LEGISLATIVE COUNCIL.

Tuesday, October 31, 1961.

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

INFLAMMABLE LIQUIDS BILL.

Adjourned debate on second reading.

(Continued from October 26. Page 1552.)

The Hon. A. J. SHARD (Leader of the Opposition): This is a consolidating Bill and brings up-to-date the legislation dealing with inflammable liquids from 1908 to 1954. The Inflammable Oils Act of 1908 is repealed, and the amendments made by the 1909, 1928, 1933 and 1954 Bills are also repealed. In his second reading explanation the Minister of Labour and Industry said that the Bill covers pipelines that will carry inflammable oils from the Port Stanvac refinery. I have read the Bill and the second reading explanation of the Attorney-General. As a layman I find the Bill a little difficult to follow, but no doubt the Government has had the best technical advice available to it in drafting the Bill. Later some member more conversant with the technical side of the Bill may raise some objection to it. I support the Bill, but reserve the right to vote as I wish in Committee.

The Bill adopts a different procedure from that applying in most Bills. Clause 1 states that the Act shall come into operation on a day to be fixed by proclamation. I do not object to that, because a perusal of the Bill indicates that on numerous occasions provision is made for control by regulation or as prescribed. Later I will touch on a clause that gives the Governor authority to do most things necessary under the Bill by regulation. Clause 9 provides that depots containing a certain quantity of inflammable oil shall be registered and clause 10 provides rules for registered depots. I can find no fault with either of those clauses. Clause 11 provides for supervision of registered depots. I believe that clauses 9, 10 and 11 are set out clearly and precisely. Clauses 14 and 15 deal with inflammable liquid on ships and with pipelines. According to the Minister's second reading explanation the present Act does not control pipelines that convey petrol or inflammable oil from one point to another. I agree that the provisions in clauses 14 and 15 are reasonable.

Clause 33 should not be passed without some comment. The Government should be commended for including this clause, which does not appear in a number of other Acts. In many cases the Government is exempted from the provisions of Acts, but clause 33 provides that this Bill shall bind the Crown. The Bill is designed to protect the public in connection with the storage and handling of inflammable oil, and it is only right that the Crown should be covered in the same way as a person in business. This provision places everybody on an equal footing. Clause 34 (1) provides:

> The Governor may make regulations not inconsistent with the Act prescribing all matters which by this Act are required or permitted to be prescribed or which may be necessary or convenient to be prescribed for giving effect to this Act and in particular, but without limiting the generality of the foregoing, in respect of the following matters:

The Bill then contains paragraphs denoted alphabetically from (*a*) to (*q*).

The Hon. C. R. Story: The Subordinate Legislation Committee will have some work to do, won't it?

The Hon. A. J. SHARD: I shall have something to say about that. Paragraph (*q*) is one to which I wish to draw the Minister's attention. It deals with penalties and provides:

> Penalties not less than ten pounds and not exceeding two hundred and fifty pounds for the breach of any regulation.

I was a member of the Subordinate Legislation Committee for a few years and I was always perturbed by the little publicity that various regulations received. In this case, they will be of importance to the people who have to implement them and also to those for whose protection they are prepared. One clause provides that publication in the *Government Gazette* is sufficient evidence that a regulation is in operation. There should be the widest publicity given on this matter to notify those who must obey these regulations so that they will not be guilty of an offence because of ignorance. One would not find one person in a thousand who would know anything about the regulations. Those who store inflammable oils should be advised of the regulations under which they are supposed to work.

The Hon. C. D. Rowe: I am quite happy to have a look at that angle.

The Hon. A. J. SHARD: Undoubtedly the Subordinate Legislation Committee will have a great deal of work to do on this Bill before it is proclaimed. I pay a tribute to the services rendered by its members. I have been one of those who have grizzled, but now that I have ceased to be a member of the committee I can say things that I could not say while I was a member. The responsibilities of this

committee are tremendous. I do not know whether honourable members are aware that during the life of this Parliament the committee has dealt with 435 regulations and by-laws. In one traffic by-law it considered were 100 clauses and each had to be examined thoroughly. Therefore one can readily understand the amount of work involved. The success of the committee's work can be judged by the number of times that Parliament has accepted its decisions. A number of recommendations for the disallowance of regulations has been made during this Parliament and in the main members have accepted its recommendations. I do not think that once during this session has any of its decisions been reversed. In the House of Assembly two by-laws which had been considered by the committee were withdrawn, with the committee's consent, because of a compromise by the parties concerned. I have always thought that this committee was considerably underpaid in view of its responsibilities and the work it does.

The Hon. Sir Arthur Rymill: Members are paid?

The Hon. A. J. SHARD: Yes, and it is a miserable sum. Its members put a tremendous number of hours into research and this is necessary if the work is to be carried out properly. I pay a tribute to its chairman, Mr. Millhouse. Politically, he and I are as apart as the poles, but I have been happy and content with the work he has done. He puts a great deal of time into the job to guide members. I do not think that the Government or members really take seriously enough the amount and importance of the work done by this committee. If the implementation of the Bill is carried out in the same thoroughly effective manner as it has been compiled, there should not be many quarrels with it. I support the second reading.

The Hon. A. C. HOOKINGS (Southern): In supporting this Bill I offer my congratulations to the Attorney-General on his excellent second reading speech, which conveyed the objects of the Bill very plainly to me. To me one of the most interesting points, apart from the excellent drafting, is the historical aspects of the measure. In the second reading speech it was mentioned that the original Kerosine Storage Act was enacted in 1873 and the Inflammable Oils Act in 1908 repealed that Act. Since, there have been only minor amendments and now we have introduced a new measure which is called the Inflammable Liquids Bill. It is interesting to notice the terminology used in the three measures. In the 1873 legislation kerosene was spelled "kerosine", and in the 1908 Act the interpretation of "boat" was "any vessel which is propelled by oars only." Today we see at our beaches many boats that are propelled by some form of motor powered with inflammable liquid. Therefore, the importance of this measure is quite apparent today. I have taken the following figures from the *Australian Year Book* which show how the use of inflammable liquids has increased in Australia. Earlier records are hard to get, but in 1922-23 the quantity of petroleum imported into Australia was 45,800,212 gallons and of kerosene 21,831,749 gallons, and in 1929-30 the corresponding figures were 361,975,866 and 41,162,038. In 1930-31 the figure fell to 264,085,522 gallons of petroleum and 35,158,991 gallons of kerosene. It is obvious that the depression in Australia caused the drop of 100,000,000 gallons of petroleum imported into this country.

In 1938-39, 347,905,000 gallons, excluding solvents, and 54,714,000 gallons of kerosene were imported into Australia. These figures do not include 54,334,000 gallons of crude oil. In 1959-60, 201,731,000 gallons of petroleum were imported, a drop from the 1938-39 figure, but 2,675,269,000 gallons of crude oil were also imported as well as 93,715,000 gallons of kerosene. In 1959 a large amount of crude oil was being imported and refined in Australia. A report in 1960 published on "Oil in Australia" stated that in 1949-50 Australia refined 14 per cent of its requirements of petroleum products, while in 1959-60 almost 90 per cent of Australia's consumption was met by local production. With the refinery expansion, plans have been completed so that the Australian demand will be met by domestic production. The refining of crude oil in Australia will save this country a large amount of money.

The importance of inflammable liquid in this country is signified by the number of motor vehicles used in South Australia. In 1919 there were 17,525 motor vehicles of all kinds registered in this State, while in 1959 there were 270,934. Incidently, there are no figures available prior to 1919 because the records were destroyed by fire in 1924. In 1919 there were 9,716 cars, 563 commercial vehicles and 7,246 motor cycles registered in South Australia, while in 1959 there were 187,052 motor cars, 67,150 commercial vehicles and 16,732 motor cycles. These figures indicate the

importance of a Bill of this nature because in many places throughout the State these inflammable liquids are being stored.

As the Hon. Mr. Shard mentioned, this legislation will be of assistance to everyone in the State. With the construction of the proposed refinery at Port Stanvac and the pipeline being built from there to Port Adelaide, provision has been made so that protection will be provided for anything which may go wrong in the construction of the pipeline, and people living or passing in the vicinity will be protected from the inflammable nature of the material in the pipeline. Under the old Act very few accidents occurred and, from experience throughout country areas, this measure should maintain this low-accident record. In many country areas with small towns and farms, there are huge amounts of inflammable liquids stored and strict supervision will be necessary to ensure that it is stored in a manner to prevent mistakes and accidents. In clause 6 (4) provision is made to exempt farmers from the provisions of the first part of the clause so that they will be able to store a considerable amount of fuel on their own properties. I support the second reading.

