LEGISLATIVE COUNCIL.

Thursday, April 28, 1960.

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

QUESTIONS.

REPRESENTATION ON UNIVERSITY COUNCIL.

The Hon. K. E. J. BARDOLPH—In the *News* this week there appeared a statement that the University students desired representation on the University Council. Can the Minister representing the Minister of Education say whether he proposes giving that matter consideration? If so, will he at the same time consider requests made from time to time by members of the Opposition in this Council for representation on the University Council, before giving representation to the students?

The Hon. C. D. ROWE—I shall be pleased to refer the matter to the Minister of Education and get some information for the honourable member.

STANDARDIZATION OF NORTHERN RAILWAY GAUGES.

The Hon. F. J. CONDON—As there appears to be a good deal of backing and filling between the Federal and State Governments regarding the standardization of the northern railway gauges, can the Minister of Railways say what is the exact position, instead of one Government belabouring the other all the time?

The Hon. N. L. JUDE—Representations have been made by this State on several occasions, and the most complete information we have been able to offer has been supplied, having regard to the fact that money has to be made available for these investigations, but to some extent we have been disappointed at the lack of co-operation on the part of the Federal Government. Negotiations are still continuing and we are hopeful that they will bear fruit in the not far distant future.

The Hon. K. E. J. BARDOLPH—Is it not a fact that during the regime of the Chifley Labour Government an agreement was signed between that Government and the South Australian Government for the standardization of railways in this State? What effort has been made by the State Government to enforce that agreement on the part of the Menzies Government?

The Hon. N. L. JUDE—I think I indicated that this Government is doing all it possibly can to implement the standardization of the gauges in the north, but there are certain technical factors, and arguments regarding spur lines and so forth, on which we cannot get agreement, but we are hopeful of obtaining it in the near future.

NATIONAL GALLERY ADDITIONAL WING.

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works together with minutes of evidence, on the National Gallery Additional Wing.

COLLECTIONS FOR CHARITABLE PURPOSES ACT (SCHOOLS PATRIOTIC FUND).

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

That this House approves of the making of a proclamation under section 16 of the Collections for Charitable Purposes Act, 1939-1947, in the following form:—

COLLECTIONS FOR CHARITABLE PURPOSES ACT, 1939-1947.

SOUTH AUSTRALIA, *to wit.* } *Proclamation by His Excellency the Lieutenant-Governor of the State of South Australia.*

BY virtue of the provisions of the Collections for Charitable Purposes Act, 1939-1947, and all other enabling powers, I, the said Lieutenant-Governor, with the advice and consent of the Executive Council, being satisfied that money to the amount of seven hundred and thirty-three pounds three shillings and seven pence held at the Treasury to the credit and on behalf of the administrative board of the Schools Patriotic Fund, a body to which a licence had been granted under the said Act, for charitable purposes as defined by that Act, are not and will not be required for those purposes, do hereby declare that the said money, together with any interest accrued thereon, shall be vested in and transferred to the Chief Secretary, being the Minister of the Crown to whom the administration of the said Act has been duly committed, to be applied, as the Chief Secretary thinks fit, to the purposes and objects of S.P.F. Hostels Incorporated, a body duly incorporated under the Associations Incorporation Act, 1956-1957.

The making of this proclamation has been approved by resolution of both Houses of Parliament.

Given under my hand and the public seal of South Australia, at Adelaide, this day of , 1960.

By command,

Chief Secretary.

GOD SAVE THE QUEEN!

In November 1947 this House passed a resolution approving of the making of a proclamation under section 16 of the Collections for Charitable Purposes Act, 1939-1947, declaring that a

sum of £15,000 held by the administrative board of the Schools Patriotic Fund, a body to which a licence had been granted under that Act, shall be applied by that board to the purpose of providing and maintaining residential hostels in South Australia for scholars and students. Early in 1949 a body known as S.P.F. Hostels Incorporated, which is constituted mainly of representatives of the Education Department, was formed and incorporated under the Associations Incorporation Act for the purposes *inter alia* of providing and maintaining residential hostels in or near the city for young female scholars and students and of applying that sum of £15,000 in accordance with the directions contained in that proclamation. The administrative board of the Schools Patriotic Fund then went out of existence and the money was utilised in the purchase and establishment by S.P.F. Hostels Incorporated of the Adelaide Miethke Hostel for Girls, which has since been maintained by that body.

