

LEGISLATIVE COUNCIL.

Thursday, November 17, 1960.

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

QUESTIONS.**NOOGOORA BURR.**

The Hon. C. R. STORY—Has the Chief Secretary, representing the Minister of Agriculture, obtained a reply to the question I asked on November 9 regarding the possible eradication of Noogoora burr in this State by releasing an insect known as the Mecas beetle?

The Hon. Sir LYELL McEWIN—Yes, I have received the following report from the Director of Agriculture:—

Tests have been conducted in Queensland during the last three years to determine the effectiveness of an insect parasite, the Mecas beetle, for controlling Noogoora burr. These tests which have been conducted jointly by C.S.I.R.O. and the Queensland Department of Public Lands have been made under quarantine conditions. The reason for this is that the insect is known to attack some crops of economic importance. Because of this a decision to release the insect has not yet been made although the tests have shown that results on Noogoora burr are very promising. This decision lies with the Australian Agricultural Council. There is only one known infestation of Noogoora burr in South Australia. This is in the pastoral country and the area is kept under observation and is under quarantine. The two weeds, Noogoora burr and Californian burr, are very similar in appearance but can be distinguished by the different nature of the spines at the end of the burr. Californian burr occurs along parts of the River Murray in South Australia, Victoria and New South Wales but has not extended far from the river. Noogoora burr is a much more widespread weed and is considered to present a greater threat than Californian burr.

WORKMEN'S COMPENSATION.

The Hon. F. J. CONDON—The New South Wales Government is introducing amendments to its Workmen's Compensation Act to make the maximum payment £4,300, as well as to make other improvements to the legislation. Can the Minister of Labour and Industry say whether, during the Parliamentary recess, our Government will refer this matter to the advisory committee in order that the Workmen's Compensation Act may be amended next session?

The Hon. C. D. ROWE—I shall be pleased to take note of the honourable member's question

and I will see that it is referred to the committee.

MOUNT BARKER ROAD DWARF WALLS.

The Hon. G. O'H. GILES—Has the Minister of Roads obtained a reply to the question I asked on November 15 regarding the dangerous condition of the dwarf abutments at the road house opposite the Eagle-on-the-Hill on the main hills road?

The Hon. N. L. JUDE—Yes. The safety fence in the vicinity of the Eagle-on-the-Hill motel was installed for the over-all safety of the travelling public. Prior to its installation it was found that movements in and out of this motel area were extremely haphazard and in some cases illegal, as people were proceeding along the divided part of the Mount Barker Road in the wrong direction. The safety fencing was also found to be necessary to define the edge of the carriageway during fog, as without the fencing there was a tendency for drivers to wander into the motel and service station area. The exits have been made and located such that high speed manoeuvres from this area are not possible. It is considered that traffic coming from the area should in fact be slowed down in order that they can clearly observe vehicles approaching them on the high speed road. Alternative layouts of the safety fencing with respect to the opening in the median strip have been investigated from time to time in conjunction with the Police Department, but it is generally agreed that the present layout is most satisfactory. The service station in question has opened another subsidiary service area on the opposite side of the road such that the need for vehicles to turn across the median strip is now largely obviated.

The Hon. G. O'H. GILES—I ask leave to make a brief statement prior to asking a question.

Leave granted.

The Hon. G. O'H. GILES—I understand that a fatal accident has occurred there already. The Minister travels along that road frequently and the next time he passes the spot will he have a look at the position, because, with due respect to the Minister and the Police Department, it does not appear to me to be the safest way to cross the stream of traffic?

The Hon. N. L. JUDE—I will do so in company with officers concerned.

TRAMWAY BRIDGES OVER TORRENS.

The Hon. F. J. CONDON—Has the Minister of Local Government obtained a reply to the question I asked on November 8 regarding the suggestion that the two old tramway bridges crossing the River Torrens at Hindmarsh should be reconstructed to take vehicular traffic?

The Hon. N. L. JUDE—Yes. Following on a request from the corporations of Thebarton and Hindmarsh an investigation was made in 1953 as to the suitability of these bridges for vehicular traffic. Inspection revealed that the bridges were unsuitable for heavy vehicles and that some repair work and modifications were necessary before they could be used for any type of vehicular traffic. Investigations could be made into the possibility of using these bridges for light vehicular traffic only, but no approach has been made recently by the councils concerned.

WHEAT AND FLOUR.

The Hon. F. J. CONDON (on notice)—

1. Has the Minister read the statement made by the Chairman of the Australian Wheat Board, Sir John Teasdale, reporting that the overseas price of wheat has improved in the past six months and that recent large sales were made at 13s. 4d. to 13s. 5d. per bushel for bulk wheat f.o.b. Australian ports?

2. Is it proposed to further increase the present home consumption price of 15s. this coming season?

3. What action is being taken to improve the flour sales overseas?

The Hon. Sir LYELL MCEWIN—The replies are:—

1. Yes.

2. The home consumption price for wheat during the coming season is still under review. Machinery for determining the home consumption price from year to year is provided under the Wheat Stabilization Plan. The home consumption price varies in accordance with movements in wheat production costs over the previous 12 months. An assessment of production costs is made each year by the Bureau of Agricultural Economics and the Bureau's findings are reviewed by the Wheat Index Committee which then makes a recommendation to the Minister of Primary Industry. An announcement concerning the home consumption price for the coming season is expected to be made at the end of this month.

3. The promotion of overseas flour sales is largely in the hands of Australian millers. An exception to this is an arrangement negotiated by the Australian and the Ceylon Governments, which provides for an annual export to Ceylon of 100,000 tons of flour. The Australian Government has also endeavoured by discussion with other flour exporting countries to protect Australia's traditional flour markets.

PUBLIC WORKS COMMITTEE REPORTS.

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Naracoorte Sewerage System (Modified Scheme).

Vaughan House Girls Training School (Additional Buildings).

Police Department Office Building.

KIDNAPPING BILL.

Read a third time and passed.

SALARIES ADJUSTMENT (PUBLIC SERVICE AND TEACHERS) BILL.

In Committee.

(Continued from November 16. Page 1856.)

Clause 3—“Adjustment of salaries of officers and teachers”—to which the Hon. A. J. SHARD had moved the following suggested amendment:—

To delete “not” from subclause (2).

The Hon. A. J. SHARD—Does the Minister wish to make any further comment on the amendment? There is some confusion regarding the amendment and I shall reiterate what I said yesterday in an attempt to make it clearer. We give the Government credit for making provision for full payment to those officers and teachers who have retired through effluxion of time or, in the case of death, payment to dependants. If we could draw the curtain there there would be no complaint, but some people resigned between March 6 and the date of the award and they will not be paid. The award prescribes that people working during the interim period shall be paid the appropriate rate of pay for each week's service they have given. However, if they have resigned the Government thinks they are not entitled to the additional money that the tribunal or court has decided should be paid. That is the bone

of contention. The person who resigns in the interim period, whether through illness or because of family reasons, is entitled by law to that increase, but the Government says he is not entitled to it merely because he has resigned. The law prescribes a certain rate of pay, but the Government says, "We are a law unto ourselves and are not concerned with an officer or teacher who for any reason has resigned from the service in the interim period."

A private employer would be forced by the law to pay the increase and the Government is not justified in adopting the attitude it has taken. It is not justice, it is not reasonable, and there is no excuse for it. We are not asking for something that these people would not get outside the service because the Industrial Court and the Arbitration Court provide that the amount shall be paid. However, the Government is not prepared to treat its employees in the same way. The Government advances as one of its reasons for not making payment that the officers have been assisted to reach the standard of education they have acquired, but a similar position exists in private industry because private employers train apprentices to the standard of tradesmen. Surely tradesmen have the right to leave their employers after reaching their objectives and if there is some retrospectivity in awards the employer has to meet any wage increases. I cannot understand why the Government has taken this stand. I appeal to the Committee to act justly in this matter because it is outside Party politics and a principle is involved.

The Committee divided on the amendment:—

Ayes (5)—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon, G. O'H. Giles, and A. J. Shard (teller).

Noes (12)—The Hons. Jessie M. Cooper, L. H. Densley, E. H. Edmonds, A. C. Hookings, N. L. Jude, Sir Lyell McEwin (teller), Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill and R. R. Wilson.

Majority of 7 for the Noes.

Suggested amendment thus negatived; clause passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

PASTORAL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 16. Page 1858.)

The Hon. W. W. ROBINSON (Northern)—
The history of the pastoral industry in South

Australia has been one of ups and downs—much adversity and also some measure of success. In more recent years, owing to better management and more favourable treatment of the industry, it is now on a very sound footing. I pay a tribute to the pioneer pastoralists who went out into the drier country and achieved much success under exceptionally adverse conditions. If we go back to the latter period of the 19th century we find that the leases were sold at public auction, and in almost every case the lessees paid too much for them. Between 1880 and 1890 adverse conditions prevailed and the great majority of pastoralists walked off their holdings.