The Hon. Sir ARTHUR RYMILL (Central No. 2): There is only one thing in the Bill that gives me concern. I think it is a very desirable Bill for the protection of the public, but I am not clear either from the Bill itself or from the second reading explanation, as to precisely which liquids come within the classification of "class A inflammable liquids," which are limited to the keeping of 25 gallons without a licence. I want to know what liquids in common use, that are used in quantity by the ordinary individual, would come under this category. Subclause (4) of clause 6 is a provision which exempts agricultural, horticultural and other owners from obtaining a licence for quantities not exceeding 1,000 gallons, within certain reservations made under that section. I would like to know to what fuels the limit of 25 gallons applies, because there is some reference to the possibility that petrol may be in that category. I for one have kept petrol in drums on my premises in North Adelaide for my own use for emergency and other purposes, but there are also certain fluids that are more highly inflammable which are used for doping fuel for racing vehicles and they can be in fairly common use. There may be few people who use those fluids, and they may be able to obtain a licence under reasonable circumstances. I merely pose the question. At this stage I do not suggest any opposition to the Bill, but the use of some of the fluids I have mentioned is fairly widespread. While it may be possible to get a storage licence, I would like to have cleared up which liquids come under class A.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Classification of 'Inflammable Liquid'."

The Hon. Sir ARTHUR RYMILL: I again pose my question. Can the Minister give me the information?

The Hon. C. D. ROWE (Minister of Labour and Industry): I have had an opportunity to confer with my officers on this matter, and they say that the principal liquids with a flash point of less than 73 degrees Fahrenheit are petrol, methylated spirits, benzol and certain paint solvents. The figure of 25 gallons was fixed to enable people to keep two standard drums, each containing 12½ gallons, which is regarded as enough for an emergency supply. I understand that in New South Wales it is 16 gallons. I do not think the provision in the Bill will create any hardship. Sometimes there are multiple occupancies of flats and each person could keep this quantity, so it will be realized that this is a reasonable figure.

The Hon. Sir ARTHUR RYMILL: I am grateful for the explanation, but although a user for many years of petrol and benzol I am not familiar with the 12½-gallon container. I am familiar with four and five-gallon containers and 44-gallon drums. At one stage it was impossible to get benzol in other than 44-gallon drums, but that position might be altered now. The safest way to keep petrol is in 44-gallon drums. I have not kept any at my town house for some time, but I do at the farm, which apparently is exempted under certain conditions, to which I shall refer later. Would there be any additional danger in relating this clause to 44-gallon drums, in which most people normally keep their liquids?

The Hon. C. D. ROWE: I am informed that there is additional danger with 44-gallon drums. Recently we have arranged in this State to have fuel pumps open for 24 hours a day, so a person can more or less by going around the corner get all the petrol he wants during the night, day, or week-ends. Therefore, the need to keep fuel in the garages does not exist.

Clause passed.

Clause 5 passed.

Clause 6—"Keeping of inflammable liquid."

The Hon. Sir ARTHUR RYMILL: Subclause (4) (*b*) provides, in effect, that a farmer can store without a licence quantities not exceeding 1,000 gallons of inflammable liquids. It seems to me that the clause refers more to class B fluids. Will the Minister report progress so that I might further consider the matter?

The Hon. C. D. ROWE: I intended to report progress when we reached clause 13, to which I have an amendment. In order that the honourable member may have the opportunity to look further at clause 6, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

Clause 6—"Keeping of inflammable liquid."

The Hon. Sir ARTHUR RYMILL: I have had an opportunity to talk with the Attorney-General and he has pointed out that subclause (4) stands apart from subclause (1). In other words, subclause (4) provides for storages for pastoral purposes under certain conditions. I rose to suggest that although the provision about keeping 10ft. clear of all inflammable material sounds all right on the face of it, in practice it is a rather difficult provision to comply with unless one has a special storage space for these materials. As country members seem to be satisfied with the provision I, as a peasant farmer, do not propose to take the matter any further.

The Hon. L. H. Densley: Many people now keep it in tanks.

The Hon. Sir ARTHUR RYMILL: On behalf of the city people I represent, I should have thought that a 44-gallon drum was just as safe as any other type of container. It is very handy to keep petrol in such drums, because these days one can buy a pump that will screw into the aperture in the drum and to me that seems to be very much safer than keeping petrol in small tins which one has to open in the atmosphere. I imagine that if one applied for a licence to store inflammable liquids all kinds of severe precautions would be imposed which would make it impossible for the normal city dweller to be able to keep a drum of liquid on hand. I have had as many as three drums of petrol on my premises in past years, but whether it was illegal I do not know.

The Hon. L. H. DENSLEY: I fully agree with the honourable member as regards the safety of a 44-gallon drum of petrol and that it is much safer than a 12½-gallon oil drum which one fills at the local pump to take home. The 44-gallon petrol drum is made of heavy steel, to which is attached a pump and it is perfectly safe.

The Hon. C. D. ROWE: I have had a word with my officers and as the law stands it is not permissible to have a 44-gallon drum of petrol in one's garage. The position is that if a 44-gallon drum is knocked over, whatever spirit may be in it, much damage could be caused. I understand that a firm in Adelaide makes 12½ gallon drums for the high flash-point liquids, so I ask honourable members to accept the clause, which I do not think will create any hardship, especially as we have a 24-hour service for the supplying of fuels; therefore people need not keep large supplies at their homes. When there are people smoking or children playing with matches, and there is a general unsatisfactory lack of precautions, it is wise for us to be on the cautious side when dealing with these extremely volatile liquids.

Clause passed.

Clauses 7 to 10 passed.

Clause 11—"Supervision of registered depots."

The Hon. S. C. BEVAN: I am rather concerned with the provision in this clause that provides that if any person keeps a registered depot where more than 1,000,000 gallons of inflammable liquids are kept he must employ a watchman. That does not sound so bad at first sight but we find that a watchman in effect is not a watchman at all, because he can be instructed by his employer to carry out other duties, and while performing those duties he could not be acting as a watchman. He could be required to do the duties of a storeman or clerk and the area would not be controlled. One of the main objectives of this measure is to provide for refineries and therefore it goes much further than the original legislation controlling these factors. It may be many hours before a person engaged as a watchman, but not carrying out those duties, patrols the premises, and in that time half the city could be blown up. Fortunately, it has never occurred in this State, but there is always a first time, and after hearing the Attorney-General's explanation, it could happen. If there was a fire at the present Birkenhead installations and a tank exploded, there would not be much left of Port Adelaide. I am concerned with the quantity in the first instance, and the lookout in the second. Subclause (4) may be all right if the person has

no other duties to perform, but if a person although appointed as a watchman has an adequate excuse for not carrying out those duties and something happens, he is no longer responsible. I submit that clause 11 means nothing and that these installations should be adequately patrolled 24 hours a day, especially when containing 1,000,000 gallons of petrol. This quantity is far too great for the safety of the community and, in addition, the clause means nothing with regard to the patrolling of premises. I would like an explanation from the Attorney-General on these points, because at the moment I am inclined to oppose this clause.

The Hon. C. D. ROWE: This clause merely reimposes the same conditions as apply at present and as have applied for many years, and which have always been found satisfactory. I am informed that all installations at Birkenhead contain more than 1,000,000 gallons of fuel, so that a watchman would be required for each of the premises. Clause 10 sets out in detail the requirements which must be observed with regard to depots which have less than 1,000,000 gallons stored. Regarding the question of watchmen having other duties, that has been the system in vogue in this State for many years and has worked satisfactorily. If a watchman on duty at night has something to do to keep him awake he is more likely to do his job properly than if having nothing to do. This Bill does not alter the present law and I ask the Committee to accept the clause as it stands.

Clause passed.

Clause 12 passed.

Clause 13—"Conveyance of inflammable liquids."

The Hon. C. D. ROWE: I move:

At the end of subclause (3) to add, "A notice given in accordance with the provisions of section 12 of the Prevention of Pollution of Waters by Oil Act, 1961, shall be deemed to be an application for such approval."