In July last year there was a balance amount of £733 3s. 7d. standing to the credit of the administrative board of the Schools Patriotic Fund at the Treasury. As that board has gone out of existence and the money is no longer required for the purpose for which it was held, the Director of Education, as Chairman of S.P.F. Hostels Incorporated, has requested that that balance be now transferred to S.P.F. Hostels Incorporated to meet the cost of repairs to Adelaide Miethke Hostel and other necessary expenses connected with its maintenance. The request is a reasonable one and worthy of favourable consideration. Members will recall that the greater part of the moneys held by the Schools Patriotic Fund was obtained through the efforts of school children who, during the war years, collected large quantities of waste materials that were urgently needed and in short supply. Money received from the sale of those materials for re-processing etc., was placed in the fund without being designated for any special purpose.

The authority for the making of the proclamation, approval of which is sought by this motion, is contained in subsection (1) of section 16 of the Collections for Charitable Purposes Act, the relevant portion of which reads as follows:—

If the Governor is satisfied that any moneys held for any charitable purpose by or on behalf of any body or association to which a licence has been issued under this Act are not or will not be required for that purpose, the Governor may, by proclamation, declare that the whole or any part of such moneys shall be vested in and transferred to the Minister to be applied to any purpose.

Subsection (2) of that section gives the force of law to such a proclamation and imposes a duty on persons concerned to carry out the directions contained therein. Subsection (3) provides that the proclamation shall not be made until a resolution has been passed by both Houses of Parliament approving of the making of the proclamation. The Adelaide Miethke Hostel is supplying a very great service to the community and I would recommend that honourable members support that worthy cause by carrying this motion.

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

POLICE OFFENCES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from April 26. Page 273.)

The Hon. F. J. CONDON (Leader of the Opposition)—I am pleased to note that the Government is acting on suggestions made to it and is introducing Bills in this House on matters controlled by Ministers here. I think this is the proper time in which to introduce legislation instead of waiting until the end of session because it gives all members a fair opportunity to consider the questions involved. There are several Bills on the file that are under the control of Ministers in this Council. None of the Bills to be debated this afternoon is of a controversial nature, but members of the Opposition will make suggestions that they think should be considered.

A Bill to amend the Police Offences Act was before this Council in 1958, and it dealt with three questions, namely, consorting, the making of bets and other offences that call for police action, and giving police officers the right to board ships and take certain action. When persons suspected of and charged with driving vehicles under the influence of liquor were arrested it was the practice to take them to the City Watch House or the Port Adelaide police station if they were apprehended in the metropolitan area. Section 78 of the Act, as amended in 1957, provided that when a person was apprehended within 15 miles of the General Post Office he could be taken either to the City Watch House or to the nearest police station. A person arrested might have been taken to the Port Adelaide police station, which need not necessarily have been the nearest station and the purpose of this Bill is to clear up any doubts that might exist and to provide that an arrested person can be taken to the City Watch House, the Port Adelaide police station, or

the nearest police station. I understand that the legislation was framed as it was in the past to suit the convenience of a medical practitioner called out to examine the accused. I support the Bill because it will clear up some doubts that exist in the matter.

I have no sympathy with the man who drives a vehicle when he is under the influence of liquor. Members of the police force have a duty to perform, and I have every confidence in them. In any case the person charged has an opportunity to defend himself, and the magistrate is competent to decide whether he is guilty or innocent. However, we must be very careful in this legislation. A suggestion was made in Victoria recently that one of the tests should be to smell the accused's breath, but I should not like to see that introduced here as I think it unnecessary. Smelling a person's breath may be prima facie evidence, but other evidence is also necessary because we all know that when a driver is suddenly taken ill very often the first thing done is to give him a nobbler of brandy. That driver may be a very moderate man and temperate in his habits, or even a teetotaller, but because he smelt of drink that could be used as evidence against him. We must be careful that we do not carry legislation of that sort too far. The offence of drunken driving is always serious, but I do not think that the legislation suggested in another State should be introduced into South Australia as mistakes can be made. I stress that I give the police force 100 per cent support, and I believe that we should be proud of our police force. Its members have always done a good job, but even the best of us may make mistakes.

I recall the case of a particular friend of mine. I had been associated with him over half a century in union and district matters and he was an official of a football club. He was on the field and was put off as a result of something with which he had no connection. He was very upset about the way he had been treated and came to me and stated his case. I went to the Police Commissioner and he was kind and courteous enough to show me the report of the case. Amongst other things the report stated that the man was slightly under the influence of liquor. The officer who had made the report was a very conscientious officer and he probably believed that statement to be true, but my friend had never had a drink in his life; he was an absolute teetotaller and did not know what the smell of liquor was, yet he could probably have been charged although he was innocent. That was an honest mistake and that is why I say that, in passing legislation like this, we should be most careful. I do not know that we need be very careful about this particular Bill, but in dealing with legislation of a similar nature we must be careful, for the public needs protection. However, the half-drunken motorist is not the only danger to the public. There are many roadhogs who have no consideration for human life.

