

LEGISLATIVE COUNCIL.

Wednesday, August 10, 1960.

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

QUESTIONS.**BASIC WAGE: APPLICATION FOR REDUCTION.**

The Hon. F. J. CONDON—I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. F. J. CONDON—It was stated in today's press that the South Australian Employers' Federation has lodged an application with the Commonwealth Arbitration Commission for reduced wages in South Australia, based on the claim that Adelaide's capacity to pay is lower than that of the larger cities and that the employers' capacity diminishes in the smaller centres. If the application were successful, it would result in a lowering of the standard of living in this State. The Federation asks that the basic wage in Adelaide be 25 per cent less than increases ordered for Sydney, so that the Adelaide wage eventually will be stabilized at 90 per cent of the Sydney wage. The South Australian application is supported by the Playford Government, which has briefed one of its top-rankers in the person of Mr. W. A. Wells of the Attorney-General's Department to support the employers' application. My request to the Government is that it withdraw Mr. Wells from the hearing. I am much concerned and upset about the Government's action, for if the application is successful it will create industrial unrest. If the Government wishes to stimulate direct action, it is going the right way about it. The reduction of the basic wage and the consequent lowering of the standard of living would apply to the majority of people in South Australia; and if the application were successful it would result in increasing the country differential rate by 12s. a week. I ask this question in all sincerity because I do not want that good feeling that exists between employers and employees disturbed.

The Hon. C. D. ROWE—I ask the honourable member to put his question on the Notice Paper.

The Hon. A. J. SHARD—In view of the continued growth of industrial business in this State under present Arbitration Court awards, the very happy relationship between employers and employees, and the very real threat of direct action by employees as a consequence of the matter referred to by Mr. Condon, with

the consequent unbalancing of those harmonious relationships, will the Minister of Labour and Industry take up with Cabinet the question of withdrawing its support from the employers' application before the Arbitration Commission?

The Hon. C. D. ROWE—As the honourable member's question relates to the matter raised by Mr. Condon, I ask that it also be placed on the Notice Paper.

The Hon. F. J. CONDON—Why should I have to wait until Tuesday next to get a reply to a very important question that concerns a great number of people?

The Hon. C. D. ROWE—I recognize that the question is important and for that reason I felt that the honourable member should get a considered reply.

The Hon. K. E. J. BARDOLPH—Is it not a fact that the Playford Government boasts of attracting overseas industries to this State because of the industrial harmony that exists? In view of this, is the Minister not of opinion that the Government's action in appearing before the Arbitration Commission in support of employers will upset the harmony that the Playford Government alleges it desires to maintain?

The Hon. C. D. ROWE—That question would seem to be almost the same as the previous questions in other words, and to be fair to the honourable member's colleagues I ask him also to put it on the Notice Paper.

The Hon. F. J. CONDON—Will the Minister supply me with a written reply to my question today, without my having to wait until Tuesday next?

The Hon. C. D. ROWE—I regret that I am unable to submit a detailed reply in writing today because, obviously, I must confer with my colleagues on this matter.

TAKE-OVER CONDUCT.

The Hon. K. E. J. BARDOLPH—I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. K. E. J. BARDOLPH—Has the Chief Secretary's attention been drawn to a statement from London, dated August 9, published in the *Advertiser* this morning under the caption "Take-over Conduct"? It is as follows:—

A code of conduct for take-over bidders with the full weight of the law behind it was proposed by the British Association of Certified and Corporate Accountants in a memorandum published today.

It would ban making take-over bids without telling the directors of the company concerned. It would force a take-over bidder to disclose his

name and not hide behind a third party "front man" and make it compulsory for a bidder promising cash to declare when and by whom it will be paid.

He would also have to produce a letter from a body approved by the Board of Trade affirming that the total amount of cash needed will be forthcoming.

As the take-over technique has reached such large proportions, will the Government consider introducing legislation on the lines proposed in that article?

The Hon. Sir LYELL McEWIN—The subject of take-overs, of course, is something on which one should not readily express opinions as it has not been considered at Cabinet level. We know that in some cases a take-over can be of advantage, whereas in others there may be more difficulty in seeing any advantage to the community. It is a question that would have to be considered as a policy matter, and I will refer it to Cabinet.

ASH TRAYS IN MOTOR VEHICLES.

The Hon. G. O'H. GILES—Will the Minister representing the Minister of Roads look into the possibility of legislating to enforce the provision of permanent ash trays in motor vehicles sold in this State? I consider that this is a very sensible move, in view of the great flush of dry feed that we may expect in country areas during the coming summer.