The explanation is that the Prevention of Pollution of Waters by Oil Act provides that oil cannot be transferred to or from ships between sunset and sunrise unless the Harbor Master or Harbors Board has been notified and has given written permission. Clause 13 of the Inflammable Liquids Bill provides by subclause (3) that inflammable liquids cannot be loaded or unloaded between sunset and sunrise without the written approval of the Chief Inspector. As the Bill now stands a shipping agent would be required to notify two authorities. The amendment will make it clear that only one application is required and administrative arrangements will be made between the Harbors Board and the Department of Labour and Industry for both approvals to be given on the one application.

Amendment carried; clause as amended passed.

Clause 14—"Inflammable liquid on ships."

The Hon. C. D. ROWE: I move:

Before "prescribed" second occurring, to insert "is"; and to omit "to an inspector".

The first amendment is of a drafting nature, and the second will leave the sort of notice to be given by a person loading or unloading inflammable liquids on ships to be prescribed. The amendment to this clause ties in with the amendment to the previous clause.

Amendment carried; clause as amended passed.

Clause 15—"Pipelines."

The Hon. C. D. ROWE: I move:

At the end of subclause (2) to insert "The provisions of this subsection shall not apply in respect of any pipeline in a registered depot or in any part of an oil refinery in which inflammable liquids are being processed".

As the clause stands it requires notice and approval by the Chief Inspector for every repair or renewal of pipelines within registered depots or an oil refinery. This is not intended. The amendment makes it clear that such repairs to a pipeline at registered depots or a refinery can be undertaken without approval.

Amendment carried; clause as amended passed.

Remaining clauses (16 to 34) and title passed.

Bill read a third time and passed.

PREVENTION OF POLLUTION OF WATERS BY OIL BILL.

Adjourned debate on second reading.

(Continued from October 26. Page 1558.)

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the Bill. Over the years there has been much consternation because of the pollution by oil of various sea routes and harbours. During the war overseas ships arriving at Port Lincoln caused pollution of the waters to such an extent that the oyster industry ended. This pollution of water by oil problem has become world wide. It has been pointed out that an international conference at which 32 countries were represented was held in 1954 to deal with the matter. In 1958 a convention was held and

from it came legislation dealing with extra-territorial waters. Other countries have ratified the agreement, and in 1960 the Commonwealth Parliament did so for waters outside territorial waters. The Commonwealth had no power to deal with the territorial waters of the various States. This Bill has been introduced following on a conference of all the States, and the passing of the Commonwealth measure. The Opposition supports this Bill, which prevents anyone in South Australia from avoiding the legislation. A penalty of £1,000 is provided and the Harbors Board is empowered to take action against the owners or the master of a ship and at their expense to remove any oil pollution from waters in which vessels may be anchored or discharging cargo. The Bill also empowers the Harbors Board to insist that all intra-state vessels shall be fitted with necessary equipment for gauging and testing any pollution of water. The Opposition offers no objection to the Bill and I support it. It appears that, despite the progress of science, Parliament must still pass various laws, because the laws of nature revolt against the intrusion of science into the natural course of things.

The Hon. C. R. STORY (Midland): I rise to support the Bill which, as has been pointed out by the Hon. Mr. Bardolph, is necessary to bring the whole of Australia into line with world opinion. It is wonderful to see that for once we seem to have complete unanimity, not only between all Australian States but on world thinking on this particular subject. It is a pity that unanimity does not go farther. This legislation is absolutely necessary because in the near future South Australia will be far more interested in oils than it has been in the past. This will be especially so with the coming establishment of the Port Stanvac refinery in proximity to Adelaide. From the point of view of fires in ports, if nothing else, this legislation is imperative. I am pleased to see the States getting together to bring down almost uniform legislation on this subject.

The Hon. Mr. Bardolph also pointed out that the Commonwealth Government had taken necessary action to deal with areas outside our territorial waters. As a party to the agreement the South Australian Government will only be conforming with the Commonwealth Government's thinking. However, it will also be protecting our own beaches, ports and waters against pollution and this is most important considering the amount of money the State is spending on fishing and other industries. It is most important for us to see that permanent damage in this direction is prevented. The people of South Australia have not yet seen much of oil but certainly in the next few years they will see a great deal more of it. I have pleasure in supporting the Bill.

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

ROAD TRAFFIC BILL.

In Committee.

(Continued from October 26. Page 1562.)

Clause 46—''Reckless and dangerous driving.''

The Hon. JESSIE COOPER: I move:

In subclause (1) after ''offence'' insert ''a fine of the said amount or''; after ''for'' insert ''not more than''; and strike out ''either with or without a fine of the said amount'' and insert ''or both such a fine and imprisonment''.

I understand the Government is prepared to accept this amendment. Under it the magistrate will be able to consider the matter according to the seriousness of the offence. I am indebted to Sir Edgar Bean for helping me with the amendment.

The Hon. N. L. JUDE (Minister of Roads): This matter was raised earlier by the honourable member and I promised that the Government would consider it. After consulting Sir Edgar Bean I have been asked to make one or two points clear. The clause deals with the power of the court to impose imprisonment for a second or subsequent offence for dangerous driving. He wishes it made clear that the court does not have to impose imprisonment. In the previous law imprisonment was optional and the Government had made no arrangement to alter it, but in order to make the matter clear and to avoid any likelihood of misinterpretation the penalty should be amended as proposed. Sir Edgar has looked at the other clauses dealing with penalties and says that no similar problems arise there. I accept the amendment.

Amendment carried; clause as amended passed.

First and second schedules and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 21—''Signs near schools and playgrounds''—reconsidered.

The Hon. N. L. JUDE: I move:

In subclause (1) to strike out, ''or a pedestrian crossing marked in the vicinity of a school''.

In another House amendments were moved to establish speed limits over school pedestrian crossings whether such crossings were on a road abutting on a school or on a road near a school but not abutting on it. The amendments provided first that signs bearing the word "school" could be erected near the crossing and if such signs were erected there should be a speed limit on the part of the road abutting on the crossing of 15 miles an hour. The amendments were accepted and this was a matter of policy accepted by the Government. Sir Edgar Bean pointed out that in looking at the drafting of the amendment there were two points for further consideration. The first is that school crossings are already indicated by signs bearing the words "school crossing ahead" and it seems superfluous to require other signs for the purpose of imposing a speed limit. Secondly, the amendments did not make it clear where the 15 mile speed limit applied. The amendment clause seems to mean that the limit applies on the portion of road which abuts on the school crossing. But how much of the road can be said to abut on the crossing? Something more definite is obviously required, and it is suggested that the limit, if there is to be one, should apply within a specified distance from the school crossing. Opinions may differ on what the distance should be, but 75 feet on either side of the crossing is suggested as being reasonable, having regard to all the diverse circumstances existing at these crossings. As regards the notices, it is now proposed in the amendments suggested to strike out—

The Hon. Sir Arthur Rymill: On a point of order, Mr. Chairman. Are we considering clause 49 or clause 21?

The CHAIRMAN: Clause 21.

The Hon. Sir Arthur Rymill: The Minister is dealing with clause 49.

The Hon. N. L. JUDE: It is essential that both clauses should be taken together because one deals with the speed associated with the other. To continue—as regards the notices, it is now proposed in the amendments suggested to strike out the provision in clause 21 which would allow additional "school" notices to be erected near the school crossings. As the crossings already have warning notices, no more are necessary. I assure honourable members that the Road Traffic Board officers have been consulted and they think that the combination of the two amendments will do exactly what was intended in another place. It will tidy the matter up.

Amendment carried; clause as amended passed.

Clause 28—"Review of Traffic Board's decisions."

The Hon. L. H. DENSLEY: I move to add the following new subclause:

(3) Before affirming or reversing a decision of the board or approving of any alternative proposal under this section, the Minister shall give the board and the authority an opportunity of making representations to him thereon.

Much argument has been directed to the desirability of the appeal going to the Minister who would then hear both sides of the question. The Minister said he would welcome evidence from both sides. If my amendment is accepted it will take care of the objections expressed and will cover the position in the event of another Minister occupying the office in future.

The Hon. C. R. STORY: I support the amendment because it tidies up the position and allays the fears of a number of people, including myself, of the result of the board just reporting something to the Minister and of the Minister not actually having both sides of the case presented to him. I know it is the desire of the present Minister that that should be done, but the amendment provides for it and it is therefore a good provision. I do not doubt that the Minister will take all factors into consideration but the amendment allays any worries that honourable members may have on the point.