The Hon. K. E. J. Bardolph—Hear, hear!

The Hon. F. J. CONDON—They and drunken drivers will receive short-shrift from me. This legislation is designed to remove an anomaly, and I support the second reading.

The Hon. F. J. POTTER (Central No. 2)—This Bill effects a small amendment to the Police Offences Act, but I do not think it need occupy much of our time. The Hon. Mr. Condon pointed out that we must be careful in drafting legislation dealing with such matters as drunken driving. What we have to be careful about is not so much the drafting of the legislation, but the way in which the law is administered. In South Australia I do not think we need have any worries. Mr. Condon outlined how the proving of the drunken driving offence is dealt with by the Police Department. I saw a reference in the press to proposed amendments to the law in Victoria. One is making an assessment of the impairment of the faculties, which is one of the major matters to be considered in any prosecution for drunken driving. They apparently intend to aid the detection of this offence by giving additional powers to the police, providing for the setting up of road blocks and the use of a mechanical method of detecting alleged drunkenness by an instrument known as the breathalyser, whereby the accused person is requested to inflate a balloon, the contents of which are then analysed. It is allied to blood tests, which are occasionally used in this State for the purpose of detecting alcohol in a person. These are only mechanical aids—straws in the wind, as it were—and in my submission there is nothing that can better an examination by a medical man. The only two qualifications that he need possess, apart from his medical knowledge, are firstly that he should not be biased in his approach to the examination, and secondly that having made his examination he should be fairly well acquainted with the methods adopted by the courts in taking evidence and coming to a decision on whether or not a person is guilty.

The Government and the police in South Australia can be justly proud of the way the

police have carried out the prosecution of drunken drivers. For some years we have had a system here whereby competent medical men employed by the Police Department and known as the Police Doctors are employed for the examination of people arrested for allegedly being under the influence of intoxicating liquor. Already in this State we have legislation dealing with the impairment of the faculties, so we are well ahead of Victoria in this respect. The police doctors here have evolved a system whereby they place a man in one of three categories. According to their examination he is slightly under the influence of liquor, moderately affected thereby, or seriously affected. The police doctors are to be congratulated on the impartial way they go about their examinations. It must not be forgotten that it is always open to an accused person to ask that his own doctor be called and be present when the examination is taking place. That is a sufficient safeguard in any cases where doubt may arise. Where a man is clearly greatly under the influence of liquor, or even moderately so, it is not very difficult for the doctor to so certify.

The difficulty arises when a man is only slightly affected, and it is here that care must always be taken by the doctor or the court concerned to make sure that no injustice is done. These mechanical methods of investigation are more likely to fail when the accused person is only slightly under the influence, because nothing is surer than that the influence of alcohol on a particular person is allied to his capacity to absorb alcohol and to his personality. It is most important that the doctors should consider those two factors, and I think our doctors endeavour to do that. I have been concerned with cases where they have conscientiously given plenty of room for doubt because of a man's psychological make-up—the manifestations of his personality and what he does when he is in a temporary difficulty and perhaps under arrest. So, there is nothing better than an examination by a skilled doctor. The purpose of the Bill is to regularize a practice which is already in existence, namely, that in the metropolitan area an accused person can be taken either to the watchhouse in Adelaide or to the police headquarters at Port Adelaide. At these centres a doctor is readily available to examine an accused and his own medical consultant can get there quickly without a search being made to find the police station, and I think generally this has worked very well.

Under the Act a person who is detained outside the metropolitan area can still be taken to the nearest police station. That, of course, is very desirable, but in the metropolitan area the present system saves calling out a policeman late at night and his having to find a doctor. A late examination conducted by the doctor is most unsatisfactory, and therefore it is desirable that the practice should be regularized of taking an accused person to either of the two centres mentioned. I believe that the Bill should have the support of honourable members and I have much pleasure in supporting the second reading.

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

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from April 26. Page 274.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—It is of interest to note that the first measure on this subject was passed 35 years ago and, with that now before us, there will have been four amendments to the Act. Although we may be twitted from time to time about bringing politics into the debate, our policy has always been to preserve the rights of individuals. I think members will agree that to a great degree this measure hands over those rights to the bureaucracy that has been set up; it protects the acquiring authority, but does not protect the landholder.