At the end of 1888 new conditions were provided and provision was made for leases to be taken out as from January 1, 1889. During that night a heavy rain storm produced about five inches, and many improvements, such as fences, were washed away. There was some doubt whether the storm happened on December 31, 1888, or on January 1, 1889. As in most instances, the Government came to the rescue and accepted much of the responsibility for repairing the damage. The pastoralists had the advantage of the five-inch rainfall, which compensated them to some extent for their losses. This pastoral country is not a poor man's country because one has to be prepared to weather at least four consecutive droughts, but the recuperative powers of the properties enable one to be re-established and in all probability make a good living. The Bill provides for a minimum holding of 100 square miles, which is the minimum that should be provided. This country has a carrying capacity of about 25 sheep to the square mile and 100 square miles would allow 2,500 sheep to be carried. In 1927 a Royal Commission inquired into the industry which was then being affected by a severe drought and low prices. At that time leases had almost reached the end of their term, which is also the position today. The lessees should know the conditions under which they will be required to continue, and whether they can establish improvements, from which they will benefit.

In 1929 when the industry was in such a bad way and wool was selling at about 6d. to 10d. a pound, according to quality, some alteration in the leases was necessary. The industry is now on a sounder footing because of better management and today rentals can be increased. The Bill enables a lessee if he so desires—and I point out there is no compulsion—to renew his lease. It also provides for the surrendering of leases and the taking out of new leases

with provision for a revaluation varying between a 50 per cent increase and a 50 per cent reduction. The recommendations of the board embodied in this Bill do not affect the rights of lessees under the existing legislation. The present Act provides in most cases for a 42-year lease with a revaluation after the twenty-first year for the remaining 21 years, but the board recommends a revaluation every seven years, which is more satisfactory. In the Pharaoh period in Biblical times the seasons were seven years of plenty and seven years of famine, but in this pastoral country the proportion is more like four or five years of plenty and 10 or 11 years of famine. Section 57 provides that a lessee, if not satisfied with the rent fixed, has the right of appeal to the board or the Minister and if agreement cannot be reached then the matter must be decided by arbitration, which is a sound safeguard. Provision is made for extension of a lease to 42 years, which will enable the lessee to establish improvements on the property, but in Queensland and New South Wales in order to grant that concession there was a resumption of a portion of the area before granting a lease of the remainder.

Under section 61 (1) the principal Act prescribes that a covenant must be included in existing leases whereby a lessee must spend on improvements £10 by the end of the fifth year, £15 by the thirteenth year and £20 by the end of the twenty-first year. This Bill increases the amounts to £25, £40 and £60 respectively, which will result in a greater amount being spent on leases outside the dog fence. What is generally regarded as sheep country is within the dog fence, while the cattle country is outside the fence. These increased expenditures now required will assist owners in improving properties, because the improvements must be maintained in good order.

This Bill does not require much debate because its provisions are satisfactory. It proposes an increase of up to 50 per cent in rents. It need not be a blanket increase because some of the leases will be considered on their merits, and the increases may only be 30 per cent, 35 per cent or 40 per cent. I understand that the rents from pastoral leases now total about £53,000 a year, which just about pays administrative costs. The rents vary from 1s. 10½d. to £1 14s. a square mile. The £1 14s. represents £170 a year for 100 square miles of land, which is reasonable. On the 1s. 10½d. rent the cost for each sheep is 2½d. a year. In the inside country we pay from 6d. to 8d. a week for depasturing our

stock. The amount varies up to 10d. a sheep on the £1 14s. basis. If we increase the rents by 50 per cent it means an addition of 1d. a sheep on the 1s. 10½d. rent and 3d. a sheep on the £1 14s. rent. Under the Bill the pastoralist will get a 42-year lease, thus providing him with security of tenure. The extra rent he will be called on to pay for 100 square miles of country will be less than the cowboy is paid at a dairy.

The Hon. Sir Frank Perry—Where does the pastoral lease country begin?

The Hon. W. W. ROBINSON—The pastoral leases cover 75 per cent of the land in South Australia, and all the low rainfall areas in the northern parts. The map in the fourth schedule of the Bill shows the area covered. I have consulted the president and secretary of the Stockowners' Association, who are satisfied with the Bill and say that it will be in the interests of the pastoralists.

The Hon. Sir ARTHUR RYMILL (Central No. 2)—I support the Bill, both in general and in detail. As a King William Street squatter, or more accurately a Pirie Street pastoralist, I apologize to members, particularly those from northern areas, for intervening in this debate to such an extent. As a member for a city electorate I should qualify myself as a witness, before making my remarks.

The Hon. F. J. Condon—Do you represent the State?

The Hon. Sir ARTHUR RYMILL—Like the honourable member I take pride in representing the State. Fortunately, some city members have a knowledge of country areas, not because they have lived in the country but because they have visited it. I have come in contact with the Pastoral Act over the years whilst practising as a solicitor, but in particular I am a member of the board of an Adelaide stock and station agency company. I have been associated with it for 26 years, so from a financial and economic aspect I have had 26 years of intimate experience of pastoral leases and the administration of the Act. My father was a member of a Royal Commission which inquired into the pastoral industry in 1927, and it may surprise members to know that he presented a dissenting report. Mr. Condon knows that another member of that Royal Commission was the late Mr. Frank Lundie, for whom my father had great respect indeed, as did all his colleagues. They travelled the country together and I can clearly remember the laudatory remarks made by my father about his travelling companion, Mr. Lundie.

The object of the Bill is twofold. Firstly, it gives greater security of tenure to lessees, and I commend the Government for that. It is extremely important to the man on the land to know where he stands, and to feel that the property on which he is settled is more or less his for some time, which enables him to do the utmost with it. In doing that he benefits not only himself but the State, which is a laudable object. An attempt was made last year to deal with this matter. It will be remembered that we passed a Bill amending the Pastoral Act so that any lessee could request the Minister, seven years before the expiry of his lease, to indicate whether the Minister was willing to offer him a new lease. That was directed towards the same purpose as is contained in portion of this Bill, but it did not go as far as the proposal in this measure. Again, it was an excellent offer on the part of the Government because it not only helped people directly concerned in the industry, but helped the economy of the State by giving a security of tenure to the worthy people who put up with all the hardships mentioned by members from time to time. Sometimes these people reap the harvest of their labour, as they have done in recent years, because of good seasons and high prices. That rewards them for their hardships and the remoteness of their properties from settled centres.

The other object of the Bill is to help the finances of the Government, and I support that. No-one can say that the rents of pastoral leases are anything but low. I have taken out a précis that relates to the total rents obtained from pastoral leases. In 1945 they were £35,000, and at that time the State basic wage was £4 13s. a week. In 1952 the rents totalled £38,000, when the basic wage was £11. This suggests that the rents were cheap and that they had not increased commensurately with the loss of value in the Australian pound. In the next seven-year period the total rents increased to £54,000, and I assume that the increase was due to a revaluation being made in respect of some leases. The rents in 1945 totalled £35,000, but today they total £54,000, which makes out a good case superficially for a rent increase. I will deal with rents to a greater extent later. When one realizes that the costs of the Pastoral Board and its administration must be reasonably substantial, one feels that taking the overall costs, segregating possibly a portion for overhead expenses of the Lands Department, the Government cannot be making much out of the rents it gets. In other words, out of these enormous tracts

of South Australian country the Government is receiving very little. After all, every one has to subscribe to the Government's revenue to keep the State going and for the amenities we all enjoy, whether we are country or city people. There is a case for an increase in the pastoral rents. Security of tenure is undoubtedly a paramount aspect of pastoral leases.

I wish to deal further with the question of rents. The 1959 report of the Pastoral Board indicated that there were 549 pastoral leases in South Australia—I am leaving out miscellaneous leases because pastoral leases are the main and standing leases—of 176,500 square miles of country and the total rents were a little under £54,000. That means that the average lease is over 300 square miles and the average rent for a lease is under £100. On present criteria no-one could say that the rents in this country are anything but comparatively nominal. I have noted the rents of many pastoral leases over the years and have always felt that the rents have been comparatively low.