The Hon. N. L. JUDE: It would be correct to say that I earlier commented on the fact that portion of the clause directed that the board should report to the Minister and that I should obtain the views of the other side. On further consideration, I realize that there is nothing incumbent upon me to do that. Some may suggest that I had no right to do it and should merely accept the advice of the board. The amendment clears up the position, and in view of the almost specific direction to the Minister to do this, it places the amendment back very close to that desired by the House of Assembly. As it is in line with the thoughts of many honourable members, I am prepared to accept it.

The Hon. K. E. J. BARDOLPH: Although the amendment appears to be innocuous, the fact remains that it does not clarify the position. It is not incumbent upon the Minister to intervene, but if there should be outside pressure it does provide that he has the right to intervene. The Committee should be more specific and should give the Minister power to review the board's decision. It is merely a

subterfuge for the amendment of the House of Assembly that was rejected by this Committee. In view of the importance of the proposal, it is worse than appealing from Caesar to Caesar —it goes one better than that. I cannot see any merit in the amendment, because it only permits the Minister to consider any protest if "he deems it fit". It should be incumbent upon him to do so.

The Committee divided on the amendment:

Ayes (13).—The Hons. Jessie Cooper, L. H. Densley (teller), A. C. Hookings, N. L. Jude, Sir Lyell McEwin, A. J. Melrose, Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 9 for the Ayes.

Amendment thus carried; clause as further amended passed.

Clause 49—"Speed limits"—reconsidered.

The Hon. N. L. JUDE: I move:

In subclause (1) (*c*) to strike out "or a pedestrian crossing marked in the vicinity of a school" and to insert the following paragraph:

(*ci*) Fifteen miles an hour on a portion of a road within seventy-five feet of a pedestrian crossing which is in the vicinity of a school and on which flashing lights are for the time being in operation; or

I indicated when I was discussing clause 21 that this was a consequential amendment, and it deals with the actual speed limit within 75ft. of a pedestrian crossing.

Amendment carried; clause as amended passed.

Bill reported with further amendments. Committee's report adopted.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1431.)

The Hon. A. J. SHARD (Leader of the Opposition): With some misgivings, I rise to support this Bill which extends the life of the Prices Act for another 12 months. The Act has been in operation for some years; in fact, it was first introduced in 1948. Its life has been extended each year since then, but of later years a number of articles or commodities which it originally controlled have been deleted. This year is no exception, because sections 34 to 42 have been deleted. Price control as we knew it in 1948—

The Hon. L. H. Densley: They will soon have to change the name of it!

The Hon. A. J. SHARD: We might have to. During the war period—

The Hon. F. J. Potter: We knew it before the war!

The Hon. A. J. SHARD: We knew it was very effective, but since 1948 when it has been controlled by the State, it has not been as effective as it was. I believe, as the Chief Secretary said, that price control in this State has had some effect on the price of commodities which were taken into account in fixing the basic wage under the old C series index, and are now under the consumer price index. My Party believes that effective price control is necessary, and if this had been continued as it operated during the war period the inflation spiral that has taken place since the war would not have been as great as it has been.

There has been some criticism of the Prices Department remaining in operation, but it does a good job and has a tendency to put the brakes on certain greedy people, who have no thought for anyone other than themselves and of how they can exploit the ordinary consumer. On one occasion I asked the Prices Commissioner to consider a complaint from a person who was considerably overcharged, and although the article was not under price control, the person received a cheque from the business people for the amount the Prices Commissioner thought the individual had been overcharged. I am not optimistic enough to think that anything I say may change the vote in this House, but in supporting the continuation of State price control, the Opposition claims that it is sufficiently effective in its present form to be of considerable benefit to consumers. We do not claim that it is fully effective in controlling inflation, because that would be an absurd claim. Its effectiveness can be gauged from the details given by the Chief Secretary when he said that the saving in this State from lower buildings costs amounted to £6,000,000, and because of that 600 additional houses were able to be erected by semi-governmental bodies; saving on major petroleum products was £8,000,000 over four years, or an average of £2,000,000 a year; savings to primary producers were £1,000,000 on superphosphate in five years or an average of £200,000 a year; and savings to users of timber amounted to £600,000 over three years, or an average of £200,000 a year. Those figures show a total saving of about £8,400,000 a year. Surely no-one can claim that that is not a substantial benefit to the consumers!

I indicate to honourable members that in Committee I intend to move an amendment to clause 3, the effect of which will be that the Bill will remain on the Statute Book until it is repealed or something else is done with it. I am sure honourable members do not appreciate being presented with a hardy annual like this; it is either good or bad and should be on the Statute Book as an ordinary Bill without having to be extended every 12 months, or it should be repealed. It is desirable to have an effective Prices Department.

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

Later:

The Hon. Sir ARTHUR RYMILL (Central No. 2): I move:

That this debate be further adjourned.

The Hon. Sir Lyell McEwin: No.

The Council divided on the motion:

Ayes (14).—The Hons. K. E. J. Bardolph, S. C. Bevan, Jessie Cooper, L. H. Densley, E. H. Edmonds, G. O'H. Giles, A. C. Hookings, A. F. Kneebone, A. J. Melrose, Sir Frank Perry, F. J. Potter, Sir Arthur Rymill (teller), A. J. Shard, and C. R. Story.

Noes (5).—The Hons. N. L. Jude, Sir Lyell McEwin (teller), W. W. Robinson, C. D. Rowe, and R. R. Wilson.

Majority of 9 for the Ayes.

Motion thus carried; debate adjourned.

AUCTIONEERS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 24. Page 1432.)

The Hon. W. W. ROBINSON (Northern): I support the Bill, which makes it illegal to sell real estate by auction on Sundays. All members will agree that that type of selling is undesirable, but I would have preferred making illegal any organized sales of land on Sundays. However, I understand that that would introduce a matter incompatible with the principal Act and need amendments to the Land Agents Act. On October 19 Mr. Gaetjens, the President of the Real Estate Institute, was reported in the *Advertiser* as having said that 87 per cent of the members of the institute were opposed to the organized selling of real estate on Sundays. It is not possible to do it under this Act, but I hope that next session amendments will be moved to the appropriate Act prohibiting all organized sales of land on Sundays.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Prohibition of auction sales of land on Sundays."

The Hon. Sir ARTHUR RYMILL: During the second reading debate here and in another place some members said that they considered that the Bill did not go far enough and that all organized sales of land should be banned on Sundays. I hold that opinion, too. I would not want to do anything that would debar a man from selling his house, or doing anything himself in relation to it, whenever he wanted to, but if auction sales on Sundays are banned I think that all other types of organized land sales should be banned on Sundays as well. I think the objection is related mostly to sales of land with upset prices, and sales by private treaty. I ask your ruling, Mr. Acting Chairman, as to whether an amendment along the lines of debarring, besides auction sales, all other organized sales of land on Sundays would come within the ambit of this clause.

The ACTING CHAIRMAN (Hon. C. R. Story): I rule that the provisions of the clause deal entirely with auction sales on Sundays and therefore any other amendment would have to be dealt with under the relevant Act. I rule that an amendment as suggested would not be in order.

Clause passed.

Title passed.

Bill read a third time and passed.

PUBLIC SERVICE ARBITRATION BILL

Adjourned rebate on second reading.

(Continued from August 25. Page 1503.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the Bill and in doing so want to refer to the present position and the position we shall have when the legislation becomes operative. The Bill provides for the appointment of a Public Service Arbitrator, who will have the authority to hear and determine applications by public servants for salary increases. The proposal goes a long way towards meeting the desires of public servants in regard to salaries, but I do not think it goes far enough in connection with working conditions. However, it is an improvement on the present position. Up to the present, salaries and working conditions of public servants have been dealt with by the Public Service Board, which comprises three members, one nominated by the Government, one by the Public Service Association, and the Chairman is appointed after consultation between the

Minister and the President and General Secretary of the association. This means that the ordinary board members are nominated by the two parties vitally concerned. Despite the holding of discussions between the Minister and the association regarding the Chairman, usually he has been the Public Service Commissioner. This has not always satisfied the Public Service Association or public servants because they have thought that the chairman of such a board should be an independent person. I do not consider that the Public Service Commissioner in his capacity as Chairman of the Public Service Board could have an impartial mind on matters dealing with salaries or working conditions upon which he has already acted or made a decision. The Public Service Commissioner should not be placed in such a position through being Chairman of the Public Service Board. I have always held that opinion. I wish to impress on members that I am not reflecting on the present or past occupiers of the office of Public Service Commissioner. I have a very high regard for Mr. Schumacher, who recently retired, because on many occasions I appeared before him for certain people working in the Public Service. What I say in relation to the office is that the Commissioner should not be placed in a difficult position by being chairman of a board that is required to deal with these matters.

