an elected body, in 1857, honourable members turned their attention to the importance of the River Murray. They discussed navigation, and even the making of brandy. Sir George Ritchie on his last night in Parliament reminded us that in his first year in the Assembly he had moved the first

resolution which claimed for South Australia its share of the Murray waters. That was in 1902. It was strenuously objected to by New South Wales and Victoria and talked about as being absurd, but fortunately Parliament went on with it and the Murray Waters Agreement resulted. Little did Sir George Ritchie know when he made that speech 15 years ago reminding us of it that the whole metropolitan area would be kept alive by water pumped from the Murray within a few years of his death; and little did he know of the great Snowy Mountains Scheme and that our Premier would stand up for the rights of South Australia to such an extent that only this session we have ratified another agreement asserting South Australia's rights to the waters of the River Murray. I cannot help referring to that because I think it is really important, and I congratulate the Government and particularly the Premier on the stand that was taken.

The gentlemen I have referred to rendered great service. *Sic transit gloria mundi*! "The moving finger writes!" They are now gone, and we have attempted, however poorly, to carry on the work which they did in this Council. Now four more of us are going because we have made up our minds to vacate this place and allow other and younger people with more energy and more up-to-date ideas to come in. I think we are quite right in doing this. It may be a sign of the times and of how we move along, but I think that after this next election the Honourable Mr. Wilson will be the only returned soldier from the first war left in this Chamber.

I thank very much the Chief Secretary for his kind remarks. We have fought freely, but we have always remained great friends. I thank my honourable friend, Mr. Condon, very much for his nice remarks and I also thank him on behalf of my wife and all the others he mentioned. These two gentlemen who have spoken have remained, and I hope will remain, my staunchest friends. I do not propose to go through the usual rigmarole at this stage of referring to the Clerks, the Parliamentary Draftsman and all the other officers. I shall ask them to take for granted my thanks for what they have done this session. I intend to bring them into my remarks later.

At this stage I thank two people particularly, one, Sir Frank Perry, who in my unavoidable absence in the last month has taken the brunt of the work here and the other the indefatigable and indispensable Mr. Densley, who is really someone whom this House has come to depend upon because he is so dependable. I am glad that Mr. Condon joins with me in recognizing this. I thank Mr. Densley for the great friendship I have enjoyed and the sterling work he has always done for the Council. I have been here 26 years and nearly always, for some reason, have been fighting, and mostly it has been to make alterations in Government Bills. In some of my fights I have been opposed even to you, Mr. President. I recall Break Out Creek, the five year Parliament, bookmakers, betting shops, Commonwealth powers and hay acquisition. Nearly all these involved all-night conferences, so I knew what I was talking about when I spoke earlier about conferences. Then there was legislation on hairdressers, physiotherapists; and perhaps the two biggest were the nationalization of electricity in this State and our licensing laws.

I have nearly always been defeated. I practically never had the spectacular success that Sir Arthur Rymill had tonight when he won a division by 10 to nine on the last night of the session. I never seemed to enjoy that success, but I have enjoyed every minute of the fight; and I go further and say I do not think either this Parliament or the State itself are any the worse for the various fights I have put up. In the latter days—in the twin floods, if I may put it that way—of "ultra democratic Liberalism" and the "not so democratic Socialism," I have found it rather difficult to discover a *via media*—that desire of the lukewarm, ineffective politician—so I had to go back to where I started, to one end of the rope or the other.

I often feel that perhaps I am like those in that small group who have their fun and games in the Communist ring in the Botanic Park on Sundays. They are the exhaust pipes.

I speak here for a number of old-fashioned people, and there are still quite a lot of them, who believe in certain fixed principles, such as religious instruction, private enterprise, supply and demand and things like that which are basic in some of our minds. I shall not call them Conservatives, because a former member, Mr. Hoare, once said that all the other Conservatives were dead and I was the only one left. Anyway I have tried to be their safety valve, their exhaust pipe. I have done my best. When I mention ultra democratic Liberalism and so on, perhaps it is providential that the fruits of these two democracies which come before us in the form of Bills have to be ground between the upper and the nether millstones in this place. On the one hand they have to pass the ever vigilant scrutiny of Mr. Condon and his loyal followers, and on the

other my humble self and my own few loyal followers. At this stage I wish to thank those five Galahads who have so frequently followed me across the floor of the Chamber on divisions, sometimes when I was right, and sometimes, and even more important, when I was wrong, they were there, and I want to thank them for it.