The Hon. Sir Frank Perry—Hear, hear!

The Hon. K. E. J. BARDOLPH—The landholder may be a person of small consequence or one of large consequence; a fellow who has built a modest home on a small piece of land or a great landholder, but whoever he may be, there is such a thing as justice, and the Australian Labor Party has always stood for equity and justice. The Act now provides that when negotiations for acquisition become protracted and litigation takes place extending over 12 months, the acquiring authority shall pay interest at the rate of five per cent per annum to the landlord. Let us assume that a landholder has a mortgage on a property with interest at the rate of six or seven per cent; the Government fixes an arbitrary rate of five per cent, thus gaining two per cent on the transaction. On the other hand, and with this we agree, if the landlord is letting the property the amount of rent received by him during the period of negotiation shall be offset against

the interest—one cancelling out or balancing the other. The Minister said, in the concluding part of his remarks:—

The Bill also provides for a similar deduction of rental equivalent (less 25 per cent to cover outgoings) where the owner is himself occupying the property and is thus enjoying the benefit of it.

I say that that is an invasion of the rights of the individual. If he is using the land he is doing so by virtue of his right and title in it, yet, when the negotiations have been completed the Government proposes to take from the rightful owner an amount equivalent to the rental. That is an authoritarian attitude to which my Party does not subscribe, and I raise this point in order to ascertain whether the Government proposes to follow the footsteps of other authoritarian countries throughout the world.

The Hon. C. R. Story—You are the only one suggesting that.

The Hon. K. E. J. BARDOLPH—I am simply reading into the Bill the things I see and my wish is to protect the community. I hope that the Attorney-General will clarify the position on this point.

The Hon. Sir Arthur Rymill—Is the honourable member the new preserver of individual rights?

The Hon. K. E. J. BARDOLPH—The Labor Party always preserves individual rights. Down through the corridor of the years we have done that.

The Hon. Sir FRANK PERRY secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from April 26. Page 275.)

The Hon. F. J. CONDON (Leader of the Opposition)—This is a very innocent Bill and one worthy of favourable consideration. Its main purpose is to give local boards of health more control over drainage and sanitation work. They now have some power of control and this Bill is a further extension of that principle. This legislation was requested by local boards of health and I submitted the Bill and a copy of the Minister's second reading speech to one of the most important councils, which agreed that the legislation was required. Section 123 (1) of the principal Act states:—

All buildings erected or re-built on or after the coming into operation of the Health Act Amendment Act, 1959, in municipalities or townships, within district council districts or on any place or allotments of land of not more than five acres in area shall have such drains, means of ventilation and sanitary requirements constructed of such materials and in such manner as the local board may prescribe.

The section provides for plans and specifications showing the proposed drains, means of ventilation and sanitary requirements to be submitted to and approved by the local board before the erection or rebuilding is commenced. I now make a suggestion to the Minister. The Building Act conflicts with the proposed legislation because that Act requires a certain method for the drainage of water from the roof of a building, the means of disposal of night soil and other water from the building. I submit that the Building Act should be amended to bring it into line with this legislation, otherwise there will be a conflict between the two Acts. I think it important that the two Acts should be uniform so as to obviate much trouble in the future. What happens today? Many small builders have started operations within the last 10 years and there are also many new citizens and they are not aware that they must comply with these provisions. The result is that there are often arguments among individuals, councils and local boards of health.

The Hon. E. H. Edmonds—They are required to submit plans to the local board of health.

The Hon. F. J. CONDON—They do not do it, and the first we know about it is when they run to the local member of Parliament. If there is a conflict between the Health Act and the Building Act there will be room for disagreement and, in order to make it clear, the Government should amend the Building Act to make it agree with this amendment to the Health Act.

The Hon. E. H. Edmonds—That will not make matters any better if they conform to the Health Act.

The Hon. F. J. CONDON—Very often that is not done. Many buildings that were constructed 25 to 50 years ago are being remodelled and there are many things the average person does not know. He is, of course, obliged to ascertain the position, but he may quite innocently commit a breach of the Act. Many cases of breaches have been brought to my notice. I do not think my honourable friend objects to the local board of health having this authority because the boards are in a better position than anybody else to judge these matters. We all know that in the last 10 years in the metropolitan area where control is exercised by the City Council or by the municipal corporations many buildings have been erected, and it is quite easy to make mistakes. Men who

have had much experience know and understand the position, but I have noticed that many buildings are being erected on Sundays by people engaged in a community effort. They are mainly New Australians who come here, club together, and build a home. That is where most of the breaches are committed and where most of the complaints are raised, and that is why this legislation has been brought forward. We should assist as much as possible to clarify the position, and we can save unnecessary trouble and expense to the councils concerned.

