LEGISLATIVE COUNCIL.

Wednesday, November 9, 1960.

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

QUESTIONS.

STANDARDIZATION OF RAILWAY GAUGES.

The Hon. F. J. CONDON—Can the Minister of Railways give any information, now that the Frome by-election is over, regarding the proposal to standardize the northern railway gauges, which matter is now before the Commonwealth Cabinet, and is it correct to say that nothing will be done before the eve of the next State elections?

The Hon. N. L. JUDE—I do not know in what mood the honourable member's question is couched, except that it is obviously in the wrong mood. I would add that there is plenty of information in the press this morning regarding the standardization of the gauges in the northern areas.

The Hon. K. E. J. BARDOLPH—Can the Minister of Railways say on whose authority the Premier made the statement during the Frome by-election campaign that the standardization of northern railway gauges would be proceeded with forthwith?

The Hon. N. L. JUDE—The Premier would have made it on his own authority. The statement he made was that if the Commonwealth Government agreed to provide finance for the work it would be proceeded with forthwith. I would heartily support that.

The Hon. K. E. J. BARDOLPH—Is the Minister of Railways aware that the Prime Minister, in the House of Representatives, indicated about a fortnight ago that no request had been made by the Premier for any money in connection with the unification of railway gauges?

The Hon. N. L. JUDE—I have been away for some time and I am not aware of that statement, but I think it has been taken out of its context and refers to the fact that the Premier did not want any more money this year for the experimental work in connection with the planning of the railway.

NOOGOORA BURR.

The Hon. C. R. STORY—I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. C. R. STORY—My question deals with Noogoora Burr. I read a report that the Queensland Department of Agriculture is taking some steps to eradicate the burr by releasing an insect, known as the Mecus beetle. I am wondering whether our department has been in contact with the Queensland department about this matter.

The Hon. K. E. J. Bardolph—Question!

The Hon. C. R. STORY—Can the Minister representing the Minister of Agriculture say whether it is a fact that the Queensland Department of Agriculture is doing some work towards the eradication of Noogoora Burr by releasing an insect known as the Mecus beetle? Can the department give any information about the extent to which the Noogoora Burr has established itself in this State, and can it indicate the difference between the Noogoora Burr and the Californian Burr, which is prevalent in many parts of the Murray areas?

The Hon. Sir LYELL McEWIN—The honourable member's question is rather involved. It deals with the question of some means of eradication of the Noogoora Burr being introduced in our State. We have had a lot of beetles in the northern areas of the State during the last week or two, and whether any one of them was effective I shall endeavour to ascertain.

AUSTRAL HOUSE.

The Hon. Sir ARTHUR RYMILL—About 12 months ago I asked the Chief Secretary a question about the future of Austral House on North Terrace, and he then gave me some encouragement.

The PRESIDENT—The honourable member cannot argue his question.

The Hon. Sir ARTHUR RYMILL—I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL—The Chief Secretary gave me some encouragement on that occasion that there was a possibility that Austral House would be handed over to the National Trust in due course and that the time might be sooner than was generally expected. Can he say whether there is an indication that the time when Austral House will be vacated is drawing nearer, and has he any further information on the matter?

The Hon. Sir LYELL McEWIN—The only information I can give the honourable member is that the use that Austral House is being put to at the moment is certainly being

accentuated rather than relieved. I would think that for some time it would be used for the useful purpose for which it is being used at present, which is the preliminary training of nurses. As far as the Government is concerned, I think there has been a fairly definite statement made that the building will not be allowed to fall into another person's hands. For purposes of preservation, it will be kept.

TRAFFIC LIGHTS.

The Hon. A. J. SHARD—About two years ago I drew the attention of the Minister of Roads to the necessity for traffic lights at the intersection of John Street and Government and Port Roads. The Minister promised that something would be done. About 12 months ago I referred the same matter to him, but as yet nothing has been done at the intersection.

The PRESIDENT—The honourable member must ask his question.

The Hon. A. J. SHARD—If there is one rule we would be happy if it applied both ways. Can the Minister tell me when traffic lights will be installed at that intersection?

The Hon. N. L. JUDE—I think the honourable member is aware that the installation of traffic lights is a matter that must have the approval of the council concerned. I have no doubt that when the new Road Traffic Board is set up the matter will be clarified sooner than would otherwise be expected.

PAYMENT OF WATER RATES.

The Hon. F. J. CONDON—This year payment of water and sewer rates has been requested by November, but previously payment was not expected until late December. Can the Minister representing the Minister of Works tell me what is the reason for the alteration in the due date of payment?

The Hon. N. L. JUDE—I will undertake to ask my colleague for a reply to that question.

NURSES REGISTRATION ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Nurses Registration Act, 1920-1959. Read a first time.

The Hon. Sir LYELL McEWIN—I move—

That this Bill be now read a second time.

Its object is to make some amendments mainly of an administrative character to the Nurses Registration Act. The first proposed amendment (clauses 4 and 5) is to alter the constitution of the board, which consists of seven members, by removing the nominee of registered nurses who are not members of the Royal British Nurses Association or the Royal Australian Nursing Federation and substituting an extra representative of the Royal Australian Nursing Federation. There has been some difficulty in finding a non-member of either of the associations mentioned and it has been generally agreed that the way out of the difficulty is to have an extra member of the Royal Australian Nursing Federation so that the board will still consist of seven members.

The second amendment (clause 6) is to extend the existing provision empowering the board to order persons to refrain from acting as midwives for a specified period in the interests of the prevention of the spread of disease. Clause 6 will extend this provision to cover all branches of the nursing service. The amendment which is designed to cover prevention of the spread of disease is a reasonable one and has been recommended by the Nurses Board.