Other South Australian laws provide for the chairman of certain tribunals or boards to be selected by the representative members of the boards. If the members are unable to agree on a chairman the matter is referred to the Industrial Court, which selects a chairman. The Industrial Court's decision usually results in the appointment of a chairman who is acceptable to all parties. The appointment of an Arbitrator may obviate some of the delay now experienced on claims relating to salaries, etc. My experience is that claims are delayed for a considerable time. Particularly, at present, claims have been delayed because of the retirement of the former Public Service Commissioner and the delay in the appointment of another chairman in circumstances of which all members are aware. This has resulted in an accumulation of claims before the Public Service Board.

Clause 8 (4) deals with the determinations of the Arbitrator. He has power to make his decisions retrospective only to the time he receives applications from the Public Service Board. This clause was amended in another place, but the amendment does not go far enough because the claims that have accumulated can only be dealt with by the Arbitrator as from the time he receives them. Some claims were lodged months ago and, under the present practice adopted by the Public Service Board, any action taken on them by the board could be made to operate retrospectively. If those claims are passed on to the Arbitrator they can only operate retrospectively for three weeks from the time the Arbitrator receives the applications. The amendment should have gone further and provided for retrospectivity to the time when the board received the claim. That represents a shortcoming in the Bill. A further shortcoming is that the Bill does not provide for the Arbitrator to deal with working conditions as well as salaries. The Commonwealth Public Service Arbitrator has power to deal with working conditions and I believe this Bill could have gone further to provide for that. Despite its shortcomings the Bill represents an improvement on the present situation and it goes some way towards satisfying the desires of the State public servants. For that reason I support the second reading.

The Hon. F. J. POTTER (Central No. 2): I rise to support the second reading of this Bill and, in doing so, congratulate the Government on having taken this particular step. For a long time there has been some dissatisfaction with the existing machinery of the State Public Service Board or, at least, there has been some dissatisfaction with the officers (not in their personal capacity) who comprise the Public Service Board. This complaint has largely boiled down to the fact that, although justice may have been done regularly on each occasion, the actual constitution of the board does not make it appear that justice is necessarily done in every instance. The Government has seen fit to introduce for the first time in this State the principle of having an Arbitrator to determine finally any disputed claims between the Government and its employees.

This principle is not entirely new because the Commonwealth has, for many years, had a public service arbitrator, and I believe there have been arbitrators in other State public services. The Government made an announcement some weeks ago, prior to the introduction of this Bill, that it would bring down this legislation and it also made a public announcement that it intended to appoint the Deputy President of the Industrial Court to be the first Public Service Arbitrator under the provisions of this Act. The Government has, therefore, indicated that it will appoint a man who has had considerable experience in this

particular field and who, of course, for some time would have had an intimate knowledge of the workings of the Public Service. One of the important things to be considered in deciding who was to be Arbitrator was the fact that he had to have an intimate knowledge of the workings of the Public Service, which, in many ways, is a unique organization and covers a multifarious list of offices and duties. I have placed amendments on the file designed to improve, in my humble submission, the drafting of the general ambit of the Bill.

Briefly, it provides in clause 8 that a claim for determination of salaries is to be submitted either by an organization, a group or an individual, and that claim is first to be considered by the board. As the Hon. Mr. Kneebone has said, the board is constituted of three representatives—one appointed by the Government, one appointed by the Public Service Association and the Public Service Commissioner as Chairman. It must not be forgotten that this board has over the years fulfilled a much wider function than that of fixing salaries. Much administrative work has been placed upon it, and its duties covered not only the question of salaries and overtime, but also hours and conditions of employment. Any appeals to the Arbitrator are limited to the question of salary. This is a proper provision. It is not desirable or necessary for the Arbitrator in any way to interfere with the board's administrative functions. The board is to make a determination on any submission made to it, and the Bill provides that after it has made its determination and published it opportunity is to be given to the applicant to lodge an objection and to the Public Service Commissioner to object to the published finding of the board. It is in either of these circumstances that jurisdiction then goes to the Arbitrator to determine the claim.

It seems very doubtful whether the Bill in any way covers existing claims before the Public Service Board. There is nothing in the Bill making the legislation retrospective, but it seems to be designed to deal with claims for determination of salaries made after it comes into operation. I read in the press that there is alleged to be a considerable backlag of claims that have been before the Public Service Board for as long as 18 months, none of which has yet been decided. I do not know whether it was intended or not, but there is nothing in the Bill providing for any appeal in respect to such claims. That may have been overlooked and if so I should like to hear the views of the Minister on that aspect.

The Hon. Mr. Kneebone said he considered that the provisions of the Bill would make it possible for the Arbitrator to prevent undue delays in hearing by the board of any matter. That may be so. I had a good look at the Bill, but I did not see any clear provision that would get over that particular difficulty. However, there is some mention in clause 8 (7) of this matter, but I did not quite understand it. The best praise that could be given to the Bill is that it has been welcomed by the Public Service Association, an association that has jealously guarded the rights of its members for many years. The fact that it is happy with it indicates that there is little objection to the provisions of the Bill.

This measure may result, over a fairly lengthy period, in the lifting of salaries in the Public Service, of which I have had much experience. I have said before that there is a tendency for the Commonwealth Arbitration Tribunal to come into the States' sphere of activity, whether directly or indirectly, and it seems that this process is still continuing. I noticed in today's *Advertiser* a statement by the Secretary of the Australian Public Service Federation (Mr. R. J. O'Neill) that the State Public Service Associations were asked to urge the Prime Minister to have the Commonwealth Conciliation and Arbitration Act amended to exclude State Public Services from its jurisdiction. This is a matter I mentioned in this Chamber on a previous occasion when speaking in the Address in Reply debate. It is something that is being done, and the latest evidence of this process is the case in which engineers' salaries have been fixed by the Commonwealth Arbitration Court. It will only be a matter of time before salaries in this State for engineers, architects, surveyors and draftsmen will have to be raised to the level of the salaries fixed by the Commonwealth tribunal.

The Hon. K. E. J. Bardolph: You don't object?

The Hon. F. J. POTTER: I do not object to it, but it is the Commonwealth tribunal that is setting the standard, and whether we like it or not we have to comply with it. If my information is correct, the Public Service Board is in the process of raising our State engineers' salaries to the same standard as that fixed by the Commonwealth court. I understand that the Deputy President of the Industrial Court is to be appointed as the Public Service Arbitrator, and because he is familiar with the decisions of his colleagues in the Commonwealth jurisdiction, this will

accelerate the process of having State salaries brought into line with Commonwealth salaries.

The Hon. K. E. J. Bardolph: Isn't it a fact that these people do the same work whether in a State or Commonwealth service?

The Hon. F. J. POTTER: I am not criticizing this, but saying that more and more we are being forced to vacate our spheres of State interest.

The Hon. K. E. J. Bardolph: Isn't that brought about by the lack of decisions by State courts?

The Hon. F. J. POTTER: The State court does not come into this aspect, but it will come into this Bill because the Deputy President of the State court will be the Arbitrator. Therefore, there will tend to be an evening out of Commonwealth and State salaries. This will not necessarily apply only to engineers, for if they receive the same salary as that awarded by the Commonwealth court, the next step is that the salaries of people not in these categories but in positions such as heads or deputy heads of departments will also have to be brought in line because seniority must be preserved.

The Hon. K. E. J. Bardolph: Are you advocating a different wage for the same class of work?

The Hon. F. J. POTTER: I am not advocating that at all. I am being a prophet, and saying that one of the results that will follow from the passing of this legislation will be a levelling out of the salaries as between the State and the Commonwealth. This will mean that the South Australian Government will probably have to pay more money in salaries in the future.

The Hon. K. E. J. Bardolph: But if officers are doing the same class of work, aren't they entitled to have the same salary?