The Bill is designed to give the local boards of health and the City Council further control and power to deal with the cases I have mentioned. I support the Bill and if any honourable member has any further suggestion to make I shall be pleased to listen to him.

The Hon. L. H. DENSLEY secured the adjournment of the debate.

LAND AGENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from April 26. Page 275.)

The Hon. S. C. BEVAN (Central No. 1)—There is an acute shortage of homes and a great demand for them, and the result is that there has been considerable activity in land subdivision and the sale of allotments for home building purposes. Land is being subdivided farther and farther from the centre of the metropolitan area where most of the remaining land is now available. The land boom is still in progress. While subdivisions are proceeding there are, unfortunately, some land agents who devise ways and means of getting around the provisions of Acts of Parliament dealing with land sales and subdivisions. Loopholes are found and some land agents make false representations, when selling land, to people seeking allotments on which to build a home. The misrepresentations they make mainly concern the services provided or not provided in the area such as water, sewerage and electricity supplies. Occasionally newspaper advertisements about subdivisions maintain that water and sewerage are provided in the area, but what is the interpretation of "the area"? The salesman, pointing to the plan, mentions that the water and sewerage service is "just down here." It may be a mile away from the subdivision, and not even in that particular subdivision.

A person buys a block only to find that the services are a considerable distance away, and after inquiries he may find that it will be a considerable time before these facilities will be available. It is not uncommon for a person to be told by the Engineering and Water Supply Department that the sewers in the vicinity are loaded to capacity and that before any further connections can be made a new drain will be necessary and that it may be a considerable time before anything can be done. What I have mentioned is direct misrepresentation, but nothing can be done about it under the present Act. An area of sandhills on the south coast was subdivided and it was advertised that it presented a wonderful opportunity for building a holiday home and that all facilities were available. Much green dye was sprayed on the dead grass and sticks on the sand to improve the appearance. It was stated that bore water was available, but the water is as salty as the sea. The blocks sold like hot cakes. However, the buyers found that no facilities were available and therefore it was useless to build a holiday shack. The result is that there has been little building activity.

In another coastal district where land was advertised for sale high winds are experienced and one day a person may have a sandhill on his block, but it may be a couple of miles away the following day. It is quite apparent that the Government is well aware of these things, but there are loopholes in the present Act and the salesmen can get around it. The Town Planning Act provides that before any subdivision is proceeded with, plans must be submitted to the Town Planner and approved by him. Roads must be provided within a subdivision before approval will be given. The Act could go a little further and provide for some control over the building of roads. At present a bulldozer may level the area of a road, metal is next put down and bitumen sprayed on it, and then fine screenings are spread. This may be quite satisfactory for light traffic, but when heavy traffic traverses such a road it will not last very long. These roads must be provided by the person making the subdivision.

The Hon. C. R. Story—Are they not built under the supervision of the local council?

The Hon. S. C. BEVAN—That may be so, but the cost of building the road is added to the price of the land; so, the subdivider does not pay for its construction, but the buyer of the land. Under the Local Government Act the maximum moiety to be paid by a land owner for road building is 10s. a foot, and if allowance is made for a residence on each side of the road it amounts to £1 a foot. However, in a subdivision much more than 10s. a foot is added to the cost of a block. On one occasion

I inquired regarding a block in a subdivision and was told that the cost of the road would amount to 30s. a foot, and it was admitted that the same charge would be levied against blocks on each side of the road, so it meant a return of £3 a foot to the subdivider. This practice should be prevented by legislation.

The Hon. F. J. Potter—That 10s. a foot is only a contribution.

The Hon. S. C. BEVAN—Residents on both sides of the road have to pay and therefore the return amounts to £1 a foot in one instance and to £3 a foot in the other. If honourable members think that a higher charge is justified, why do they not attempt to alter the Local Government Act and give the councils some justice?

The PRESIDENT—I think the honourable member is drifting a little from the Bill.