The third amendment which is effected by clauses 7, 8, 11 and 13 will empower the board to require a person who has not practised for five years to undergo a refresher course before being registered in any branch of the nursing service. At present the law provides that any person who has passed the prescribed course of training and generally complied with the qualifying requirements is entitled to registration. Cases occur where persons cease to practise for a number of years, perhaps because they have been married or have left the State and then desire to become re-registered or where they have qualified overseas some years previously seek registration in South Australia. The board feels that having regard to the changes in nursing techniques which are constantly going on and the use of new drugs provision should be made for the board in its discretion to require these persons to undertake refresher courses to ensure that they are up to date before being registered.

The next amendment (clause 9) concerns section 26 of the principal Act which provides that only one fee shall be payable by a person whether registered on one register or more. In all the other Australian States a separate fee is charged for each certificate of registration and the board proposes to adopt the same practice. The amendment will remove the provision concerning one fee.

The principal Act provides that the board may cancel a person's registration for non-payment of the annual retention fee. It is however a condition of such cancellation that the board must notify the persons concerned by registered post. This procedure is costly. Last year only eighty-two out of three hundred nurses who were advised of the board's intention to cancel forwarded their retention fees and some £60 odd was received as against the cost of postage amounting to £55. In some States only six months are allowed for the payment of annual retention fees.

Clauses 10, 12 and 15 of the Bill will provide that cancellation of registration or enrolment will be automatic after twelve months following a notice from the board given by ordinary post. The last amendment is effected by clause 14 of the Bill. When the principal Act was amended last year by the addition of provision for nurse aides it was provided that a nurse aide must be nineteen years old before registration. This was based on a two-year course commencing at seventeen. Certain changes are under consideration whereby the training period will be one year instead of two as is the case in other States. Clause 14 accordingly amends section 33k of the principal Act by substituting eighteen years for nineteen years.

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

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

On the motion for the third reading:

The Hon. F. J. POTTER (Central No. 2)—We went through this Bill in Committee at great length yesterday and battled away at a number of amendments I placed before the Committee. Two minor amendments were accepted, but the others were rejected. I was disappointed at the result, not so much in the actual vote, but at the fact that certain members apparently were completely unaware of what I was trying to do by the amendments. They were not directing their minds to the salient fact that the amendments would have no effect upon the hard core of houses which represents the Government's problem as far as this Act is concerned. If I were to take a volume of *Hansard* and remove the top copy I could do what I liked to it. I could tear it up or throw it away, but that would not affect what was left. Honourable members do not seem to be able to understand that. I hope that before next year, when undoubtedly we shall have another Bill of this type before us, honourable members do a little homework and direct their minds to the salient features.

The PRESIDENT—The honourable member must not reflect on other honourable members.

The Hon. F. J. POTTER—I am not reflecting upon them in any way, but it is about time they really directed their minds to what I think is the salient feature—that once a person has contracted out of this Act—

The Hon. C. D. ROWE—On a point of order, Mr. President, is the honourable member in order in reflecting upon a vote of this Council taken yesterday?

The PRESIDENT—As I have already pointed out, the honourable member must not reflect on other honourable members. He can state what his opinions are.

The Hon. F. J. POTTER—I am not reflecting upon the intelligence of anyone, but am asking all honourable members who directed their attention to these matters yesterday and voted in a certain way to take notice of what I am saying. I am not in any way criticizing the vote, but I am asking all honourable members to seriously consider some of the arguments I submitted yesterday.

The Hon. W. W. Robinson—Would that not suggest that we did not do it on this occasion?

The Hon. F. J. POTTER—I hope that every honourable member, including those of the Labor Party, will think very seriously about this.

The Hon. F. J. Condon—What about your members?

The Hon. F. J. POTTER—I include them, too. They should be able to understand the arguments put forward. As far back as 1953 the Government removed some of the controls under the Act, and I give it praise for doing so. This action was repeated in 1955 in a slightly different way and again, I think, in 1957. The Government saw, somewhat belatedly, that it was essential to allow contracting out of the Act. I am unreserved in my praise of the Government for that action, which will not in any way have any deleterious effect upon the cost of living.

The Hon. F. J. Condon—I get a hiding every day, but I do not squeal!

The Hon. F. J. POTTER—All the amendments I submitted yesterday were directed towards cases where there had already been contracting out of the Act. I hope that honourable members will give thought to what I have said.

The Council divided on the third reading:—

Ayes (12)—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, E. H. Edmonds, G. O'H. Giles, N. L. Jude, Sir Lyell McEwin, W. W. Robinson, C. D. Rowe (teller), A. J. Shard, C. R. Story, and R. R. Wilson.

Noes (7)—The Hons. Jessie Cooper, L. H. Densley (teller), A. C. Hookings, A. J. Melrose, Sir Frank Perry, F. J. Potter, and Sir Arthur Rymill.

Majority of 5 for the Ayes.

Third reading thus carried.

Bill passed.

PUBLIC SERVICE SUPERANNUATION FUND (ARRANGEMENT) BILL.

Adjourned debate on second reading.

(Continued from November 8. Page 1672.)

The Hon. F. J. CONDON (Leader of the Opposition)—This Bill will enable the Public Service Superannuation Fund Board to arrange for the transfer of its assets and obligations to the South Australian Superannuation Fund Board, and effect the repeal of the Public Service Superannuation Fund Acts of 1902, 1919 and 1953, when the arrangement is made. The old voluntary fund was established almost 60 years ago. Owing to altered circumstances there are no longer any subscribers to that fund, and it is proposed to merge both funds and repeal the old Acts. In the Public Service Fund, division A, interest on investments was £180, while in division B contributions were £125 and the interest on investments £1,193. The refund of annuity was only £6, and the total income was £1,504. The expenditure incurred in division A of the annuities was £604 and in division B £2,962. The total funds accumulated were £5,039 in division A and £33,956 in division B, a total of about £39,000. Cash at the Treasury amounted to £4,221 and an amount of £34,576 was invested in Commonwealth stock.