The Hon. F. J. POTTER: I am not going into the merits of the question. I am looking at the facts as I see them, and this will be one of the results of this legislation. I do not necessarily oppose that at all. The Government is to be congratulated on having taken the step of introducing this Bill which should once and for all overcome difficulties in the determination of salaries in the service. It will overcome one complaint that has arisen from time to time, in that justice has not appeared to be done to the members of the service. The Government with this legislation has endeavoured to ensure that the best possible arbitration system is established within the service. I have much pleasure in supporting the Bill.

The Hon. Sir FRANK PERRY (Central No. 2): It appears that arbitration started in about 1908, but it has taken the State until now to decide whether it will have a Public Service Arbitrator. I have been puzzled as to why it is necessary for every detail of a man's employment to be controlled by an outside body. It has become the fashion or custom or even obligation in this State for everyone to apply to some outside body to have his wages and conditions of employment laid down in an award. This process has evolved over the years, and it is a question of whether we are giving away something of our individuality and taking the easy way out by asking someone else to decide these matters for us. It may be that our present form of civilization has made this necessary, but I have had experience in arbitration cases since 1911, and it seems that it is a never-ending process. Once the basic principle is decided upon, the employer and the employee should be able to decide other questions satisfactorily, but that is not so. Cases are fought today with just as much feeling as they were in the early twenties when the arbitration system was new.

At this stage, after all the years in which salaries and conditions have been decided in the Public Service, it is now found necessary to appoint an Arbitrator. If an Arbitrator were needed I think the Public Service Board would have been an ideal authority, for it would know all the conditions in the Public Service and could fix salaries and conditions to the satisfaction of the Government and the officers concerned. It is proposed, however, to appoint an Arbitrator from outside the Public Service. I am inclined to agree with the Hon. Mr. Kneebone that salaries are one matter and working conditions another. To some people money is everything and conditions do not matter. That has manifested itself throughout industry over the years. Other people look for pleasant working conditions and are ready to accept what remuneration is provided for them by industry and the Government. Any body fixing wages and working conditions must consider both salaries and working conditions, but under the Bill they are divorced. I think that we shall have many applications for salaries with working conditions ignored. The Arbitrator should handle both applications for salary increases and improved working conditions.

It seems that the Government is concerned about this, but it is tying up the matter with the courts. The Hon. Mr. Potter said that the Deputy President of the Industrial Court would be the Public Service Arbitrator. I

think it is a mistake to have too many people fixing wages. We now have wages boards, the State Industrial Court and the Commonwealth Arbitration Court. Soon we are to have a Public Service Arbitrator. The Government wants a satisfactory state of affairs, but it is tying up this matter with the courts. It seems strange that the salary of the Arbitrator should be mentioned in the Bill. The amount set out is the same as that paid to the President of the State Industrial Court. If the Deputy President is to serve as the Arbitrator he will get the same salary as the President, and that is a matter that must have further consideration by the Government, for it is not right that both should get the same salary. The President of the Industrial Court holds an important position. He plays an important part in the economy of the country. I hold respect for the President of that tribunal because he has much responsibility and must have considerable knowledge.

It is apparent that under the Bill an Arbitrator will be appointed. He will get information about salaries paid in other parts of Australia and relate them to the salaries to be paid in South Australia. This is a small State and we must use all our brains and endeavours to a greater extent than most other States. If the Arbitrator is to determine salaries he should not necessarily say that those paid in affluent States should be paid here. He should bear in mind that that might have a detrimental effect on the economy of the State. We all want a happy and contented Public Service. I am not clear how far the Public Service extends. Many State and Commonwealth awards cover public servants. The Hon. Mr. Potter mentioned engineers, but I think they are exempt.

The Hon. K. E. J. Bardolph: He spoke about civil engineers.

The Hon. Sir FRANK PERRY: That is so. The engineers were recently given a new award that prescribed rates higher than those previously paid.

The Hon. K. E. J. Bardolph: Wasn't it a fact that quite a number of civil engineers were leaving State departments to take other jobs?

The Hon. Sir FRANK PERRY: They always do that and we should not fly into a panic because people leave their occupations. An ambitious engineer will change his job two or three times during his period of training.

The Hon. K. E. J. Bardolph: Why not make the State officers satisfied by giving them a rate comparable with that paid in other States?

The Hon. Sir FRANK PERRY: The rate should be commensurate with the work they do.

The Hon. K. E. J. Bardolph: Do you want South Australia to be a low-wage State?

The Hon. Sir FRANK PERRY: No. The rates should be comparable with those of a State a third of the size of some other States. I object to the Bill. I would have liked to see something different from this Bill, but the development of the courts, the attitude of the people and the loss of faith between one another seem to have reached the stage where we have to submit Public Service salaries to an Arbitrator appointed not from the people concerned, but to an outside body, and I hope that this phase will pass in time. If we can engender more confidence industry will be able to work more harmoniously without the continual bickering we have seen in the past. I realize that the Bill will be passed, but I hope the Arbitrator will fill the position to the satisfaction of the employees and the Government; at the same time I hope he will keep in mind the economy and the future development of the State.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Tenure of office of Arbitrator."

The Hon. F. J. POTTER: I move:

In subclause (2) (*d*) to strike out "of" after "State" and insert "or".

This amendment is obviously necessary and it appears that there has been a printer's error.

The Hon. Sir LYELL McEWIN (Chief Secretary): The amendment is certainly necessary and could have been made by you, Mr. Chairman.

Amendment carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—"Procedure."

The Hon. F. J. POTTER: I move:

To add at the end of subclause (2) (*d*) the words "unless in the meantime the Commissioner and the objector or objectors reach agreement regarding the claim".

The clause provides that an objection can be lodged against a determination of the board under paragraph (*b*) of subclause (2) by an organization or group desiring to object to the claim. Under subclause (3) (*c*) the Commissioner may refer the matter to the Arbitrator. An opportunity is given to both sides to appeal against the board's decision. It is ridiculous that once an objection is lodged to a determination by the board that matter

must, without any possibility of a compromise, go to the Arbitrator. If the Public Service Association asks for a salary of £3,000 for a particular position, and the Public Service Commissioner is only prepared to offer £2,500 and there is disagreement and an appeal is made, that matter must go to the Arbitrator for determination when possibly both parties would be happy to agree to £2,750. Unless my amendment is carried it seems that the matter must go to the Arbitrator because paragraph (*d*) provides that if an objection is lodged the claim and objection shall be referred by the board to the Arbitrator, who shall determine the claim.

The Hon. K. E. J. Bardolph: Wouldn't your amendment undermine the real purpose of the Arbitrator?

The Hon. F. J. POTTER: No, because if the objector can reach agreement with the Commissioner surely that is a proper process in the first place. The purpose of the Arbitrator is only to determine an objection. According to the clause, the matter must go to the Arbitrator, and he must determine it. I am providing that if some consent determination can be arranged between the interested parties, the time of the Arbitrator will not be wasted.

The Hon. Sir FRANK PERRY: I think that the amendment is out of place.

The Hon. Sir Lyell McEwin: It is unnecessary.

The Hon. Sir FRANK PERRY: If the two bodies cannot agree, the tossing of a penny does not seem to be the right way to settle these things. To go half way in arriving at a settlement is wrong. If the two parties cannot agree, the natural corollary is for the matter to go to the Arbitrator. I do not think it is part of his duty to fix classifications. He is authorized to fix salaries only. If the Arbitrator is to deal with these matters, he should deal with them at the start of any disagreement and not half way through.

The Hon. F. J. POTTER: I do not think that honourable members are quite seized of the situation. The first thing necessary is for the board to make a determination. Say that it determines a salary of £2,500 for a particular office. If the association or the applicant is not satisfied an objection can be lodged and then the matter must go to the Arbitrator. What I am suggesting is that if between the time the objection is lodged and it actually reaches the Arbitrator's table an acceptable salary can be worked out between the objector and the Public Service Commissioner, why not adopt that procedure rather than use the clumsy procedure of having to have a determination by the Arbitrator? I am not suggesting that the compromise should be half way or anything like that, but I merely used that as an example.