The Hon. Mr. Giles mentioned that he had contacted young pastoralists in the district of Frome and that they were concerned about this legislation. The Hon. Sir Frank Perry asked where the pastoral country was and, of course, there are pastoral leases in various areas of the State. However, in the main the pastoral country is in the electorates of Frome and Eyre. The fears expressed by the Hon. Mr. Giles on behalf of certain people possibly stemmed from three things. They probably had not analysed the Act as members of Parliament have to analyse it, and would not be authorities on the Act at this stage. Secondly, I imagine that young people are more concerned with the present than with the future because most young people are immortal until they reach the age of 40, and then they start to think more of the future. The other thing is that they are mainly concerned with the rents and that concerns their regard for the present rather than for the future. The burden of the Hon. Mr. Giles' song in the main was the fear that rents could become excessive. I wish to deal with that matter in particular because it is an important part of this Bill. I refer to section 52 of the Pastoral Act which relates to rents. First of all let me remind the Council that rents are fixed not on the improved value of the land such as we have under the Control of Rents Act, but they are fixed on the land as unimproved. A proviso to section 52 is that in fixing rents of a run, whether by revaluation or otherwise, no regard shall be had to any

increase in value of the run caused by improvements thereon which are not the property of the Crown. In other words, in assessing rents of pastoral leases the Pastoral Board takes the unimproved value of the property. That ensures that the rent will not be excessive and will never be excessive while that provision remains because in pastoral country the main value consists of the improvements. In fact, talking purely from memory, I think that the court decided years ago that there was no capital value attributable to pastoral land. That is probably no longer law, but it does show that the main value of pastoral country lies in its improvements.

There are three other things that are taken into account. The rent has to be determined on the unimproved value and regard is had to the carrying capacity of the land for depasturing the stock. It is interesting to note that in the interpretation section of the Act sheep includes goats, and cattle includes camels, horses, asses and mules, which is rather piquant. The carrying capacity of the land is taken into account and the value of the land for agricultural and other purposes is considered in addition to the proximity and approach to railway stations, ports, rivers and markets. The valuation is not interfered with by this amending Bill and it is a very proper method of valuation and it ensures that the rents will not be excessive, as some members fear, as a result of the provision enabling a 50 per cent increase. The Hon. Mr. Robinson and others pointed out that that 50 per cent is a maximum increase or reduction, and not a criterion of the increase. Secondly, and possibly even more importantly, section 57 of the Act provides that if a lessee is dissatisfied with the rent fixed he may give notice that he requires the rent to be fixed by arbitration and thereupon the matter shall be determined by arbitration under the Arbitration Act of the State, one arbitrator being appointed by the Commissioner of Crown Lands and the other by the lessee. If they do not agree an independent umpire is provided for in the next section. The rents question is all fairly clear. In the first instance it is on the unimproved value of the land, disregarding improvements, and in the second instance, and even more importantly as this is a real safeguard, if the lessee is not satisfied with the rent he has the right of appeal to what is in effect an independent tribunal. So whatever limitations are put on increases or decreases by the Bill the rent must still be fairly fixed and there is complete right of appeal to an independent tribunal.

I take the opposite view to that of one or two honourable members on the question of the limitation of rents. Alterations on the seven-year period under the amending Bill are limited to 50 per cent upwards or downwards. We can ignore the downwards because I do not think we can ever get a 50 per cent downwards in that period, although it is possible. On the other hand, if we had rabid inflation as they have had in European countries after wars, we could get over a period of seven years increases in rents not of 50 per cent but of 500 per cent or more. Contrary to the way the matter has been handled by one or two members I regard the limitation of a 50 per cent increase as being a protection to the lessee rather than anything else. It is not a fixation; it is a maximum. It merely says the rent cannot be increased by more than that. Surely if we analyse it in that way we cannot regard it as being anything but a deliberate attempt to protect the lessee against some sudden inflationary period. I cannot see any other way of looking at it because we have the method of fixing all rents and an appeal to an independent body to see that the rent is fair. Any confinement of the increase could only be a protective matter. I propose to support that clause as it stands.

The Hon. Mr. Robinson gave some interesting historical facts relating to the industry and said that there was better management now and the lessees have had better treatment. I agree with that. Under the category of better management one of the important aspects is that better water supplies have been created, both underground and surface, and water is the life blood of the pastoral country, because, as honourable members who have seen it know, there is some magnificent land in the pastoral areas. I have seen parts where the surface soil is up to 100ft. deep and I have seen it growing oranges of the size of water melons where water has been artificially supplied. If we could get cheap water in that country we could have some of the most wonderful country in the world. However, it is not all good land. Some of it is rocky and sandy, but much is wonderful country. The Hon. Mr. Robinson also said we have much better transport today, both rail and road, and even by air.

I have had some fleeting association with the work of the Pastoral Board over the years. South Australia has been extremely fortunate in having men in charge of very high calibre, men who have been untiring in their work. They have not sat down in the city and told the people in the country what to do, but have continually visited the country to see if

everything was going all right and advised lessees and done everything possible for their welfare. Probably this type of board is the best that could be conceived. I have had experience of other supervisory authorities in at least one other State and I should think that our Pastoral Board would be second to none in Australia. In my experience it has always been careful to see that the pastoral properties are reasonably large. Mistakes have been made in other States in that some of the pastoral leases in the lower rainfall areas have been too small, and when such properties are too small the tendency is for the lessees to over-stock and eat them out. Our board has seen to it that the areas do not become too small, and if an area was too small it has added to it. This Bill ensures that this policy shall be continued. In effect, one clause provides for a minimum area of 100 square miles—that is a rough interpretation, but at least that is the sense of it. By introducing this measure the Government is making a real contribution to the welfare of the pastoralists of South Australia and in turn this will have a bearing on the prosperity of the whole State and its people. Although the Bill deals with only one section of the community its effects can be so far-reaching that it can be of benefit to everyone in the State.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Completion of revaluation."

The Hon. G. O'H. GILES—In view of what the Hon. Sir Arthur Rymill has said I can see no point in moving the amendment I have on the files relating to a 50 per cent alteration of rents, either upwards or downwards.

Clause passed.

Remaining clauses (12 to 21), schedule, and title passed.

Bill read a third time and passed.

POLICE OFFENCES ACT AMENDMENT BILL (No. 3).

Adjourned debate on second reading.

(Continued from November 16. Page 1844.)

The Hon. F. J. CONDON (Leader of the Opposition)—The object of the Bill is to confer on the drivers and conductors of private omnibuses and members of the police force power to remove objectionable persons from these vehicles. This power already applies in relation to buses operated by the

Municipal Tramways Trust. On private buses sometimes one sees disorderly conduct and all that the Bill proposes is to extend to those in charge and members of the police force the same powers as apply to those in charge of tramway buses or on our railways. Often much discomfort is caused to passengers by persons who make a nuisance of themselves, and if the driver or conductor of a private bus attempted to remove such persons, he could be faced with a charge of assault. That has happened.

I realize that, because of the change in the value of money, it is necessary to increase penalties accordingly, but I cannot understand why it should be suggested that there should be a fine of £20, or imprisonment for three months. A person, because of unemployment or some other reason, may not be in a position to pay the fine. In some instances the court can extend the time of payment. I have known where this has been done, but in other instances it has been refused. Because a man cannot pay a fine of £20, why should he have to go to gaol for three months?

The Hon. F. J. Potter—He would not have to. That is the alternative penalty. It is a default penalty for the non-payment of a fine.

The Hon. F. J. CONDON—He may not be in a position to pay.

The Hon. F. J. Potter—Even if the court provided for default, it would not be anything like three months. He might get only seven days.

The Hon. F. J. CONDON—If we provide this penalty in the Act, a magistrate may say, "Parliament looks upon this as being more than a minor offence and I must inflict a penalty of three months". That does not apply only to cases such as those we have under consideration. A man was charged recently with a traffic offence and although he said he had paid the money to the City Council he was convicted and fined £1, in default seven days' imprisonment. He decided to go to gaol as a matter of principle. I shall not move an amendment, but I draw honourable members' attention to the wide variation between the severity of the fine and the term of imprisonment. The provision which permits a person to call upon another for assistance is reasonable. Another clause requires a person to state his name and address, and we know of cases where people are charged with giving a false name and address. Sometimes it is difficult to prove one's

identity but under this clause the person has to produce evidence of his identity. The penalty for non-compliance is £20. Omnibus drivers should receive the same protection that is given to drivers of tramway buses and servants of the Railways Commissioner. Passengers also are entitled to be protected from people who make a nuisance of themselves. Although I support this Bill I think that the penalty regarding imprisonment is too severe.

The Hon. C. R. STORY (Midland)—As the honourable Mr. Condon mentioned, the Bill is a forward step enabling omnibus proprietors or their drivers to have the same powers as employees of the Municipal Tramways Trust and the railways. A person annoying other travellers on a bus is a nuisance, but he can be removed only by a policeman under present legislation. If the bus is somewhere between Adelaide and Edwardstown it is not easy to find a policeman, and a person can be charged with assault for endeavouring to eject another person from a vehicle. The penalties in this measure put a few teeth into the legislation. Whether they are too severe I cannot say, but they will act as a deterrent to people, particularly the type who may be charged with offences under this Bill. I feel that penalties should be severe for people who commit this sort of crime. In these days £20 is not much money and the penalties are only in line with those in other Acts. Unfortunately, frequent amendments are necessary nowadays in order to keep pace with the inflationary trend. I support the Bill.

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

SEWERAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 16. Page 1868.)