Honourable members will note that the accumulated amount was not very great, but the balance of funds held by the South Australian Superannuation Fund on behalf of members is £10,750,000. Therefore it seems to me to be a fair thing to pass this legislation. The old fund has been valued by the Public Actuary of South Australia and also by an interstate actuary, who were both satisfied that the fund was sound. Members of the South Australian Superannuation Fund contribute more and receive less benefits than do members of similar funds in other States. The superannuation fund should be overhauled in this State and some increased benefits granted, particularly to widows and orphans of contributors. In supporting the second reading of this Bill I hope the Government will give consideration to these matters so that they may be brought into line with superannuation funds in other States.

The Hon. JESSIE COOPER (Central No. 2)—I wish to add my remarks to those of previous speakers in support of this Bill, which appears to be an advantageous coalition of the two funds and should simplify the administration and perhaps bring benefit in the way of investment. I consider this is an opportune time for the Government to consider bringing superannuation benefits more into line with those appertaining in some other States. The existing disparities are continuously providing fuel for agitation, dissatisfaction and misunderstanding within our State Public Service. Much of this dissatisfaction could be dissipated at no great cost to the Government and, further, in view of the loss in the value of money it would appear to be a gracious act on the part of the Government to give further consideration to the possibility of increasing superannuation benefits beyond the existing scale to those who have already retired.

There are many elderly people, more or less recently retired from the Public Service, who have given many years of their life to the service of this State. They receive superannuation benefits which were calculated as being reasonable and sufficient many years ago. They paid in good money to a superannuation scheme which, because of inflation, is giving them back a much poorer article in return for their part of the bargain. The predicament in which they find themselves is well known to all of us—I am also aware that they are not the only section of the community which has lost in this fashion—but I repeat that I consider it would be a gracious act on the part of the people of South Australia to give some enhanced recognition of the splendid service these retired public servants have given over many years. I support the Bill.

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

EARLY CLOSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 8. Page 1674.)

The Hon. A. C. HOOKINGS (Southern)—This is a lengthy Bill but many of the provisions merely bring the legislation up to date,

while others increase penalties for various offences against the Act. Honourable members will agree that penalties should be higher now than they were 20 years ago. I wish to speak mainly on new subsection (1a) of section 49, which the Hon. Mr. Condon referred to yesterday. I think the other clauses are necessary amendments and will not be criticized. Mr. Condon rather implied that some provisions of this new subsection compelled some retailers to remain open and workers to work up to seven days a week, but if members look closely at the matter they will see that that is not so. Yesterday Mr. Condon said:—

This provision merely extends the hours during which petrol may be served in the metropolitan area on Sundays and, although it is intended to establish a roster system, how can the Government tell three or four sellers that they are allowed to sell petrol on Sundays when the rest of the petrol sellers are not allowed to operate?

I shall later deal with the matter of rostering. Clause 32 amends section 49 of the principal Act. It refers to licences to sell petrol and oil after hours. The section is amended—

(*a*) by inserting after the word "lubricants" in the third line of subsection (1) thereof the passage "and spare parts and accessories";

(*b*) by striking out the word "Sunday" being the last word of subsection (1) thereof and inserting in its place the passage "Sundays and public holidays";

(*c*) by inserting after subsection (1) thereof the following subsection:—

(1a) Subject to the other provisions of this section a licence so granted may, if it is so stated therein, authorize the holder of the licence to sell the motor spirit, lubricants, spare parts and accessories, or such of them as may be specified in the licence, in any one or more of the following ways:—

(*a*) by means of coin-operated machines or self-service pumps;

(*b*) in accordance with such roster system as the Minister determines;

(*c*) in such other manner as the Minister thinks fit.

The proposed new subsection (1a) contains the word "may", and I remind members that section 49 (1) states:—

The Minister may, upon the application of any shopkeeper, grant a licence to such shopkeeper permitting him to sell motor spirit and lubricants for motor vehicles on week days after the closing time and on Sunday.

It is not necessary for every petrol station or shop to remain open, but owners of petrol stations or shops "may" apply to do so. On many occasions, in times of emergency particularly, on public holidays, at night, and on Sundays, it is necessary for people to purchase petrol or oil. At present it cannot be done in Adelaide, but by going a few miles out of the city it is possible to purchase them. The time has arrived for people to be able to get them when required. I am perturbed about proposed new subsection (1a) (*b*), which states that motor spirit, lubricants, spare parts and accessories may be sold in accordance with such roster system as the Minister determines. In a small town it would not be difficult to arrange a roster.

The Hon. C. D. Rowe—There is no restriction on the sale of petrol in country areas.

The Hon. A. C. HOOKINGS—In some country towns a roster may be necessary for the sale of petrol, and in small towns it would not be difficult to arrange one, but at other places it would be difficult. I do not support the proposal and unless members have a good reason for supporting it I ask them to oppose it in Committee.

The Hon. F. J. Condon—You want an "open go."

The Hon. A. C. HOOKINGS—I want an "open go" so that people who want to buy petrol or oil can get it.

The Hon. F. J. Condon—You did not agree in connection with margarine.

The Hon. A. C. HOOKINGS—That is another matter. I have discussed this matter of the sale of petrol and oil with the owner of a service station. Now he closes his station at 2 o'clock on Saturday and opens again at midnight on Sunday, which is lawful. He has being doing that for some time without getting much custom, but he gives a service to people who run short of petrol, oil and motor accessories. The Government has done, and is still doing, its best to provide a good standard of living for South Australians, and per capita Adelaide has the largest number of motor cars. In view of this, it seems wrong for people to be unable to get the petrol and oil they want over the week-end.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—"Amendment of principal Act, section 25a."