The Hon. S. C. BEVAN—There are two important clauses in the Bill, the first being clause 3, the object of which is to close loopholes in the present Act. As the Minister said when explaining the Bill, the Act applies only to plans submitted to the Lands Titles Office or to the Principal Registry Office. No reference is made to plans submitted only to the Town Planner and approved by him, or where a subdivision is proceeding under his approval. It is at present difficult to prove whether a breach has been committed. Subsection (1) of section 65, which clause 3 amends, provides that "subdivided land" means—

Any one or more vacant allotments of land shown on a plan of subdivision deposited in the Lands Titles Registration Office or the General Registry Office at Adelaide or any part of such an allotment.

There is a proviso that it shall not apply to agricultural or horticultural land. Section 65 (2) states:—

Any person who, in connection with the selling of any subdivided land or any interest in such land, knowingly makes a false representation which is likely to induce another person to buy such land or interest shall be guilty of an offence.

Penalty: Two hundred pounds or imprisonment for not more than twelve months.

Apparently, if plans have not been submitted to the Lands Titles Office no breach of that section has been committed and therefore any prosecution must fail. To overcome that difficulty a further subsection is now proposed, so as to include plans lodged with the Town Planner. In future, if misrepresentation occurs in connection with plans lodged either with the Town Planner or with the Lands Titles Office, it will be a breach of the Act. The other amendment, in clause 4, is simply consequential. It provides power of inspection of books, accounts and documents. Here again this is apparently an attempt to overcome a difficulty that has occurred in the past where the right to inspect has been challenged and the challenge upheld. A similar provision occurs in section 33 of the Business Agents Act, which apparently has stood the test of time and has consequently been adopted for this legislation. I feel that the Bill is a good one and have pleasure in supporting it.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

METROPOLITAN TRANSPORT ADVISORY COUNCIL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from April 26. Page 276.)

The Hon. A. J. SHARD (Central No. 1)—This is a short amending Bill of five clauses and on the surface seems to be perfectly innocent. However, there are one or two aspects of it which make it rather more important than we were led to believe by the Minister's introductory speech. The Act was introduced in 1954. It was fairly well debated and there was quite a difference of opinion on it. The Hons. Messrs. Jude, Condon, Cudmore and Perry spoke on it, so it seems that we had the big guns of each side and they were not all of one opinion. However, it was agreed that the advisory council should be established, and its life was to terminate in 1957. In that year a Bill was introduced to extend its life to 1959. That was accepted fairly generally because only three speakers (the Minister, Mr. Condon, and Mr. Robinson) spoke to it and it was passed. Clause 3 of this Bill extends the life of the council from 1959 to 1962, but we find a sting in the tail of the Bill, for clause 5 states:—

This Act shall be deemed to have come into operation on the thirtieth day of December, 1959.

Section 14 (5) of the principal Act states:—

No order shall be made under this section after the thirty-first day of December, 1959, but any orders made on or before that day shall remain in force after that day for such period as is necessary to give effect thereto.

I do not know whether any decisions have been made since December 31, 1959, nor do I wish to lay any blame on the distinguished men who comprise the advisory council—Messrs. A. J. Hannan, Q.C. (chairman), J. A. Fargher and J. N. Keynes. They find themselves in a most embarrassing position due to neglect on the part of the Government. Any

work they have done since the end of 1959 has no legal standing. I can readily appreciate Mr. Hannan's feelings on the matter and it does not speak well for the department responsible, or for the Government that allowed such a situation to arise.

The Hon. F. J. Condon—The Government will not make increases in superannuation pensions retrospective.

The Hon. A. J. SHARD—Where it is a question of superannuation, or allowances and so forth for employees, the Government does not believe in retrospectivity. The present state of affairs is bad enough, but I have heard it suggested both in this Chamber and in another place, that there is no necessity for two sessions of Parliament in one year. Had we not met this year earlier than usual, the advisory council would have been in existence for almost 12 months without authority and its decisions during that time would have been without any value whatsoever. Therefore, this is a very good argument in support of our request that Parliament should meet at least twice a year.

I support the Bill, for I am a great believer in advisory councils. People who are directly affected by any works or proposals should have some say. Any man can give advice to the Government from his experience, and I am glad to have been associated with several advisory committees over the years. I know their value and I can appreciate the Government's belief that it is necessary to have an advisory council on the important question of metropolitan transport. It is a very big subject, and I agree with the Minister's remark that the position of transport in the metropolitan area is not yet clear or final.

The Hon. G. O'H. GILES secured the adjournment of the debate.

ADJOURNMENT.

At 3.30 p.m. the Council adjourned until Tuesday, May 3, at 2.15 p.m.