The Hon. Sir LYELL McEWIN: Although I am opposing the amendment on other grounds, the Hon. Sir Frank Perry's objection adds quite a deal to my objection. Where the appellant disagrees with the board's decision, he has the right to appeal to the Arbitrator. There is much in what the Hon. Sir Frank Perry said. The amendment is unnecessary and is overloading the Bill with words. My attitude is that if there is nothing to go to the Arbitrator, then the claim will not go to him. If everyone is satisfied, there is nothing for the Arbitrator to consider:

Amendment negatived.

The Hon. F. J. POTTER: I move:

After ''claim'' first appearing in subclause (5) (*a*) to insert ''or regarding whom a claim has been submitted do or do not''

The Bill provides for a claim to be made by an officer or by an organization, not necessarily the Public Service Association. As the clause refers only to an officer or officers, it is desirable that my amendment should be included. The amendment has two purposes—firstly, to cover a claim submitted on behalf of a person. It should not be limited to a claim by an officer or officers, but should also include one lodged by an organization. Secondly, the subclause says ''If the board is not unanimously of the opinion that an officer or officers submitting a claim constitute a group . . .'', this negative result then goes to the Arbitrator. It seems to me to be sensible that the board should also be able to decide if officers do constitute a group. Such a positive decision could also be submitted to the Arbitrator on an appeal.

The Committee divided on the amendment:

Ayes (3).—The Hons. Jessie Cooper, E. H. Edmonds, and F. J. Potter (teller).

Noes (16).—The Hons. K. E. J. Bardolph, S. C. Bevan, L. H. Densley, G. O'H. Giles, A. C. Hookings, N. L. Jude, A. F. Kneebone, Sir Lyell McEwin (teller), A. J. Melrose, Sir Frank Perry, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, A. J. Shard, C. R. Story, and R. R. Wilson.

Majority of 13 for the Noes.

Amendment thus negatived.

The Hon. F. J. POTTER: I move:

In subclause (5) (*b*), after ''by'' first occurring to insert ''or on behalf of''.

I will move that, but all I can say is that apparently no encouragement is given to people who try to do their homework on this particular Bill.

The Hon. K. E. J. Bardolph: That is unfair!

The Hon. Sir LYELL McEWIN: For the benefit of the honourable member, I have done some homework on this, and discussed it with the Parliamentary Draftsman. It is purely a question of whether the Hon. Mr. Potter is a better draftsman than the Parliamentary Draftsman and can make a Bill mean what it should mean. The Parliamentary Draftsman states that this clause allows the board to send to the Arbitrator any claim submitted by an officer or officers not constituting a group, and to add ''or on behalf of'' appears to be meaningless, for it can only refer to a claim by an organization, and an organization can make a claim anyway. As I indicated earlier, it is possible to overload a Bill with verbiage, and as these words are unnecessary I oppose the amendment.

Amendment negatived; clause passed.

Remaining clauses (9 to 15) and title passed.

Bill reported without amendment. Committee's report adopted.

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

Adjourned debate on second reading.

(Continued from October 25. Page 1503.)

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the Bill and want to make it clear where Labor stands in this matter. Since its establishment the Housing Trust has become the whipping post for much of the contentious legislation passed in this regard. The Labor Party agrees that there should be some form of protection for tenants against rapacious landlords. I do not want to be misunderstood. The implementation of this legislation came about because some people desired to get rich quickly. The genuine and decent landlord had to be covered by the legislation because of the irresponsible actions of some people. This legislation dates back to the early days of the last war. It was passed in order to protect members of the fighting forces against landlords who arbitrarily increased rents. First it was done by Commonwealth regulation and then by State legislation. In the administration of the legislation anomalies have presented themselves. The Labor Party believes that there should be justice for all. It has always said that there should be a fair rents court to enable property owners and tenants to have rents fixed judicially. The Bill savours of bureaucratic control, because it throws full responsibility on to the Housing Trust to determine the issue.

In South Australia we have no Minister of Housing. The Treasurer assumes much of the responsibility for housing, but the fixing of rents is taken out of a judicial atmosphere and given to the trust. Labor says that the only correct way to protect tenants is to set up a fair rents court. I do not disregard the integrity of authorities, but generally they have no training to enable them to fix rents adequately. In effect, the Government has thrown judicial consideration on to some boards and departmental officials. The practice is growing and we have the genesis of bureaucratic despotism. I do not blame heads of departments and others, but because members of boards and other bodies have not had the necessary training they are prone to lean on heads of departments and others. It is dangerous to allow that sort of thing to continue. Labor supports the Bill, but regards the establishment of a fair rents court as necessary.

The Hon. Sir ARTHUR RYMILL (Central No. 2): In Committee I shall move to amend clause 4 by deleting the words in parenthesis ''not exceeding sixty per centum''. The effect would be to establish a fair rents court as suggested by the Hon. Mr. Bardolph. I shall vote for the second reading, because the Bill gives some alleviation to landlords, who have been harshly treated, but if I cannot amend the Bill as I propose I shall oppose the third reading. In other words, I shall support the second reading in an attempt to amend the Bill in as favourable a way as can be done in the interests of landlords. If the amendment is accepted the clause will say that the landlord is entitled to such additional percentage as the trust or, as the case may be, the local court shall deem just. It would then be left in the hands of these authorities to determine what is just.

In the first few years after entering this Council I supported similar Bills, because there was some alleviation to the lot of landlords, and there was some justification for keeping the legislation going at that stage. However, for the past three or four years I have found no such justification and I have consistently voted against the continuance of this legislation. In England an Act of this nature was introduced during the First World War. It survived the

period between the First and Second World Wars and thereafter, but it has now gone, and it is high time that we got rid of our legislation. In Committee I shall do my best to give the landlords as fair a deal as I can, and if I am not successful with my amendment I shall vote against the third reading.

The Hon. F. J. POTTER (Central No. 2): I rise to oppose the second reading of this Bill. I have done that on two former occasions in this Chamber, but on this particular occasion it is a tragedy that the argument now advanced for prolonging the control a little longer springs from the fact that the decontrol has been delayed so long already. I tried, on the last occasion when the Bill was before the Council at a somewhat late stage in the proceedings, to make one or two points which at that time did not get home to the members listening. At the risk of some weariness in repetition I want to see if again, in a somewhat more leisurely fashion, I can make the point I was trying to make on that occasion.

If honourable members will remember it, one of the arguments placed before the Council by the Minister was the fact that the cost of living figures would be affected by any abandonment of the landlord and tenant legislation. Therefore, there seems to be no doubt that the real crux of the matter is that section of the Bill dealing with the control of rents. To understand precisely where this particular control stands as an economic factor we have to remember that originally when the C series index adjustment was started in the year 1926 with the base figure of 100, a component of that index was a section dealing with housing. That section of the base figure of the C series index was for a brick house in the metropolitan area consisting of four or five rooms, which was the standard type of accommodation embodied in the regimen and taken into account by the Commonwealth Statistician. He had to send his inspectors around to the various suburbs of the metropolitan area to find brick houses of four or five rooms and make a summary of the various rents then payable for that type of housing.

Anyone who remembers the situation in 1926 will readily agree that one could literally find thousands of houses that would fit into that category. The Statistician had no difficulty in constructing a regimen to provide for his housing component of the C series index. But what happened in 1939? In that year this Landlord and Tenant (Control of Rents) Act applied and since that time there has been control of rents. There have been very minor modifications made, but the restriction has been on since that date and not only have we had control since then, but we have had a tremendous change in the whole situation concerning housing. If members go back to the years between 1926 and 1939, they will find that rental housing was quite a common form of investment for all sorts of people, particularly trustee companies. Investment in house property on first mortgage was a recognized trust investment. It was common practice for trustee companies to have houses left to be managed by them for a limited period. They would put a tenant in a house and collect the rent and use it for the benefit of the estate. Also, private people would build houses and rent them to a tenant. A tremendous change has taken place since 1939. In that year we had in the regimen for the C series index a complete segment of that regimen composed of rental houses, which could be found everywhere in the metropolitan area, but since 1939 that selective group of houses has dwindled until in 1961 the number has shrunk to a handful of old, dilapidated places which are still being rented at the 1939 adjusted rentals. They have almost disappeared and it would be like looking for a needle in a haystack to find them.

The Hon. K. E. J. Bardolph: Have not all these things been brought about by the exigencies of war?