The Hon. F. J. CONDON—This is a contentious Bill and in order that members may be able to give it proper consideration I suggest that the Minister report progress.

The Hon. C. D. ROWE (Minister of Labour and Industry)—I realize that some matters

create difficulties, and, although it is late in the session, if the honourable member wants to obtain further information I am willing to report progress.

Progress reported; Committee to sit again.

EDUCATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 8. Page 1674.)

The Hon. L. H. DENSLEY (Southern)—I am pleased to support the Bill and to pay a tribute to our teachers for the way in which they have faced up to the position following on the tremendous increase in the school population. They have done a good job and have rallied to the help of the Minister of Education excellently. From time to time there have been circulated departmental publications regarding teaching matters. They have given us some idea of the complexity and vastness of the work being done by the department. We realize that in recent years it has had difficulty in getting enough teachers and accommodation. The Government's action in introducing legislation to recognize education as a profession has had a good impact on the department generally. It has provided more incentive for young people to take up the profession of education with a view to becoming teachers.

The salaries paid to teachers are at present satisfactory and I do not believe that teachers have any ground for complaint on that score. Provision is made to correct an anomaly with regard to the long service leave provisions and it is intended to remedy an omission in the Statutes Amendment (Long Service Leave) Act. The main object of the Bill is to create a Teachers Appeal Board. The general work to be performed by the board is now performed by a board already in existence, but in future there will be two boards, one dealing with appeals and the other with salaries. That arrangement should prove valuable to the teachers because it will facilitate the hearing of appeals and save much time, thereby causing greater satisfaction.

The new appeals board will act on promotions. Great differences exist between the functions relating to salaries and those relating to appointments. Appointments are extremely important, but I have never believed that promotion based solely on seniority without other qualifications was desirable. The appeals board will provide opportunities in that direction outside the normal civil service arrangement and its effect should prove valuable. We all appreciate that promotion based on length of service is valuable and if a teacher is in the service for a short time he cannot expect the promotion that might be gained if he made a lifetime job of teaching and became efficient in the work to the best advantage of the children of South Australia.

The appeals board will consist of an independent chairman, two members representing the director, and two members appointed to represent teachers. It is important to note that the two members representing the director will be appointed by the Governor on the recommendation of the Minister. I do not know how the teachers' representatives will be appointed or if their appointment will be by the Minister without reference to the teachers or based on a vote of the teachers. Some explanation on that point is desirable because members should know something of that aspect of the matter. The teachers' representatives will be elected from different branches of the service, and, as I understand the position, the board will not be constituted for any length of time, but will deal with particular appeals that come forward and, having made a decision on those appeals, it will be disbanded until further appeals come forward. I do not know how frequent appeals are, but because there are so many branches in the Education Department it would be a good idea to give various branches of the teaching staff an opportunity to be represented on the board. Appellants will be asked to make written submissions and if their submissions disclose grounds for further inquiry the board may hear appellants in person. That provision should avoid unnecessary delays because no greater cause for complaint exists amongst teachers than that of delay. Even if salary rises are given and better conditions are provided for teachers they are still concerned about delays in hearing appeals. This Bill will provide for an early hearing.

The Bill provides for the repeal of section 28t of the principal Act and enacts a provision dealing with appeals concerning special positions. This is a rather important board and it is not necessary to have teachers included under this section. The clause provides that the director should have lists for special promotions for male and female teachers and the teachers may object to the lists. I think we may rely on the Minister, the Director and one other high official in the Education Department to make appointments of this nature, but this question has been

thoroughly canvassed with the teaching profession and has been accepted by it as reasonable, and consequently I have much pleasure in supporting the Bill.

The Hon. JESSIE COOPER (Central No. 2)—I rise to support the Bill for an Act to amend the Education Act. I know that at present appeals in the Education Department are heard by a board which also deals with salaries. Therefore, the formation of a separate board to deal with appeals must be of great service in the future. The whole procedure of appeals will be speeded up and I feel that the Government should have the full support of members in this matter.

However, I feel that a major point must be clarified in proposed new section 28zb(2) before complete acceptance of the Bill can be given. When the Teachers Salaries Board was established by the Education Act Amendment Act 1945 specific arrangements were made for the inclusion of a woman teacher on that body. Section 28b of that Act stated:—

(1) For the purpose of this Part there shall be a board to be called The Teachers Salaries Board.
(2) The board shall consist of a chairman and four members.
(3) The chairman of the board shall be appointed by the Governor and shall be a special magistrate.
(4) Two of the members shall be appointed by the Governor and the other members shall be a male teacher elected by male teachers, and a woman teacher elected by women teachers (in the manner to be prescribed by regulations) . . .

Now, in the Bill before the Council proposed new section 28zb(1) states:—

For the purposes of this Part there shall be a board to be called The Teachers Appeals Board which shall consist of a chairman appointed by the Governor, two members to represent the director to be appointed by the Governor on the recommendation of the Minister, and two members to represent teachers.

The first part of the section, the appointment of the chairman and so on, is almost the same as section 28b (1) (2) (3) of the 1945 Act, but no mention is made of the chairman having to be a special magistrate in this case. Then we have two members to represent the director to be appointed by the Governor on the recommendation of the Minister—that is virtually the same—but we also have "two members to represent teachers". There is no specific provision made for a woman teacher to be elected by women teachers as was the case in the previous measure which is operating today.

Honourable members are well aware of the magnificent work being done by women as well as by men teachers in the Education Department and a very high proportion of the total teachers in this State consists of women. I believe it is essential that the women teachers' point of view be considered. It cannot be denied that sometimes antagonisms exist as to whether a certain job should go to a woman or not. There has recently been an over-publicized case in another State.

The Hon. Sir Arthur Rymill—Have you the approximate numbers of women teachers?