The Hon. F. J. CONDON (Leader of the Opposition)—After a study of the provisions in the Bill one wonders what it is all about. Clauses amend sections and subsections in the Act, and subsections are added, and subsections are deleted, with the result that no-one can follow the amendments. In fact, I think the Bill deals with something quite different from what we were told previously that it would deal with. The amounts now payable in connection with country sewerage schemes were fixed in 1955 on the recommendation of a committee, which said that the economics of country sewerage schemes should be placed on a more realistic basis. This Bill authorizes the Minister to fix minimum rates in country

areas that are not covered by the existing legislation. The first move for a sewerage scheme in a country area was at Port Lincoln, where there was some difficulty about the disposal of material from the hospital. Last year the Estimates provided the sum of £180,000 for a continuance of the work. I travel around the State as a member of the Public Works Committee and I have never seen a more disgraceful position than exists at Mount Gambier. I am surprised that action has not been taken to have a proper sewerage scheme there.

At the moment the only country sewerage scheme under construction is at Naracoorte, and a report by the Public Works Committee on this project was tabled this afternoon. Gawler has been clamouring for a scheme, and it is possible that a reference dealing with Gawler will be placed before the Public Works Committee early next year. A scheme for Whyalla will have to be considered soon, and Port Pirie is anxious to get one, but it is not easy to provide country schemes. The important point always is the ability of the ratepayers to meet the costs of the scheme. When introducing an Appropriation Bill earlier this session the Chief Secretary said that the Government did not intend to increase taxation this year, but that is exactly what the Bill does. The Engineering and Water Supply Department expects to receive an additional £1,600,000 this year in revenue. Is that not the result of taxation increases? The Minister should not put it over the people by saying that taxation will not be increased. If the water rate is not increased, the assessment is.

The Hon. R. R. Wilson—Septic tanks are costly to install.

The Hon. F. J. CONDON—Some local boards of health want them put in, and later they have to be discarded in favour of a proper sewerage scheme. One important point is not realized by most people. When a project is referred to the Public Works Committee consideration must be given to its ultimate cost. To June 30 last Loan money spent on country sewers totalled £681,000, an increase of £425,900 on the previous figure. There has been expenditure on various country schemes, most of which are still under construction. In the year 1959-60 about £268,000 was spent on the Naracoorte scheme and to the end of June the total expenditure was £422,400. Last year £183,000 was spent on the Port Lincoln scheme, and the total to date has been £255,600. So far Mount Gambier has had only £3,100 spent

on a sewerage scheme, yet Mount Gambier is one of the country towns that should have been first given a scheme. On all country schemes profits and losses result, but I do not worry about them. I am more concerned about the health of the community. On the sewerage scheme for Salisbury about £770,000 has been spent. The operations resulted in a working surplus of £50,000, which is a return of 6.9 per cent on the mean funds employed. There was a net surplus of £20,000 for the year, which is most satisfactory. The earnings for last year rose by £20,000 to £80,000, due to the increase in the number of connections. There are now 75 miles of sewers in the scheme, with 6,707 connections, which is 89 connections per mile of sewer.

The Public Works Committee has submitted a report on a sewerage project for Naracoorte. The estimated cost of the scheme, as at July 5, 1950, was £96,100. That was based on a 1947 census population of 2,197. The estimated population for 1967 was 3,500, and for that number treatment works were designed. In 1958 the proposals for a sewerage system at Naracoorte were reviewed, and then the estimated cost of the project was £342,850, comprising £107,000 for treatment works and £235,850 for 89,600ft. of pipes of various sizes, extending from 6in. diameter to 12in. diameter, and for three pumping stations. The estimated revenue from the scheme on the basis of a rate of 2s. 6d. in the pound, as provided in the Sewerage Act for country drainage areas, was £16,000, and the estimated operating expenses were £8,140, which left a surplus of £7,860. This represented a return on capital of 2.26 per cent. However, since interest of 5½ per cent on the capital amounted to £18,860 the annual loss was £11,000.

This scheme was to provide for a population of between 9,000 and 10,000 people, so it can be seen that that scheme was five times greater than the one proposed in 1950. The estimated cost of the enlarged scheme is now £685,400. The treatment works are not to be enlarged, but there has been a change in the site. Based on the new scale of rating for country sewerage schemes of 2s. 3d. in the pound on the assessed value, the estimated revenue from the modified scheme is £22,858 a year. The estimated annual operating expenses, including depreciation, are £7,470, leaving a surplus of revenue over operating expenses of £15,388. This represents a return of 2.2 per cent on the capital cost. With interest at 5½ per cent the loss on the Naracoorte scheme will be £22,309. We are asked to recommend

sewerage schemes for large towns and it is all right for prosperous towns like Naracoorte and Mount Gambier, but there are other towns where the loss will be higher than is estimated in the schemes I have referred to. Parliament should do all it can to grant that amenity to country towns because in the long run it results in better health. My friends from the Southern District should be pleased that such a reasonable viewpoint was taken of the proposals suggested in their area. The proposals have been altered to meet the position, but unfortunately many of the schemes recommended are out of date as soon as they are suggested. That applies to schools, water schemes and many other public works.

The Hon. K. E. J. Bardolph—The only way to rectify that is to change the Government.

The Hon. F. J. CONDON—I do not know whether we shall have an opportunity of doing that before we abolish this House.

The Hon. G. O'H. Giles—That is in your hands.

The Hon. F. J. CONDON—While this House does exist, irrespective of which Party is in power, I believe we shall have good Government. I support the second reading and believe the Government is doing a good job in this matter.

The Hon. L. H. DENSLEY (Southern)—I am sure that the comprehensive speech of the Hon. Mr. Condon is ample justification for the introduction of this Bill. About 20 years ago the then Minister of Works discussed with all local government authorities the possibility of introducing sewerage schemes and he indicated the possible cost. At that time Tatiara was anxious to solve its sewerage and drainage problems and it hurried into action in the matter. The Minister was consulted and he informed the representatives that the work could probably be done and the first to accept the proposals was likely to be the first to receive the service. Tatiara decided to be the first district to be sewered under the scheme. We all know that the war intervened and that since then wages and other costs incurred in sewerage and water schemes have increased greatly.

Over the years we have called upon the water supply section to partly pay for the sewerage of the State. The Engineering and Water Supply department controls both the water supply and sewerage, and if the sewerage rate is high a little more may be allowed for water used under the sewerage scheme. I was interested in the report quoted by the Hon. Mr.

Condon where, in 1955, the Public Works Committee recommended that the economics of country sewerage must be placed on a more realistic basis by deriving increased revenue either from increased rates or increased assessments. I would hardly appreciate increasing assessments to get more revenue because that would only build up the value of the land. Obviously, the correct action would be to increase the rate on the assessment of the land as it is valued for other purposes. The whole meat of this Bill lies in the final clause, which states:—

Without limiting the application of this section, the Minister may, with respect to any land or any land and premises situated in a country drainage area, fix a minimum sewerage rate payable in respect of the financial year commencing on the first day of July, one thousand nine hundred and sixty and succeeding financial years.

It has been the practice of the Minister to fix the price of water and it is obvious that if we are to have country sewerage schemes, develop our country industrially, and provide the incentive for people to live in country towns we must provide sewerage. Existing rates and those that will be charged should not be prohibitive in the country areas for the facilities supplied. The Government cannot be expected to incur increasing debts to make these facilities available and our water schemes do not pay, despite the fact that water is regarded as a dear item by many people. As a country man who has been faced with the problem of supplying water to stock and home by windmills, piping and so on, I believe the water supplied to the community is supplied at a reasonable rate. If water supplies are bearing some of the cost of sewerage it is a bad thing. I am in favour of the amendment which provides that the Minister will have the power to fix the rate.

The Hon. K. E. J. Bardolph—Don't you think that is giving the Minister arbitrary powers?

The Hon. L. H. DENSLEY—The Minister is responsible to Parliament and in a Council of 20 members the Minister must pay some attention to the will of the members. If this Council or another place decides that the Minister is usurping a privilege conferred on him appropriate action may be taken. I wholeheartedly favour country sewerage. The experience of Naracoorte must be one that everyone would be happy to forget. That town was a good town, but its streets have developed into a shambles, which is a credit neither to its people nor to its local government body.

Sewerage schemes seem to take a long time to accomplish, but when they are completed we shall see a great improvement in the areas that have them. I hope that other towns, including Bordertown and Mount Gambier, will be sewered. The Mount Gambier scheme will take a long time, but the Tatiara people will then be looking for sewerage in their district. Although the costs are high the benefits will be great. I support the Bill.

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

NATIONAL PLEASURE RESORTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 16. Page 1849.)

The Hon. K. E. J. BARDOLPH (Central No. 1)—I support the second reading of the Bill which is a most innocuous measure and makes provision for increased fines and for other matters incidental to the preservation of our national pleasure resorts. The Bill is on all fours with the Bill passed yesterday in relation to the Botanic Park. The amendments are necessary and I hope the House supports them.