The Hon. Sir LYELL McEWIN—It is one thing to provide ash trays and another thing to see that they are used. I once travelled with a member of Parliament in another State and he had a car fitted with an ash tray, but he asked me not to use it but to throw the butts over the side. That indicates about how effective ash trays are and I think legislation making them compulsory would be completely futile. Even if ash trays were provided in motor vehicles, they would be valueless unless used. It is impossible to follow motorists up to see that the ash trays are used.

EVIDENCE ACT AMENDMENT BILL.

The Hon. C. D. ROWE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Evidence Act, 1929-1957. Read a first time.

MOTOR VEHICLES ACT AMENDMENT BILL.

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

LAW OF PROPERTY ACT AMENDMENT BILL.

Bill read a third time and passed.

HIRE PURCHASE AGREEMENTS BILL.

Adjourned debate on second reading.

(Continued from August 9. Page 507.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading but do not propose to go through it clause by clause because I know, and I think every other member knows, that this is a Committee Bill. I will, however, make the viewpoint of the Opposition clear. The Labour Party is not opposed to the system of hire-purchase and believes, and I think every honourable member believes, that with the present growth of hire-purchase there should be adequate protection for the trader and for the hirer. That is the basis of the general rule in trade. This Bill proposes to rectify some anomalies and practices that have crept in with the growth of hire-purchase in South Australia, and it is designed to ensure that both the trader and the purchaser shall have adequate protection, or at least some protection, over and above that provided in the existing legislation, which has operated since 1931. I was surprised to hear the honourable Mr. Potter say that hire-purchase does not affect the economy and that this is purely a legal Bill.

The Hon. Sir Arthur Rymill—He said this Bill did not affect it.

The Hon. K. E. J. BARDOLPH—I do not wish to misinterpret what the honourable member said, but he said we should discuss this Bill purely from a legal angle and that it was not an economic Bill. I know that every honourable member will agree that hire-purchase is playing a very great part in the economy of Australia. Mr. Potter quoted some colossal figures, and I do not deny that they are authentic. The present system of hire-purchase is here to stay, and even though it may be said that this is purely a legal Bill to close certain legal loopholes that were used by some persons in the business, it cannot be denied that those in charge of the hire-purchase financial companies comprise generally a very reputable section of the community who wish to be protected; and they agree that some measure of protection should be afforded by means of an amendment to the law.

A Premiers' Conference was held on January 14, 1959, because New South Wales and Victoria desired some cardinal principles laid

down on the conduct of hire-purchase companies. Two further conferences were held, and the Premiers agreed in principle to legislation similar to that we shall be discussing in Committee. Two points on which they could not agree on firm principles related to the rate of deposit and the rate of interest to be charged. The three conferences agreed that those two questions should be left to the States when amending their own legislation. It was unanimously agreed that there should be a uniform code governing hire-purchase.

As I have said, I do not intend to discuss the Bill fully, because it is a measure that every honourable member will have a full opportunity to discuss later. A sheaf of amendments submitted by Mr. Potter is on members' files. I support the second reading and reserve the right to express in Committee my views regarding the various clauses and proposed amendments.

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

SOIL CONSERVATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 9. Page 508.)

The Hon. R. R. WILSON (Northern)—I support the Bill. There is always a good reason for the introduction of a measure of this kind. Yesterday we had an excellent speech from the Hon. Mr. Story. In another place there was only the second reading explanation of this important Bill. Its objects are to simplify and clarify the provisions of the principal Act to prevent persons from causing sand drift by cultivation, burning off or overstocking. Mainly, soil erosion can be controlled by the occupiers of land. In these days we do not see as much sand drift as we did years ago, because the occupiers of land have learned how to control soil erosion, and sand drift in particular. Years ago burning off took place after the wheat crop had been harvested, which left the surface soil very loose, as nothing binding was left. The Agriculture Department advised occupiers of land not to burn off in this way, but to put the growth above ground back into it, and this has been made possible by the use of disc implements. The result is that the soil is not so loose today as it was previously. Overstocking is now under control. Last year when we had a drought I thought there would be considerably more drift this year, but because of the heavy rains since the opening of the season the

anticipated sand drift has not taken place. Another reason for the control of sand drift is the use of myxomatosis. Rabbits were the cause of much soil erosion, particularly in the Murray Mallee where the rabbits did not use burrows. They were bush rabbits and caused much drift.