The Hon. JESSIE COOPER—No, but I will try to get them. New subsection (2) states:—

The members to represent teachers shall be elected by and representative of the teachers in the respective branches of the teaching service as defined by the regulations. The teachers in each branch of the teaching service as so defined shall elect two representatives in manner to be prescribed by regulations. The members to represent teachers on the board on the consideration, hearing and determination of any appeal under section 28t shall be the two representatives of the branch of the teaching service in which the special position in respect of which the appeal is brought exists.

Now there are many branches of the teaching service, and we do not know how the regulations will define them, but the usual divisions are infant, primary and secondary. In secondary there is a further division of high, technical high and area schools. There is a further division in the secondary field of general teachers and craft teachers, the latter including art, home science, dressmaking and woodwork and sheetmetal teachers.

I mention these merely to indicate to members how this board is going to change in personnel with every appeal from a different branch of the teaching service. It is obvious that in every case except the field of woodwork and sheetmetal women teachers are vitally concerned and that on every appeals board, therefore, there must be at least one woman, preferably I believe that one of the two members to represent the director who are to be appointed by the Governor should be a woman, and that the elected members of the teachers should be a man and a woman. It will not be acceptable to the teaching world that it should be left to the teachers to elect whom they wish, any more than it was left like this in the appointment of the Salaries Board in 1945. For this Act to work satisfactorily a definite provision must be included, and I will move an amendment accordingly.

New section 28zd is an attempt to keep members of the teaching profession, who are

interested in specific types of jobs, informed of their likelihood of success in applications and of the probability or otherwise of selection to higher positions which they favour. This seems to be a slightly cumbersome arrangement, but if it gives information which is not now available to teachers and if it will dispel false optimism among some it may be presumed to be a valuable addition to the Act.

In ordinary positions where promotion is arranged on some variation of the system of priority, teachers know where they stand and what to anticipate. In these defined special positions there is at present no guide to the individual as to his or her standing with the department, as to his or her rights or future potential—in short, whether he or she is likely or not ever to get promotion to his or her desired appointment. This section of the Bill is a genuine effort to be just to the individual by giving him or her a clue as to his or her standing in relation to any selected position. I therefore support the second reading of the Bill.

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

GARDEN SUBURB ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 8. Page 1683.)

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I propose to support the Bill, which contains four principal points. These were dealt with by the Minister, and I will deal with them, but not in the same order. I will first refer to the portion of the Bill that removes the restrictive covenants originally placed on this suburb and which have continued to relate to sales or the erection of buildings in the suburb. In dealing with the matter, the Minister said that it was considered unnecessary to encumber the certificate of title any more now that the suburb had been developed. I should like to quote from the 39th annual report (1959) of the Garden Suburb Commissioner, who, among other things, said:—

No moneys were expended during the period in acquiring land. The development of the area as a garden suburb has, for most practical purposes, been completed, and the administration has been mainly concerned with its maintenance as a local governing area. No blocks were available for sale or lease during the period . . . No blocks were forfeited during the period. The power to dispense was not exercised during the period. No moneys were received for the sale or lease of blocks during the period.

That seems fully to substantiate the Minister's statement that the suburb has been practically fully developed. Therefore, I feel that we can have no quarrel with the proposal in the Bill because obviously it is unnecessary to provide any further restrictive covenants as the suburb as a whole has been erected in accordance with the original objective.

I will now deal with the vesting in the Garden Suburb Commissioner not only of powers under the Local Government Act, but also powers under other Acts. Most honourable members have been interested in local government in some form or another and know that councils have to administer various Acts. The appointment of the Garden Suburb Commissioner in 1919 was somewhat unusual. A somewhat similar set-up exists at Whyalla and the system seems to have worked fairly well. That does not mean that it will always remain; indeed, the Act contemplates that the area may be handed over to a local governing body at any time the Government sees fit to proclaim it. I believe it has been talked about from time to time, but it has not been done yet.

There is a curious feature about vesting in the one man the powers of a municipality and its ancillary powers. It is rather reminiscent of a couple of light operas I could mention. The Minister enumerated certain of the functions that the Commissioner performs. Under this Bill he is to be not only Garden Suburb Commissioner, but the corporation, municipality and council; he is to be its mayor and its town clerk; he is to be the local board of health and its chairman and secretary. To paraphrase one of the operas to which I referred, I think that the position is that the Commissioner will meet with himself, make representations to himself and argue with himself. He will weigh his own arguments, and make decisions according to how he has been impressed by the particular arguments he has put to himself. In fact, he is to be everything except the Lord High Executioner, or possibly the Lord High Rodent Operative. Of course, those remarks are more jocular than otherwise.

I think the principle has worked well and I do not want to suggest that the position should be altered in any way. Mr. Stephens was Garden Suburb Commissioner for many years and he retired only comparatively recently. Mr. Sellars is now the occupant of the office. Both these officers have done yeoman service in this community. I believe that in its early days the Colonel Light Gardens scheme was known as the thousand homes scheme. The

Commissioner's annual report shows that there are now 1,167 dwellings, 22 shops, five churches, three schools, three public halls, one picture theatre and a billiard saloon. So, it is quite a compact community.

That brings me to the next point the Minister made—that we are asked to validate the land values rating principle that has been adopted there (I think almost since the place started). I have never made any secret of the fact that I am not a great believer in the unimproved land value method of rating, because in most instances it is an artificial method. When one gets away from the facts, one gets into the realm of conjecture, which, surely, is never as substantial as something that actually exists. Under the land values rating system you try to assess what the unimproved value of the land is without any buildings, and assess it accordingly. Under annual values rating, you take the actual value of the land with its buildings, and improvements—a thing which you can from time to time check by relation to sales. Of course, that can be misleading in certain instances, but adjustments are made for that. The fact is that you have something more real than under the unimproved land values system. As the Minister has said, this suburb has really been completely built, and it seems to me that the land values system of rating may well be outmoded, particularly in view of what I have quoted regarding the number of shops, public halls, schools and so on. The schools may be exempt from rating, but some of the commercial premises may well be paying less rates than others under the system of annual values. Again, I do not see there is any need to interfere with it at the moment.