The Hon. C. R. STORY (Midland)—I do not intend saying much on this Bill except that I believe what I said about the Botanic Garden applies equally to this Bill. Section 17 of the principal Act is amended by striking out the provision regarding the very small penalty of not less than £1 and not more than £5 for a first offence and from £2 to £20 for a subsequent offence. That is to be changed to a maximum penalty of £50. The only other difference is the amendment to paragraph (m) of subsection (1) of section 21, which also provides for an increase in penalty.

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

NATIONAL PARK AND WILD LIFE RESERVES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 16. Page 1854.)

The Hon. R. R. WILSON (Northern)—I support the Bill, which is somewhat similar in its objects to the National Pleasure Resorts Act Amendment Bill and the Botanic Garden Act Amendment Bill. The original measure was introduced in 1891 and has been amended several times. I notice that the *Statesman's Pocket Year Book* mentions that the park lands and reserves in the metropolitan area

amount to 6,975 acres and in the City of Adelaide to 1,927 acres, making a total of 8,902. The Bill will bring up-to-date the designations of certain persons, who, by virtue of the offices they hold, are commissioners. For instance, the title of "Lord Mayor of the City of Adelaide" will be changed to "Lord Mayor of the Corporation of Adelaide". Also the title "The S.A. Zoological and Acclimatization Society, Inc.", will be changed to "The Royal Zoological Society of S.A., Limited". The Bill provides for increasing the fine for certain offences from £5 to £100, a big increase. This will apply to those who wilfully damage trees, shrubs or flowers in the parks and reserves. For such an offence, they deserve heavy punishment.

The Bill will enable the commissioners to inflict a fine not exceeding £1 for minor offences, and this will avoid much court work and has much to commend it. Such offences would include driving vehicles over the ovals, lighting fires in other than prescribed places and remaining in the parks after the closing time, and so on. It is proposed that a resumé of the by-laws will be prominently exhibited, instead of having a copy of the complete by-laws posted up in small print. Because of our rapidly increasing population, one can appreciate the growing value of our parks and gardens. Our pioneers showed great vision in preserving land for this purpose. I have pleasure in supporting the Bill.

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

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 16. Page 1867.)

The Hon. F. J. CONDON (Leader of the Opposition)—I hope that I shall be able to convince honourable members to support this Bill, because they will be paying for the increased superannuation payments proposed. The introduction of Parliamentary superannuation was the result of a report of a committee which sat in 1948. At that time honourable members, to benefit from the fund, were called upon to pay £58 10s. a year. In order to qualify for superannuation payments, a person had to be a member for a minimum period of 12 years. At that time of the 59 members of both Houses, only 21 had served 12 years. It may be news to honourable members that there are 25 members in the House of Assembly who would

not be entitled to superannuation because they have not had 12 years' service and there are nine in the Legislative Council. Our contributions to the fund have been increased from time to time.

Members of Parliament are receiving no more consideration than that we have already extended to members of the public service. The Bill increases by 50 per cent the maximum pension to which a member is entitled. Those members who today are paying the highest contribution pay £100 a year, but under the Bill they will be called upon to pay £150. One gratifying clause provides for the reduction of the minimum term of service before a member is entitled to superannuation from 12 to 10 years. I regret that the period was not further reduced. My colleagues and I hold the view that once a member has served for nine years, or even say, seven years if elected at a by-election, he should be entitled to the full benefits. By reducing the minimum period of service from 12 to 10 years a large number of additional members will become entitled to superannuation benefits. Under the present legislation a person aged 21 could enter the House of Assembly and be a member for 29 years, and yet not be entitled to superannuation if he retired. The proposals in the Bill will be an improvement on the present law.

I would impress upon honourable members and the public that we are only getting out of this fund what we pay into it. We pay £150 a year in order to receive the benefits. When the scheme was introduced in 1948 benefits were not as generous as those in other States, but they are improved by this Bill. However, although receiving a 50 per cent increase in benefits, our contributions have been increased proportionately, and I say that this scheme is still not equal to that in other States. The fund was established in 1948 and provided for the payment of superannuation pensions to persons or widows of persons who have served as a member of Parliament and who qualified for pensions. At June 30, 1960, there were 59 contributors to the fund, and 13 ex-members and 9 widows receiving annuities.

The fund has a credit balance today of £114,782. Contributions by members last year amounted to £5,746; surplus income over expenditure was £10,399, the annuity payments to ex-members were £7,560 and to widows of ex-members £3,971, and refund of contributions was £293, making a total of £11,531. Why cannot this fund pay increased benefits? People who dislike Parliamentarians receiving superannuation benefits should realize that we

probably pay more than any other contributors to a similar scheme. I support the second reading.

The Hon. Sir FRANK PERRY (Central No. 2)—A Parliamentary Superannuation Bill is introduced almost every session, because the rising costs of living and general expenditure together with the fall in the value of money makes it obligatory on Parliament to do so. Parliament has taken care of its employees over the years by making adjustments from time to time. I understand this fund is controlled by yourself, Sir, the Speaker in another place, and the Under Secretary. It is administered on an actuarial basis, and I presume that because of the needs of Parliamentarians it has been decided that benefits should be increased, and contributions increased in certain cases. There seems to be a feeling throughout the world that security comes first and superannuation funds exist in many places in various forms. In some cases the firm, company or government pay the whole of the contribution while in others a certain amount is paid by those who eventually receive the pension benefits. A large sum of money is being invested and held by superannuation funds for the benefit of those who retire at the age of 65.

I do not think the suggested increased payments under this Bill are over-generous, because there are many kindred schemes which pay more. Parliament is a peculiar set-up because one may become a member at 30 or at 70 years of age, and may remain a member after reaching the age of 70 years. Those entitled to the benefits are of varying ages and an awkward actuarial problem must be studied and solved. No-one enters or leaves Parliament for the purpose of receiving superannuation benefits, and that is one reason why I am sorry to see the age of 50 years mentioned in this Bill. When a member reaches 50 and has to leave Parliamentary life he may not be able to apply himself to an outside occupation. Being a member of Parliament is a voluntary occupation and I cannot understand why he should be provided with a pension from 50 years of age onwards. Some of Mr. Condon's remarks may have been a little misleading. True, both members and the Government contribute an equal sum, £5,746, but an actuarial amount is added, and that, £6,000, is provided by the Government. Consequently, in this Parliamentary scheme there is a subsidy payment.

The Hon. F. J. Condon—What was wrong with my statement? It was not misleading.

The Hon. Sir FRANK PERRY—There was nothing wrong with it, but it was not complete. Superannuation funds are established for the benefit of all members of a group, but the benefits can be advantageous to some and less beneficial to others. No doubt it is considered that the actuarial side of the fund is sufficiently strong to carry the additional benefits. The additional contributions by members must help in that regard. I hope that members who later receive payments from the fund will find them helpful. I support the Bill because I feel that such a fund is needed.

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

SUPERANNUATION ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The object of this short Bill is twofold. The principal amendment to the Act is effected by clause 5, which increases existing pensions payable to contributors who have retired since January 1, 1949, in respect of the first 10 units of pension by one-seventh. Members will recall that in 1958 an increase was made in respect of contributors who had retired on pension before January 1, 1949. Clause 5 will increase the value of the first 10 units of existing pensions which were not increased by the 1958 amending Act. The pension increase will be one-seventh for those in receipt of up to £8 15s. while pensioners who are receiving more than £8 15s. a week will receive an increase of 25s. a week. The increases will be effective as from December 1, 1960. Clause 4 makes a consequential amendment in relation to widows of pensioners who have retired between January 1, 1949, and December 1, 1960.

The other amendment is of an administrative order. It expressly empowers the Superannuation Board to reimburse the Treasurer out of the Superannuation Fund the costs of administration of Part VI of the Act relating to voluntary savings. The voluntary savings fund is in fact administered by the board and it appears reasonable that fair costs of administration should come out of the fund which incorporates all moneys paid in pursuance of the voluntary savings scheme.

The Hon. F. J. CONDON (Leader of the Opposition)—My main comment on this Bill

is that it does not go far enough, but it will benefit some members of the fund. The Chief Secretary has explained its contents. This fund is definitely better than the fund we discussed earlier this afternoon. I support the Bill.

The Hon. F. J. POTTER (Central No. 2)—I support the second reading because the Bill goes some way towards assisting public servants who have been contributors to the fund and who are now enjoying payments from it. Recently there has been much discussion about the position of public servants who have subscribed to the fund, and suggestions have been made that the time has come for a revaluation of it. I am not an actuary and it would be difficult for me as a layman to follow the actuarial implications of some matters, but a glance at the pounds, shillings and pence aspect shows that contributors pay more in contributions than do members of other funds. I have in mind particularly the Commonwealth fund.

The Hon. A. J. Shard—It is not out of the ordinary.