I now come to something very close to my heart. In all the years I have been in this place I have felt some subtle undercurrent—a sort of friendship, co-operation and a desire to help. It came from everyone in all ranks. It was not spectacular, nor even expressed. It was something that was silent, but I felt it and it was there all the time. It started at the top with you and your predecessors, Mr. President, and came down through the Clerks, the telephonists, typists and messengers of both Houses and indeed in the middle of the House—I should not like to leave out Mr. Harrison. Then there was the caretaker, the catering staff and all the others. In fact, it stretched from the smiling sergeant outside the front door to the equally smiling and very useful cellarman inside the back door. I have had this feeling really strongly. They want us all to do a good job, so they take a pride in helping us to do it. I have felt this ever since my inauguration by the late Mr. Morice, and felt it through that courtly old-world gentleman, Mr. Malpas, who was head messenger when I first came into the Council. I hope and I believe that other members have been helped by this enriching feeling in the same way that I have. It is something that in spite of all life's hardships and troubles makes life well worth living. I strongly believe, Mr. President, that that undercurrent is not the least of the reasons why this Parliament, and this Chamber in particular, is efficient and respected, and I hope it always will be. Lastly, I come to the members themselves. We have fought hard inside this Chamber. In the heat of the moment we have perhaps said some nasty things to each other, but we have not thought much about it afterwards. When we get outside the Chamber, everything is all right again. I have often felt that coming into Parliament is like going to a boarding school. It is a rough school but we soon find our level. As Mr. Condon has frequently said, we soon discover the boys who do their homework and we soon find out how to treat each other. When you have fought hard for and against men, you get to know them, and not only to know them, but to respect them, their various attitudes to life and methods of living. In some cases I am glad to say, I have learnt to love them. They will be amongst my best friends for the rest of my life.

So I say to everyone, to you, Sir, members and staff, both those I have mentioned and those I have not: my thanks for all the assistance and kindness that has been extended to me. I wish all members of this Council and their families good luck, prosperity and, above, all, good health to see them right through to the end.

The PRESIDENT—First of all, may I say "thank you" for members' very kind and flattering remarks about myself. As I pointed out before, members seem very slow on the uptake, for it is they themselves who make the Council a success or not. All the President can do is to try to keep them from getting too far off the road, which it is not difficult to do particularly when the Council is in Committee. These two boys, one on my right and one on my left, will not even let me make a mistake if I want to. They say, "You can't do that." As Mr. Condon said, sometimes I have been a little lenient to some of his loyal supporters. I admit that, but it is quite a good thing sometimes, when you see a fellow working himself up to be hanged, to let him go on and be hanged.

If I may be patriarchal for a moment, I was here with Mr. Bice's father and Mr. Cowan's father and saw them out. Now I am going to see their sons out. It makes one realize that one's own time has to come pretty soon, but the fact remains that that was so. In fact, Mr. Bice (later Sir John Bice) when I first came to Parliament took a kindly interest in me. He thought that the best method was to treat one a little roughly. I remember his enthusiasm about the wheat scheme when he returned from Melbourne and the Council was just meeting. He was full of enthusiasm and said to me: "I wish you would ask me a question about the wheat pool in Melbourne. I have a statement I want to make in the Chamber." Later, I asked the Chief Secretary a question about the wheat pool. Sir John got up and said he was surprised at anyone asking a question like that. He thought that everyone in Australia knew the answer and proceeded to put me right on that. However, I learned from that and was not caught the same way twice.

As has been pointed out, we are meeting tonight in rather sad circumstances. As far as I can see, the only redeeming feature is that I have not seen any of those members who are

leaving us looking so well for months past. We hope that is an omen for their future and that they will continue to enjoy good health. I was pleased this evening when Sir Collier came in. I thought it was rather a glorious finish for him to be able to act as teller against a Government Bill and win by a fair majority. In fact I thought two or three members voted with him because they did not want him to be beaten on his last appearance. But, whatever the reason was, I was glad to see him come in because, had he not, I would have had to give the casting vote—and the result would have been exactly the same.

One thing about Parliament that always worries me is the suddenness of the finish: you are a member of Parliament one day and out the next; there is no half way, you have no rights. I have battled for 30 or 40 years to try to get ex-members a few more rights in the House. They have a few now. In fact, it is possible now for any ex-member to buy a drink here for his old friends. He may do so now but he could not at one time, when the reverse was the position. However, I made inquiries whether an extension could be made in that direction. An ex-member of the House of Commons is not even allowed in the building unless he is taken there by a member. There is the point that, once you are out of Parliament, you are out of Parliament and there is no fooling about with it.

The four members are going out voluntarily, and with the good wishes of everybody here. As I have already said, one of our hopes is that at least they will drop in occasionally to let us see how they are getting on. I add my thanks to *Hansard,* to the staff generally, and particularly to the Head Messenger (Mr. C. C. Bowen) who will retire during the recess.

I single out for special mention the two Clerks, because I see more of them probably than of any member. We are very lucky to have two such men. Nothing is too much trouble for them; they always have things ready when they say they will have them ready. I sometimes wonder how we would get on without their keenness and willingness, because I can assure honourable members that I myself am kept from making many mistakes by their prompting me beforehand. If something happens that is likely to happen, I can look it up and get the answer, so that it appears as though I have known it all along, whereas in fact I have known it only for two or three minutes.

On behalf of those who cannot thank members for their good wishes, I say, "Thank you." I thank them for the assistance they have given me during this session and previous sessions. I look forward to seeing all members back again irrespective of Party, except for those who want to go and have gone out voluntarily. I say: thanks again and good luck for the future.

Motion carried.

ADJOURNMENT.

At 10.21 p.m. the Council adjourned until December 16, 1958, at 2.15 p.m.

Honourable members rose in their places and sang the first verse of the National Anthem.