There is one matter I should like the Minister to enlighten me on later, because to me it is the most important thing in the Bill. I refer to the giving of power to the Commissioner to dispose of certain areas within the suburb which appear to have been laid out originally as reserves. I know Colonel Light Gardens fairly well, but I have never seen a plan of it. Perhaps the Minister will be prepared to have placed on the board in the Council Chamber a plan so that members can see what the reserves are. Such a plan would be helpful. In the main the roads at Colonel Light Gardens are anything but straight, and I believe that many of the reserves are corner pieces. In his speech the Minister said that the Commissioner had been in consultation with organizations and residents and had recommended that these reserves should be subdivided and an attempt made to dispose of them to adjoining owners. That is very laudable. If the adjoining owners do not find it convenient to buy the reserves what will happen to them? As a landholder and one interested in the welfare of landholders, as every honourable member should be, it would be most undesirable for a resident of this area, if he lived near a corner, to suddenly find that new premises were erected on the area which was previously a reserve and thus block him off from some of the desirable features of the suburb.

The Hon. N. L. Jude—You have forgotten that the Commissioner is also the building inspector.

The Hon. Sir ARTHUR RYMILL—Actually, he is not, but only the town clerk in that regard. The report of the Commissioner shows that there is a building surveyor and a building inspector both employed on a part-time basis. That is one of the few things that the Commissioner is not. Even if he were, that would not give the town clerk or the building inspector any power to stop buildings from being erected on these lands when they were sold, but merely give him the authority and obligation to see that the buildings were in accordance with the standards laid down under the Building Act. I should like an assurance on that fact. I hope that later the Minister will tell the Council what is proposed to be done with these reserves if the adjoining owner does not find it convenient to purchase the land. The Minister's consent is required to the sale of these lands. If the Minister cannot tell members what will happen to the reserves if they are not purchased by the adjoining owners, perhaps he can assure the Council that the rights and niceties of existence of adjoining owners will not be interfered with by the sale of these lands for the erection of other buildings. I would like to have that assurance before feeling satisfied to vote for the early clause relating to this land. There is one other matter I would like to refer to when speaking of saving clauses and clauses that give assurance that nothing will go wrong, and that is that there are two reserves which are expressly provided for in the Bill on the recommendation of the Select Committee. They will be permanently set aside and exempted from this power of sale. According to the Commissioner's annual report there are quite a number of other reserves in the area and I would like the Minister to consider this matter and inform the House—because the Select Committee was not from this Chamber—why only

these two particular reserves were selected out of a number of reserves in this suburb for eternal preservation, as it were, because it seems to me curious that only two out of the many virtuous reserves have been segregated by the Select Committee. I am satisfied with all the other clauses but I would like the Minister to deal with the points I have raised in relation to the sale of land with which I am concerned on behalf of the owners of adjoining properties as well as on behalf of the residents in the area. The sale of reserves is not a matter to be taken lightly by any Parliament. Reserves are something that have a relationship to the land values in the vicinity, to the desirability of ownership, and no doubt to the person deciding to purchase and pay the particular price he does for an adjoining dwelling or block of land, so we are entitled to the fullest explanation and the reasons for what has been done. In the meantime, I propose to support the second reading.

The Hon. N. L. JUDE (Minister of Local Government)—I commend the honourable Sir Arthur Rymill for the very careful consideration he has given to this Bill. I accept his suggestion very readily and I will place a map in the Chamber as soon as I can. It will show the number and extent of the blocks that may be offered for sale. I point out that section 15 is not only amended slightly, but the original section is already subject to certain terms and conditions as approved by the Minister. This matter was considered fully for at least 12 months before it was introduced, and the Government deemed it wise to give the Commissioner these privileges. I will provide further information when the Bill is before the Committee and I ask members to support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Amendment of principal Act."

The Hon. N. L. JUDE—In view of my remarks during the second reading debate I ask that progress be reported.

Progress reported; Committee to sit again.

POLICE OFFENCES ACT AMENDMENT BILL (No. 2).

Adjourned debate on second reading.

(Continued from November 8. Page 1673.)

The Hon. S. C. BEVAN (Central No. 1)—This Bill appears to be a small measure and has for its purpose the control of the consumption of methylated spirits. I fully agree with the principles of the Bill itself, but have a few criticisms of most of the clauses. The drinking of methylated spirits is more prevalent today than it was in the past. We all agree that a person who drinks methylated spirits would not be responsible for his actions whilst under its influence. This Bill attempts to control the sale of methylated spirits for the purpose of consumption, and I feel that clause 3 is the important part of this legislation because it adds a new section 9a. This Bill has serious ramifications which are apparent when the phraseology of the various clauses is examined. New section 9a (1) states:—

Any person who is found drinking or to have been drinking methylated spirits or any liquid containing methylated spirits shall be guilty of an offence.

Penalty: For a first or second offence five pounds or imprisonment for fourteen days; for a third or subsequent offence ten pounds or imprisonment for three months.