The Hon. F. J. POTTER—That may be so, but it is difficult to convince a contributor to the South Australian fund that he is not being unfairly treated when he has to pay more for the same benefits as come from the Commonwealth fund. I cannot see why our fund cannot pay similar benefits for similar contributions, and, as I have said, the time has arrived for a revaluation of the fund. I hope the Government will seriously consider this matter. Recently the Government appointed a committee of three to inquire into the possibility of increasing the pensions payable to contributors to the fund. It comprised the Government Statist (Mr. Bowden), Sir Edgar Bean, and the present Under Treasurer (Mr. Seaman). The committee concluded:—

1. In view of the very small proportion by which it is possible to increase at the fund's own expense either the valuation of the pension unit generally or the widow's pension generally, we do not consider it is practicable or expedient without increased contributions or Government subsidy to increase such pensions.

2. We prefer to recommend that the distribution of surplus be deferred until a larger surplus is available. Having regard to the present high level of interest-bearing there is a reasonable possibility that the valuation due in 1962 will disclose more surplus, and it should be then practicable to adopt a more comprehensive system of surplus distribution than we have discussed, for the benefit generally of both contributors and pensioners. We suggest also the desirability of triennial

instead of quinquennial valuations in future so that available surpluses may be more expeditiously distributed.

It may be that 1962 is the date when the statutory revaluation will take place, but perhaps it could be done a year earlier. The provision of a five year period before there is a revaluation of the fund is a long period in these days of changing values in money and of changing interest-bearing rates. We do not know what will be the effect of any legislation that may be brought down in the Commonwealth Parliament concerning the assets of superannuation funds, but it is unlikely that any Commonwealth legislation will affect the assets of the South Australian Superannuation Fund. A comment on the report of the committee I have just read appeared in an article in the *Public Service Review* of September, 1960 and was prepared by somebody on behalf of the Public Service Association.

The Hon. A. J. Shard—That is not too popular at the moment.

The Hon. F. J. POTTER—I have given the report of the committee, but I do not know how responsible this comment is. However, having quoted the findings of the committee set up by the Government at least the opinion of this writer should be considered. These are the conclusions drawn by the writer of this article:—

1. The committee seems to think that the real position will be better than was shown by the actuarial valuation and talk of the possibility of a more comprehensive system of surplus distributions in the future.

2. It suggests the desirability of valuing the fund every three years so that a surplus can be distributed more quickly—nothing has been done about this so far.

There is nothing in the provisions of this Bill to suggest that the five-year term is being shortened to three years. The article continued:—

3. The terms of reference of the committee did not include . . .

and this was the real gravamen of the complaint of the Public Service Association—

. . . (a) the adequacy of the Government's contributions as compared with other superannuation schemes.

In other words, the question was—is the Government contributing enough to the scheme? The article then stated:—

(b) The reasonableness of our contributions as compared with other schemes.

In other words, the question was, whether or not the contributors were paying too much for the benefits gained by them. This whole

question has been a live one in the minds of contributors. The Government must contribute to any superannuation scheme, for no superannuation scheme can possibly work on its own. We cannot take a group of officers and exact from them a contribution of £50 or £150 a year and expect the fund to run itself without some contribution from the Government. A superannuation scheme will not work at all unless the Government subsidizes the subscriptions that have been paid by the individual contributors, at least on a pound for pound basis. Indeed, as the honourable Sir Frank Perry said, it may have to be on a much higher basis than pound for pound. A superannuation scheme must take into account the actuarial risks involved. Any insurance company scheme carries the same necessary provision for actuarial risks. The point I make is that this Bill does go some way towards providing an increased pension for people who have been contributors, have retired and are receiving benefits. They have had to suffer the greatly diminished value of the pension money paid to them. I have pleasure in supporting the second reading of this Bill.

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

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

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

EARLY CLOSING ACT AMENDMENT BILL.

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

No. 1. Page 4, line 5 (clause 12)—After "notice" insert the following paragraph:—

(ba) by striking out the word "four" in the sixth line of paragraph (b) thereof and inserting in its place the word "eight".

No. 2. Page 12, line 21 (clause 36)—After the word "soaps" insert the words "toilet tissues".

Amendment No. 1.

The Hon. C. D. ROWE (Attorney-General)—The amendment deals with petitions for the abolition of shopping districts. Section 25 (c) of the Act provides that if a petition applies for the abolition of a shopping district the Minister shall, among other things, publish in the *Gazette* a notice fixing a date, being not less than four weeks from the date of the last

publication of the notice, within which a counter-petition praying that the shopping district be not abolished may be presented. The amendment seeks to extend the period of four weeks to eight weeks and it was accepted by the Minister in charge of the Bill in another place. It simply means that where there is a petition seeking the abolition of a shopping district the law at present provides for a period of four weeks in which to lodge a counter-petition. It is felt that in these days when there is a larger number of people living in the shopping districts than formerly four weeks is rather short and that it should be extended to eight weeks. The Government is prepared to accept the amendment and suggests that it be accepted by the Committee.

Amendment agreed to.

Amendment No. 2.

The Hon. C. D. ROWE—This amendment adds to the list of exempted goods in the second schedule to the principal Act which may be sold outside ordinary shopping hours. Toilet tissues are things which people may require after hours and it is in conformity with the policy of the Government that these should be included in the schedule to the Act. I suggest that the Committee accept the Assembly's amendment.

Amendment agreed to.

Amendment No. 2 re-considered.

The Hon. C. D. ROWE—It has been pointed out to me that a mistake has been made and perhaps the best way to deal with it is by an amendment to the Assembly's amendment. I move:—

That the House of Assembly's amendment No. 2 be amended by striking out the figure "21" and inserting in lieu thereof the figure "18".

Amendment carried; House of Assembly's amendment, as amended, agreed to.

Committee's report adopted.

[*Sitting suspended from 5.20 to 7.45 p.m.*]

The Hon. C. D. ROWE—When we were looking at the reference in the Bill file before the adjournment we were looking at Bill No. 52, whereas we should have been looking at Bill No. 52a, which was a reprint after the amendments which had been made by the Legislative Council had been inserted in the previous Bill. What we have to consider is in line 21 of clause 36 and not in line 18. I therefore move:—

That the resolution adopting the report of the Committee of the Whole agreeing to the

amendment of the House of Assembly be rescinded.

Motion carried.

In Committee.

Amendment No. 2 re-considered.

The Hon. C. D. ROWE—I move that the House of Assembly's amendment as amended by the Legislative Council be further amended by re-inserting "21" in lieu of "18." The effect will be that the Council agrees to the House of Assembly's amendment without amendment.

Amendment agreed to.

SUPREME COURT ACT AMENDMENT
BILL (No. 1).

Adjourned debate on second reading.

(Continued from November 15. Page 1860.)

The Hon. L. H. DENSLEY (Southern)—I pay a tribute to our judges, particularly the two judges concerned in this Bill. It is a very great honour to South Australia to have had Sir Mellis Napier to fill the position of Chief Judge for a number of years. He is held in the highest regard by South Australians. He has also done a great service to the University of Adelaide as its Chancellor and no-one could have shown a greater interest in its activities. He has filled with great distinction the position of Lieutenant-Governor on a number of occasions. Sir Herbert Mayo, the other judge concerned under the Bill, has been a judge of the Supreme Court for many years, and I praise the work he has done. In addition to his work as a judge, he has devoted much time to public duties. In 1944, when the opportunity was given to the judges of the Supreme Court to come under the pension scheme, three elected to do this, but Sir Mellis and Sir Herbert decided against it. Consequently, they accepted the alternative, which provided for a life service as judges. No doubt, in introducing the Bill, the Government had in mind the valuable work these judges had done and was anxious to show its appreciation and decided that this was the correct way to do it. Sometimes I feel there might have been a more appropriate way of showing its recognition of their great services. I hope that they will live long to enjoy the measure of confidence we place in them by the passing of this Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Right of certain judges to contribute for pension."

The Hon. F. J. CONDON—I move—

That it be a suggestion to the House of Assembly—

That in new proposed section 13eb (2) all the words after "contribution" be struck out and the words "at the rate of eighty pounds a year" be inserted.

During the session, when the Opposition had endeavoured to do something similar in another Bill, it was defeated. I cannot see why the Committee should defeat this amendment. When the original Bill was passed judges were given the opportunity to elect whether to come under the pension scheme, and the majority decided to do so. However, the two gentlemen mentioned in the Bill did not desire to do that, with the result that the other judges have contributed towards the fund, entitling them to a pension. Why should we give these two gentlemen preferential treatment? If we do we shall establish a precedent that we may regret. I have said previously that nobody has a higher regard for the members of the judiciary than I have, but if a man refuses to elect to contribute why should he be considered afterwards? What fairness is there when others over a period of years have contributed while the two gentlemen concerned have not, and yet they now have a right to preferential treatment? I hope this Committee will support the amendment. It has been suggested that some other course should be adopted, but this matter should be conducted in a proper manner.