In declaring districts to be soil erosion areas, mainly in the Upper South-East and the Murray Mallee, the Advisory Committee on Soil Conservation has done an excellent job. Before allotment, virgin country in those areas was surveyed and the portions where drift was likely were placed under control. There is a strip of land containing hundreds of thousands of acres in the Hundreds of Moody and Rudall with sand drift trouble, yet there is a great demand for it from settlers. The advisory committee will deal with this land and I pay it a compliment for the way it controls this type of country. The Bill provides for the division of districts to assist in administration, which will prove a great benefit. It also provides for the Minister declaring certain lands to be under control, which is something that was not possible previously. Of course, his decision will have to be confirmed by the advisory committee. This is an important Bill and gives the advisory committee more powers, which is essential. The Soil Conservator has done excellent work and has given personal attention to the portions of the State subject to sand drift. I have much pleasure in supporting the measure.

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

TRAVELLING STOCK WAYBILLS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 9. Page 509.)

The Hon. L. H. DENSLEY (Southern)—In supporting this Bill I point out that the Act was amended last in 1956. The amendments deleted the definitions of "horse" and "police officer" from the interpretation section, and altered from 15 to 20 miles the reference in sections 5 and 6 to the distance covered in the droving of stock from the place of departure. Section 6 was further amended by adding the following subsection:—

(2a) If any drover is in charge of or has under his control any stock which within any hundred are being driven on the hoof or are being conveyed by means of any vehicle (other than by railway) at any time between one half hour after sunset and one half hour before sunrise, he shall be guilty of an offence against

this Act, and shall be liable to a penalty of not more than five pounds in respect of each of the cattle or sheep as to which the offence is committed, unless he has with him throughout the journey a waybill for such stock in the form of the first schedule or in a form to the like effect which, in addition, is indorsed with a certificate in writing stating that the particulars in the waybill are true, . . .

and again by adding the following subsection:—

(4) in any proceedings for an alleged offence relating to the conveyance of stock within any hundred contrary to subsection (2) of this section it shall be a sufficient defence if the defendant satisfies the court:—

- (a) that the stock were being conveyed at a time between one half hour before sunrise and one half hour after sunset; and
- (b) that the stock were being conveyed to a place distant not more than twenty miles from the place of departure of the stock.

The anomaly arises that under section 5 the onus was thrown upon the owner to supply the waybill. Having relieved the drover, who, of course, may be the owner or an employee, by giving him a defence with regard to travelling stock without a waybill in certain circumstances, it is essential to release the owner from the obligation of providing a waybill in the same circumstances, and consequently I support the amendment.

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

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from May 11. Page 455).

The Hon. A. C. HOOKINGS (Southern)—Although it is now some weeks since we heard the last speech in the debate on this Bill, I have carefully studied the speeches already delivered, which were aptly described by the Hon. Mr. Story as very good and informative. I subscribe to that view and I too fully appreciate the necessity of the amendments. However, there are some aspects of the matter which are disturbing, because those of us who have had a little experience in the workings of compulsory land acquisition realize that it is of general concern to both the acquiring authority and the person or persons from whom the acquisition is necessary. I am sure we all realize that in this modern age

it is beyond all doubt that legislation such as the Compulsory Acquisition of Land Act is necessary, and it would be simply a waste of time and of words for me to elaborate on that aspect. Nevertheless, I am sure that we sympathize with people who own property in our democratic land, but from whom something must be taken in order that the majority in the community may benefit. I therefore propose to support the Bill, but will be very interested to hear further amendments and explanations in the Committee stage because, firstly, although I appreciate the benefits of the payment of interest by the acquiring authority, I feel that the rate should be more than four per cent and at least equal to bank rates. Secondly, although the example quoted by my colleague, Mr. Story, relating to the East End Market, was interesting and worthy of further consideration, that is a case where notice of acquisition was given many years ago, and if interest is being paid today it must be based on valuations that are hopelessly out of date.

Apart from land being compulsorily acquired for road purposes, my practical knowledge of this Act is not very great, but I am gravely concerned about the rights of the individual, and any legislation that will assist both parties in compulsory land acquisition will have my full support.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Promoters to pay interest in event of delay."

The Hon. Sir FRANK PERRY—I ask the Minister if he will agree to reporting progress. I was not aware that the Hon. Mr. Hookings was to be the last speaker, and I should like the opportunity to fortify myself further on some aspects of this matter.

The Hon. C. D. ROWE (Attorney-General)—I am prepared to report progress. Several points have been raised in the course of the debate and I too should like an opportunity to consider them in detail before proceeding further.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 2.55 p.m. the Council adjourned until Tuesday, August 16, at 2.15 p.m.