When a person drinks methylated spirits gaol is not the place for him, nor is imprisonment for a short period a deterrent, for once the sentence has been served he would soon be back to his old habit. If a person drinks methylated spirits he is badly in need of medical attention. I do not know of any institution in this State where these people can be properly treated. The introduction of the Bill brings home to us forcibly the need to have institutions where people affected in this way can receive the medical treatment they need in the hope of a cure being effected. All we have are institutions conducted by groups of individuals. There is one at Port Adelaide, where remarkable work is being done for alcoholics. It would not have the finance or facilities to provide the necessary medical treatment for people covered by the Bill. Imprisonment is not the answer. Many inquiries have been made about the treatment of alcoholics. Last week, in answer to a question, the Minister of Health said that the matter was receiving the earnest consideration of Cabinet. We should have institutions where proper medical treatment can be given to these unfortunate people in the hope that a cure can be effected. A person is seriously degraded when he drinks methylated spirits. New subsection (2) states:—

The court by which a person is convicted of an offence against subsection (1) of this section on the complaint of a member of the police force may, on the application of the complainant, order that the defendant pay to the complainant a reasonable sum to cover the expenses of doing all or any of the following things; (*a*) apprehending the defendant; (*b*) conveying him to a police station;

(*c*) keeping him in custody until trial;
(*d*) medically examining him.

After the hearing of the complaint and the conviction of the person concerned the court can determine a sum to cover the items set out in the subsection. In his second reading explanation the Minister said:—

From time to time requests have been made for the introduction of legislation to control the consumption of methylated spirits, and in particular by aborigines. It is for this reason that the Bill is introduced, and I believe that it is unnecessary for me to speak at length on the evils of the practice of drinking methylated spirits.

I agree with that statement. Many people supply methylated spirits to aborigines, either in its pure state or coloured. It may be put in wine bottles and sold to aborigines at an excessive price. If the aborigine is apprehended he can be called on to cover expenses in relation to matters set out in new subsection (2), but the guilty person is the man who uses back door methods to supply him with methylated spirits. Under other legislation if this supplier is caught he is liable to a penalty, but the difficulty is to catch him. Under the Bill he is free from the conditions that apply to the aborigine. In many instances the aborigine suffering from the effects of drinking methylated spirits would not be responsible for his actions and he could do considerable bodily harm to a police officer. The person causing this harm would be the aborigine, but the real culprit would be the person who supplied him with methylated spirits. In this Bill there should be a heavy penalty to be imposed on the supplier. There would be an inducement for people to disclose the names of suppliers if they were covered by the Bill. I do not want to establish a principle of having pimps, but in order to stamp out this practice of supplying methylated spirits to aborigines, one would be justified. If the names of the suppliers were available action could be taken against them. New subsection (4) states:—

Any person knowing or having reason to suspect that methylated spirits or any liquid containing methylated spirits is intended to be drunk who supplies or permits to be supplied to any person any such methylated spirits or liquid containing methylated spirits shall be guilty of an offence. Penalty: £10.

It will be argued that the supplier of the methylated spirits is covered by the Bill and that if he is caught he is liable to a fine of £10, but I repeat that the difficulty is to catch him. Any person who supplies aborigines with methylated spirits should be subject to a penalty far in excess of £10. The suppliers should be imprisoned, not the aborigines, and it should be set out in the Bill. New subsection (5) states:—

A person shall not sell or supply methylated spirits or any liquid containing methylated spirits at any time between 6 o'clock in the afternoon on any Saturday and the hour of 9 o'clock in the morning on the following Monday, or at any time on a public holiday: provided, however, that a registered pharmaceutical chemist shall be deemed not to commit an offence against this section if he believes on reasonable grounds that the said methylated spirits or liquid containing methylated spirits is required for external medicinal use. Penalty: £10.

This subsection provides for a prohibition between 6 p.m. on a Saturday and 9 a.m. on the following Monday. I understood from the Minister's second reading explanation that this meant that after 6 p.m. on Saturday, the normal closing time of a hotel, until 9 a.m. on the Monday it would not be possible for a person to get methylated spirits for the purpose of drinking it. Ordinarily the methylated spirits could not be obtained until 9 a.m. on Monday, but when there is a public holiday on Monday the methylated spirits could be obtained after 12 midnight on Sunday. Something seems to be wrong here. The proviso in the subsection does not allow a chemist to sell methylated spirits over the week-end unless he believes that it is required for external medicinal use, but I remind members that other people sell methylated spirits. Whether we like it or not certain people are allowed to sell goods in the course of their legitimate trade. They do not come within the restrictions imposed by the Early Closing Act. Grocers and others normally sell methylated spirits and chemists in the city area may supply methylated spirits if they are satisfied that it is required for medicinal purposes. However, methylated spirits may be required in other areas for purposes other than medicinal purposes and it would be legitimate to sell it if it were not for these provisions.

Often people spend considerable time in camping areas, which are outside the provisions of the Early Closing Act, and many of those people use methylated spirit stoves for cooking purposes. Their normal practice is to go to a store close to the camping ground to obtain the methylated spirits for the stoves, but they will now be prohibited, under the provisions of this Bill, from obtaining the spirits because the storekeeper may not sell or supply the methylated spirits at certain times because he is not a pharmaceutical chemist. The Early Closing Act applies in certain areas

and in other municipalities certain closing times are prescribed, but outside those areas stores may open for legitimate trade on seven days a week for 52 weeks a year. Such people may be close to camping areas, but the person requiring methylated spirits for cooking purposes will not even be allowed to borrow it from his next-door neighbour on the camping ground. This Bill prohibits that because, if methylated spirits is supplied, an offence is created under the Act. It does not have to be sold, it merely has to be supplied.

The Hon. C. D. Rowe—I am prepared to say the Government will examine that point.

The Hon. S. C. BEVAN—The Government introduced this legislation no doubt as a result of a request by certain organizations, probably aborigine protection organizations. Such organizations, being concerned with the welfare of aborigines, have approached the Aborigines Department and the Government and their representations have been considered and this Bill has been introduced. Possibly departmental officers and the Minister have not had sufficient time to consider the questions that have arisen, but there are certain anomalies in the Bill. However, the Minister has intimated that he will examine the matter I have raised and I shall therefore shorten my remarks on that aspect of the Bill. It is a serious omission that could lead innocent people into serious trouble because methylated spirits is used for other than medicinal purposes. Innocent people could unintentionally become lawbreakers. I hope the Minister will be able to overcome the objections I have stated to the Bill.