The Hon. C. D. ROWE (Attorney-General)—I have listened to the debate and the speech made by the Hon. Mr. Condon and I am pleased to note—as indeed I expected would be the position—that all honourable members in this House have the highest respect and regard for the honourable gentlemen referred to in this Bill. What we are discussing is not a question of their honesty and integrity; indeed we all agree entirely on that particular matter. The question is whether what is proposed in this Bill is fair and reasonable under the circumstances, or whether these honourable gentlemen should be required to make a higher contribution than is proposed in the Bill. I point out that these two gentlemen have been on the Supreme Court Bench for many years, but if they had remained in private practice they would have earned a considerably larger sum of money than they have. If anything, it is not a question of their being indebted to us, but of our being indebted to them for the services they have given to the State. If they had elected to retire at 70 years of age, for

the last seven or eight years not only would we have been paying them a pension but would have been paying other judges to do their work.

The Hon. A. J. SHARD—There is nothing wrong with that. It is sound in principle.

The Hon. C. D. ROWE—If they had so elected the State would have been involved in greater expense than it has been. As I read the amendment it means not that the parties concerned should have to pay a contribution from 1944 until they reached the age of 70 years, but up to the present time, which would involve a fairly heavy payment as far as they are concerned and in my view would not be justified. For this reason the Government has made a fair and proper approach to the matter and for the reasons I have stated I ask the Committee not to support the amendment.

The Hon. A. J. SHARD—No-one has more respect for the two gentlemen concerned than I have, but there is a matter of principle. These gentlemen elected of their own choice to take certain action. This afternoon when I was speaking on principles which would not cost the Government very much the matter of principle was neglected. When the Attorney-General mentions that this Bill represents the cheapest way to get out of the problem it seems to me consistent with Government policy. In other words, it appears to be the cheapest and meanest way for the Government to solve the problem.

The Hon. C. D. Rowe—That is not a fair interpretation.

The Hon. A. J. SHARD—The Minister said it would cost the Government a certain amount and there is nothing wrong with that in principle if the judges had taken certain action in 1944. This afternoon when considering public servants and teachers the Government did not think of principles. In the Parliamentary Superannuation Bill passed this afternoon, there was a provision that did not allow certain people, who in my opinion were foolish enough to take the lowest or second lowest pension, to become entitled to the highest benefits. However, tonight we speak about principles to allow these honourable gentlemen who elected in 1944 not to contribute to now receive the highest pension after one month's or one year's contribution. I fail to see the consistency in these matters.

The Hon. Sir Lyell McEwin—I think you are getting your spelling mixed up.

The Hon. A. J. SHARD—Not me, but the Minister is. On a matter of principle this

afternoon the Minister remained dumb. I agree entirely with the Hon. Mr. Densley, who said this matter could have been treated in another way. I am not opposed to these gentlemen receiving recognition for the services they have rendered, but I do object because they elected to take no part in the superannuation scheme in 1944 and have now a distinct advantage over their brother judges. I hope this Committee will support the amendment.

The Hon. K. E. J. BARDOLPH—I want to say at the outset that the amendment moved by the Leader of the Opposition in no way casts any reflection upon the integrity or probity of the gentlemen concerned. Our amendment was the result of a decision determined by the Party just as members opposite determined their attitude after the Council adjourned this afternoon. Our amendment does not imply any hostility towards the eminent gentlemen. I charge the Government for its casual manner in determining that it shall disregard the position of their families. This is a matter that will be published in the press throughout the Commonwealth. These gentlemen have been eminent successors to the gentlemen who preceded them. In the opinion of my Party the Government stands charged in this matter, because there are other ways and means of overcoming the difficulty. A principle is involved, and I charge the Government for the way in which it has brought this matter before Parliament. We cannot be charged with being hostile towards the judiciary.

The Hon. L. H. DENSLEY—I am not willing to support the amendment. I think there are other ways of dealing with the matter.

The Hon. F. J. CONDON—The Liberal Party decided this matter upstairs during the dinner adjournment. If they did not have a majority they decided they would shelve the matter. It seems that the silence of members opposite indicates that they have forgotten the contracts that have been entered into. My friends opposite are inconsistent in their attitude. Do not let it be said that members on this side are disloyal in any way to members of the Supreme Court Bench. We have as much respect for them as any member of this Council, but we stand for principles, and have an open mind on the matter. I suggest that others do likewise. This is a reasonable amendment and I hope that members will support it.

The Hon. Sir FRANK PERRY—The tenor of the debate is not a reflection on our judiciary, for we hold them in high esteem. I find myself more in sympathy with the amendment than the Bill. The two judges elected not to come under the conditions of the scheme in 1944. They are judges of high standing. I do not think that they are more concerned with the pension than with the job. I will vote against the third reading of the Bill because I think that more satisfactory ways could be found to deal with this matter.

The Hon. C. D. ROWE—I have always considered that members are entitled to express their opinions in this Chamber. We have been told that contracts must be kept sacrosanct, and I think that we should always consider them to be sacrosanct. Under the amendment these honourable gentlemen are required to contribute not the amount they would have contributed if they had made an election before and had abided by the original contract, but twice that amount. If the honourable member proposes that they should keep to the contract I point out that his amendment does not do that; it puts them in a worse position.

It has been suggested that this matter has been handled clumsily by the Government and that some other course should have been adopted. I have examined this matter carefully and fail to see that any other course has been suggested. While members have been free and glib in talking of other measures none has come forward with a tangible suggestion on what should be done. It is one thing to make rather carefree suggestions but it is another to sit down and work out what is a logical and practical alternative.

The Government brought down this Bill with the idea of meeting a situation it felt should be met, and it did it without creating any embarrassment as far as the honourable gentlemen were concerned. The proposal in the Bill simply enables us to express to them our appreciation of the work they have done. It will enable them to retire from their noble post with some degree of security, happiness and contentment. Superannuation schemes of all kinds, as far as contributors are concerned, have become more liberal in their benefits and have become part of our way of life, more so than was the case in 1944. The Government has handled the matter very satisfactorily and has kept it on a very high plane. I feel there is no reason why we should accept the amendment.

The Committee divided on the suggested amendment:

Ayes (4).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), and A. J. Shard.

Noes (14).—The Hons. Jessie Cooper, L. H. Densley, E. H. Edmonds, G. O'H. Giles, A. C. Hookings, N. L. Jude, Sir Lyell McEwin, Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe (teller), Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 10 for the Noes.

Amendment thus negatived.

The Hon. F. J. CONDON—I will not proceed with my other amendment.

Clause and title passed.

Bill reported without amendment and Committee's report adopted.

The Council divided on the third reading:

Ayes (12).—The Hons. Jessie Cooper, L. H. Densley, E. H. Edmonds, A. C. Hookings, N. L. Jude, Sir Lyell McEwin, F. J. Potter, W. W. Robinson, C. D. Rowe (teller), Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Noes (5).—The Hons. K. E. J. Bardolph, S. C. Bevan, F. J. Condon (teller), Sir Frank Perry, and A. J. Shard.

Majority of 7 for the Ayes.

Third reading thus carried.

Bill passed.

EDUCATION ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

POLICE OFFENCES ACT AMENDMENT BILL (No. 2).

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

KIDNAPPING BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

PROROGATION SPEECHES.

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

That the Council at its rising adjourn until Tuesday, December 20, 1960.

Honourable members will realize the significance of such a resolution: it means that we have concluded another session. It has been a busy session and we have dealt with more than the average number of Bills, the total being

over 70. Honourable members know that between 50 and 60 Bills constitute a normal session's work. It can, therefore, be claimed that we have dealt with quite a large amount of business this year. It is because of that and because of the work we have done that I thank all members for their attention and support in dealing with the business of the Council. We appreciate that we have been privileged again to have your guidance, Sir, as our President during the deliberations of the Council. Your long experience in this Chamber and your sense of humour help to create the happy atmosphere which generally prevails in this Chamber during debates. I would also like to take this opportunity of expressing my appreciation of the support and assistance that I have had from my Ministerial colleagues. I have never felt the least concerned if circumstances made it necessary for me to be absent from the Chamber because I knew they would be capable of carrying on the business of the House.

I also express my appreciation of the services of the Leader of the Opposition. Even in this non-Party House it is sometimes necessary to confer with the Leader of the Opposition and I think we all appreciate the amount of work the Hon. Mr. Condon does in that capacity. He is ready to facilitate the work of the Council by sometimes speaking at very short notice, and it is not unusual for him to make speeches on several subjects on the one day. I wish him to know that his co-operation is appreciated.

We have had a change in the leadership of the Liberal Party in this Chamber. The Hon. Sir Frank Perry, who filled that position after the retirement of Sir Collier Cudmore, carried on the work with distinction, but because of his many other responsibilities he wished to be relieved, and the Hon. Mr. Densley has now taken over. I should think that all members would desire to compliment the honourable member on his appointment. There is no more conscientious worker in the Council. This appointment has also meant a change in the appointment of the Whip. We do not have what is known as a Government Whip in this Chamber, but we have always had assistance from the Party Whip, and the Hon. Mr. Story is now filling that position. I congratulate him on the help he has given the Government from time to time in carrying out his duties.