The Hon. C. R. STORY (Midland)—I am sure members are greatly indebted to the Hon. Mr. Bevan for doing so much homework. He has certainly put much time into his speech on this Bill and has done much research work. On the face of it the Bill is straightforward but it contains great ramifications and I would not like to do anything that would water it down. Rather, I wish to put teeth into it because it should prove most advantageous. People who are in the grip of methylated spirits are to be pitied and the people we want to get at are those mentioned in clause 4—the suppliers. Every community has its bot-flies, the people who will stick on like a leech, and they are the people we want to get at.

I agree with Mr. Bevan that anything that can be done to help people who are chronic methylated spirits drinkers should be done medically, but we must not lose sight of the fact that the judge, when he inflicts a penalty of three months' imprisonment on a defendant, has the right to order any treatment that may be necessary. Mr. Bevan has covered many of the points contained in the Bill, but I refer to the clause that provides a penalty of £10. Such a low penalty will drive more people, including sly-groggers, into the methylated spirits trade instead of into the pinky trade. Persons in the pinky trade are dealt with under section 161 of the Licensing Act and the penalties under that Act are severe. One section provides that no court shall have the power to impose a fine in lieu of imprisonment for any such subsequent offence. That is a severe penalty. A penalty of up to £50 is provided for selling cheap wine to a person but under the provisions of this Bill an offender may be fined only £10. From what I can see I believe that methylated spirits is the greater of the two evils. Some people are getting as much as £3 a bottle for methylated spirits now.

This is not discriminatory legislation because it applies to everybody irrespective of colour or creed. If methylated spirits can be sold for £3 a bottle and an offender knows that he will be fined only £10 or if he knows that he may only be fined that amount for a second, third, fourth or fifth offence it will only take the sale of three and one-third bottles of the spirit to pay for each offence.

The Hon. F. J. Condon—Who charges that price for methylated spirits?

The Hon. C. R. STORY—If I disclose that information the honourable member will probably get into the business and I do not wish to bring any more into it. That price can be obtained especially in the fruit season in that part of the country where I live. The people who supply methylated spirits fall into various categories. It is an offence to take liquor on to certain aboriginal reserves but if, by arrangement, the suppliers arrange a rendezvous outside the reserve they cannot be touched. That position is dealt with, but the penalties are inadequate and at a later stage I shall move an amendment to clause 3—new subsection (4)—that the words "ten pounds" appearing after the word "penalty" be struck out and to insert "for a first offence £20 and for a second or subsequent offence £50 or imprisonment for three months." I shall move the same amendment to new subsection (5). Both would be improved if more teeth were put into them.

The Hon. G. O'H. Giles—It would be hard to police.

The Hon. C. R. STORY—Yes, but a deterrent is provided if a person knows he may be put in gaol for supplying a known alcoholic with alcohol or methylated spirits. Everybody will not be caught, but after three or four offenders have been convicted that will have a salutary effect on the rest of the methylated spirits suppliers. It will be hard to police, but most of our laws are hard to police. However, the deterrent will be there, and a fine of only £10 is ridiculous.

I notice that there is an error in subsection (6), which states:—

In this section "methylated spirits" means industrial spirit or commercial methylated spirits, that is to say ethyl alcohol which has been denatured by the addition thereto of ethyl alcohol, benzene, pyridine or any other methylated or denaturing substance or agent.

"Ethyl" second occurring should be "methyl" and therefore a small amendment will be necessary to make that read as, I have no doubt, it was intended to read.

The Hon. Sir Arthur Rymill—What do the words "methylating or denaturing" mean?

The Hon. C. R. STORY—"Denaturing" means adding something to make it obnoxious to drink. The additive may comprise as many as four or five other elements such as benzedrine, pyridine or various other things that are added to create an unpleasant taste.

The Hon. Sir Arthur Rymill—Does that alter the chemical structure or is it merely an additive?

The Hon. C. R. STORY—I am not going to become involved in a legal argument, nor do I intend to give a dissertation on something that I know I may be caught out on, but in all seriousness I suggest that the amendments I have proposed should be considered because they will put teeth into the Bill. Mr. Bevan raised interesting points regarding public holidays, supplies being cut off at midnight, and total prohibition over week-end periods. I shall be interested to hear what the Government intends to do to meet those points. The Attorney-General has assured us that they will be examined. At a later stage I shall move to amend the Bill or support amendments which will make this legislation work satisfactorily. I have great pleasure in supporting the second reading and sincerely hope that my proposed amendment will be accepted.

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

SUPREME COURT ACT AMENDMENT BILL (No. 1).

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

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

That this Bill be now read a second time.

Its object is to provide that any judge who has now reached the age of 70 years will, on his retirement, be entitled to pension rights. As members know, when the legislation concerning retirement at 70 years and pension rights was brought in, it was provided, among other things, that if an existing judge elected to contribute for pension he would automatically retire at the age of 70 years. The Chief Justice and Sir Herbert Mayo did not so elect and are still, happily, in office. Both are over 70 years of age and still performing a very useful service for the State. It is the view of the Government that some measure of financial security should be afforded to these judges if either of them should desire to retire from active duty. It has therefore introduced this Bill, clause 3 of which will entitle either of them, should he so desire, to elect to contribute for pension at the rate which he would now be paying if he had so elected in 1944. Payments of contribution would, of course, not be retrospective. Pension rights would be the same as those of the remaining judges. The Government believes that the provision made by the Bill represents a fair and reasonable arrangement to cover two special cases, and I commend the Bill to the House.

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

ADJOURNMENT.

At 4.25 p.m. the Council adjourned until Tuesday, November 15, at 2.15 p.m.