I acknowledge, as I have done for a number of years, the efficient work of our Clerk and of

Black Rod. Nothing is too much trouble for either of these officers. They are particularly attentive to the requirements of the Chamber. I also refer to the work done by Mr. Ball as Secretary of the Commonwealth Parliamentary Association (South Australian Branch). When any honourable member travels outside the State Mr. Ball immediately makes inquiries to see that contacts are made for him on visits to other branches of the association. There have been so many expressions of appreciation regarding his excellent work that it is fitting I should mention it.

In our Parliamentary Draftsman and his assistant we have a new team. We worked so long under the guidance of Sir Edgar Bean as Parliamentary Draftsman that we wondered how we would get along without his competent services. In our two present officers we have men who are just as anxious and ready to assist at all times, and they are deserving of our appreciation.

Our librarians have carried out their work behind the curtains, so to speak, but it is none-the-less appreciated by honourable members. Likewise, I should like to thank the messengers, the members of *Hansard* staff, and other officers. All have given of their best and made their contribution toward the very happy atmosphere of this Parliament. To all honourable members I extend best wishes for the approaching festive season and wish them good health; and may we all meet again in the next session fit and well to tackle our work in the interests of the State.

The Hon. F. J. CONDON (Leader of the Opposition)—I support the Chief Secretary's remarks concerning the various officers of Parliament. I congratulate you, Mr. President, on the part you have played during the session. I am sure that the Opposition had good reason to revolt during the session, but out of respect for you, Mr. President, my colleagues retained the dignity of the Chamber. I thank the Chief Secretary for his reference to me, and his Ministers for the courtesy they have extended to the Opposition. I join with the Chief Secretary in thanking the officers of the House, including the *Hansard* staff, of whom we should be proud. We have two young officers controlling the affairs of the Council and I think that they will still be here when the Council is eventually abolished. The catering staff has done a wonderful job. On behalf of the Opposition I thank the press for giving the Council some prominence. They have a job to do and they do it.

The Chief Secretary mentioned that this was a non-Party House. However, I might mention that the Opposition has not taken a trick this session. We introduced one Bill and it was thrown out and we have not been successful in getting one amendment accepted. I am wondering what we are here for. Since I have been a member, it has never been a stronger Party House than it is now. No matter what happens here, I hope that the personal friendship between honourable members will always exist. I thank my colleagues for the assistance they have given me during the session and I think that every honourable member will admit that they are keen debaters and an acquisition to the Council. Although they may not succeed in getting what they desire, I think they help to make the Council workable.

I consider that some assistance could be given to the Leader of the Opposition, no matter whom he may be. Some day it may be the Chief Secretary. Any one of my three colleagues could carry out the job with dignity and ability. It is not generally known that this position entails long hours of work. It is not a 40-hour week job and I believe that in other Parliaments assistance is given to the Leader of the Opposition. I hope that the Government will consider my suggestion. I thank every honourable member for the part he has played during the session and consider that the new members have been an acquisition to the Council. They speak on subjects about which they know something. I trust that we shall all be here next year and enjoy the best of health. I wish every honourable member all that he might wish himself and trust that all honourable members will enjoy a Happy Christmas and a prosperous New Year. This applies to all members of the House staff, including the Parliamentary Draftsman, who has done a good job.

I wish to express my thanks to Sir Frank Perry for the part he played whilst Leader of the Liberal Party. He is a courteous gentleman, always prepared to assist, and a man with whom it was a pleasure to work. He had the respect of the members of both sides of the House. His place has been taken by one whom we recognize as the unofficial Whip, the Hon. Mr. Densley, who has been here many years and who plays a very important part in the working of this House. He is a man we all respect. I cannot speak further than 15 or 16 months ahead, but I trust he enjoys the best of health and can assure him that he will always have the assistance of the Opposition.

The Hon. L. H. DENSLEY (Southern)—I would like to support the Chief Secretary's remarks in his tribute to you, Sir. You always handle the House in a genial and friendly manner, although firm and deliberate in your decisions. We have enjoyed the years during which you have been President and hope we will do so for some time to come. I appreciate the work that has been done by the Ministers, who perhaps do not always give us what we want, but we can discuss matters with them and we do our best with them to get the business of the House completed. The work of the Ministers is of tremendous magnitude today, and it must be a great strain on their physical strength. We hope they will be able to stand up to their work and carry on for a long time. I would like to thank the Chief Secretary for his remarks and also my colleagues of the Liberal Party for the honour they have accorded me. I pay a tribute to the Hon. Mr. Condon and can truthfully say that ever since I have been here he has been a great friend to new members. He seems to take them in hand, whether they are Liberal or Labor, and shows them the ropes, yet never seems to be dejected if they do not give him the support to which he thinks he is entitled. I wish to thank Sir Frank Perry, who was the Leader of the Liberal and Country Party for some time in this House, and who carried out his duties in the most dignified manner. We have all appreciated the work he has done while Leader of the Party.

I was pleased when the Hon. Mr. Story agreed to become Secretary and Whip of the Party and help me in the work I have to do. He is recognized by everyone as being capable and able to analyse every subject. To all my L.C.L. colleagues I express good wishes. This is the second session in which I have had two new colleagues. They are extremely active and diligent, and nothing is too much trouble for them. The Hon. Mr. Condon leads the Labor Party, whose members do good work, and I feel the amount of work the Hon. Mr. Condon does perhaps justifies more assistance than he receives at the present time. I feel that more of the proposals he has advocated have been achieved this session and, although he may not admit it, there are one or two things the Government has introduced this session which must have given him pleasure. The Clerk, Mr. Ball, has been particularly kind, not only to myself but to the new members, and I hardly know how to express my thanks to him. He does a

tremendous amount of work in solving problems for members, who call upon him at any time. I hope that perhaps one day this Council may give him the reward that he has really earned.

I find it quite a privilege to visit the Parliamentary Draftsman. Previously I have had some difficulty in having various details put in order, but it has been a pleasure to receive the co-operation that I have had this year. The *Hansard* reporters, who are a necessary attribute to this House, have helped us with our speeches and made them more readable than they might otherwise have been. I pay a tribute to the clerical staff. We are well served by them, and by the librarians, messengers, and caterers. This has been the first year in which we have had two sessions in one year. I believe the work of Parliament goes on more smoothly and more deliberately when we have only one session. The break in the year disorganizes the work of Parliament, although maybe it is easier for Ministers, but as far as members are concerned it is much better to have one session, and I express the hope that we may revert to this system in future. I express again my sincere thanks to my colleagues, whether Liberal or Labor, for the great assistance they have given me and wish them the compliments of the season, good health and happiness.

The PRESIDENT—Before I put the motion there are one or two points I would like to add to the remarks that have already been made. Firstly, I would like to say thanks to the Chief Secretary, the Honourable Mr. Condon and the Honourable Mr. Densley on behalf of those who cannot say “thank you” themselves because they are not allowed to speak in this House. Nobody appreciates the work of Mr. Ball and Mr. Drummond more than I do. Probably nobody comes in contact with them more than I do, and I sometimes wonder how we would get on without them. If we had two new persons doing their work we would be in an impossible position, for they keep us going in the proper way. They are keen and obliging and they help in every possible way. Not only do they have to look wise, but they have to be prophets, and when messages have

to go to another place it has been found that in no way have they to be altered. This is something that members generally do not realize. As Mr. Densley pointed out, we have come to the end of another session. I have been trying to find how we can improve matters, but as I am not interested in politics I am not going to enter into an argument with Mr. Densley. I think that he and I agree on the question of one or two sessions. With him, I look forward to going back to having one session of Parliament instead of coming here for a short period early in the year to deal with just a few matters.

I have been trying to find something new to say for these wind-ups, but it is not easy, as the Chief Secretary has pointed out. I look upon the members of the Legislative Council as a team doing all they possibly can for South Australia. Some of them at times like to be narks, stumpers and appealers, but when we know that the objective of all of them is the good of the State we can put up with their peculiarities. Our members do not speak badly of one another and there is no ill feeling. I have been here longer than I like to remember, but I can say that there has been no ill-feeling amongst members. Each member calls other members by their Christian names, even after he has only been here a week or so. It is possible for members to differ with other members as much as they like politically, but the position is quite different when they have finished their political row. I have been here for so long that I am afraid I have lost my dash and I sometimes feel a bit old, but I am able to continue with the help that is given to me. I hope that when we meet again, and I hope that it will be about June of next year, we shall be ready to carry on with the work that we have done so well this session.

Motion carried.

PROROGATION.

At 9.16 p.m. the Council adjourned until Tuesday, December 20, at 2.15 p.m.

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