The Hon. F. J. POTTER: No, but because one can get better results by investing money in Commonwealth bonds. Wherever possible tenants who were in properties in 1939 have either got out or the houses have been sold to them. It was a better proposition for the owners to sell the houses and invest in Commonwealth bonds. Since 1953 there has been a progressive relaxation of this legislation so that it is possible to let a dwelling on a two-year lease. This has taken a big number of houses out of the regimen. It would be practically impossible to find any houses left in the regimen used in 1926 for the C series index number. The position becomes even more ridiculous because now, by general consent, the C series index number has gone by the board. It is not even being used by the New South Wales Labor Government and for it has been substituted the cost price index number, a very different thing altogether and in no way relying upon the old regimen used for the C. series index number. The last time I was speaking on this measure honourable members did not seem to understand my point. To get

some further information I caused three questions to be asked of the Commonwealth Statistician in Canberra through the Commonwealth Treasurer. This is the question I sent:

I notice in the preamble to the new interim price index it has been disclosed that the housing component in the new index has been expanded to include rentals paid to Government instrumentalities and payments made in instalment purchase of houses. As these rentals and instalments must undoubtedly comprise the greatest percentage of periodical payments made in connection with housing I would like to ask the Honourable the Treasurer the following questions:

(*a*) Would it be true to say that in the new interim index only a small weighing is given to rents paid by tenants of privately-owned houses?

(*b*) If this is so, does the Commonwealth Statistician consider that rents in the housing component of the C series index have become unrepresentative of the level of rents in the community generally?

(*c*) Would there be any appreciable effect or any effect at all on the interim price index if rents for privately-owned houses were doubled?

The reply I received from the Commonwealth Treasurer through the courtesy of one of the South Australian Senators was as follows:

I suggest that the questions you have been asked by the Hon. Frank Potter, M.L.C., and which you referred to me in your letter of December 15th, 1960, be answered along the following lines.

The new price index to which Mr. Potter refers is the Consumer Price Index. The housing component of this index includes rents of privately-owned houses, rents of Government-owned houses and certain prices affecting the cost of home ownership, namely, house prices, rates and repairs and maintenance. Instalment purchase payments are not included.

The percentage weights of the sections of the housing group in the Consumer Price Index for the six capital cities are now aproximately:

	Per cent of total index.
Home ownership (house price, rates, repairs and maintenance)	7.8
Rent of privately-owned houses	2.0
Rent of Government-owned houses ..	0.9

The weighting which has been given to rents of privately-owned houses in this index is appreciably lower than in preceding price indexes. Because the renting of privately-owned houses has become a relatively minor mode of occupancy of houses, the Commonwealth Statistician has regarded them as insufficiently representative, by themselves, for a housing component of a retail price index. Consequently, in the Consumer Price Index, other modes of occupancy of houses are taken directly into account and the weight given to rents of privately-owned houses is therefore appreciably lower than in the preceding indexes.

Movements in items in the Consumer Price Index affect the Index in proportion to their weighting. The answer to Mr. Potter's question as to what effect a doubling of rents of privately-owned houses would have on the Index is, therefore, that on a six capital cities basis it would result in an increase in the Index of about 2 per cent, assuming all other prices and charges remained unchanged.

The Consumer Price Index with a base of 100 in 1953 had risen to 124.8 in the September quarter of 1961, and in the same quarter of last year it was 122.5 The 2 per cent increase would be considerably less than the change that has taken place in the index since September of last year, and that would occur if every rent were doubled. Can it be seriously suggested by the Government that every rent would be completely doubled? I stress again that it is the rental aspect that worries the Government. Even if the rent were doubled it would hardly change the Consumer Price Index, the index which is now universally used by courts, governments and their advisers as the yardstick. In those circumstances can it be said that this legislation is necessary from that point of view?

The Hon. S. C. Bevan: If it was going to alter the index, would you alter your tune?

The Hon. F. J. POTTER: This statement from the Commonwealth Statistician completely bears out what I have always believed to be the position, and which I endeavoured to point out, perhaps in a somewhat hasty way, to honourable members the last time the matter was before this Chamber.

The Hon. G. O'H. Giles: They have ignored the individual's ability to pay.

The Hon. S. C. Bevan: The honourable member ignores that!

The Hon. F. J. POTTER: I do not know about that; this particular price index has a certain housing component. The biggest percentage these days of rental housing is in the Government's hands, and that is not subject to control at all.

The Hon. G. O'H. Giles: Do you think there is still a bigger demand for than supply of rental houses in this State?

The Hon. F. J. POTTER: It depends on what the honourable member means by a rental house. If the honourable member is talking about the bigger demand for a Housing Trust house than any other house I would

probably agree with him, because people know that by renting a Housing Trust house they are getting a comparatively new home.

The Hon. G. O'H. Giles: There is still a shortage of rental houses; that is the point.

The Hon. F. J. POTTER: That does not affect my argument, because the trust is paid rent for its houses and that is not taken into account in the index. Apart from that, this Act has been altered greatly from time to time—although I submit the actual lifting of the restrictions have really come too late; they should have come years earlier than 1953—and there are practically no houses left that were taken into account in the C series index in 1939. However, because there are a handful of houses left subject to rent control in the metropolitan area that at one stage affected the C series index, we still cling desperately to this legislation, although we do not now use that index.

The Hon. S. C. Bevan: What are you worrying about if there are no houses under it?

The Hon. F. J. POTTER: There are only a few under it indeed, and if honourable members would read what I said in my second reading speech on the last occasion, they would see how the numbers have been reduced, because I gave statistics to prove it. I checked on all matters before the court, on the assistance given through the Law Society in tenancy matters, and on the replies that were given by the Minister from time to time to questions about applications made to the Housing Trust, and by every test that could be applied the only possible conclusion was that this Act had completely outlived its usefulness. If it had any use at all that use, meagre though it may have been, disappeared completely with the abolition of the C series index. I firmly believe that the Government's advisers on this particular measure would, if the question were put to them, agree entirely with what I have been saying. The Minister when introducing this Bill gave no valid reason at all why it should be continued for another year. I hope that on this occasion honourable members will at least realize that it need not be continued. Even if they are not prepared to go as far as that, I hope that by the time this matter comes before us again next year—because something tells me it may—they will take the opportunity of doing some research into the strong arguments that exist, and which I have endeavoured to place before honourable members tonight, as to why this legislation is no longer necessary. I oppose the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Amendment of principal Act, section 21."

The Hon. Sir ARTHUR RYMILL: I move:

To strike out "(not exceeding 60 per centum)."

The acceptance of the amendment would remove the arbitrary limitation of an increase of 60 per cent and leave it to the Housing Trust or the local court, as the case may be, to determine the rent.

The Hon. Sir LYELL McEWIN (Chief Secretary): The words proposed to be left out represent $33\frac{1}{3}$ per cent on what was allowed previously. The 40 per cent increase was permitted in 1957, which was an increase from $33\frac{1}{3}$ per cent. The Bill provides for an increase of up to 60 per cent, after certain expenses have been met. I understand that another amendment may be moved to make the increase 50 per cent. The Government feels that an increase of up to 60 per cent is merited and I ask members to accept that and oppose the amendment.

The Hon. Sir ARTHUR RYMILL: Arithmetically an increase of 20 per cent on an additional 40 per cent is not an increase of $33\frac{1}{3}$ per cent. It is an increase on the increase of $33\frac{1}{3}$ per cent, but on the total it is an increase of one-seventh, or about 14 per cent, which is a different matter.

The Hon. Sir FRANK PERRY: I support the amendment. The need for this legislation is fast coming to an end. It is better for the trust or the local court to fix the rent rather than have it fixed arbitrarily by Parliament. Values have increased much more than 60 per cent, and there has also been increased expenditure for landlords. People who invest money in property should not have this provision standing over them year after year when other people affected by inflation have had their difficulties removed. The acceptance of the amendment would not mean the abandonment of the legislation, which I would like to see, but merely permits the rent to be fixed by the trust or the local court.

The Hon. Sir ARTHUR RYMILL: The amendment is related purely to rent and not to the other provisions in the Bill. Like Sir Frank Perry, I would like to see the end of the legislation.

The Hon. Sir Lyell McEwin: That is the purpose of the amendment.

The Hon. Sir ARTHUR RYMILL: No. The effect of the amendment is to defeat the

arbitrary control of rents and enable fair rents to be fixed, but leaves intact the pegging provisions. I have retained the Government's own words, "Such percentage thereof as the trust or, as the case may be, the local court shall deem just."

The Committee divided on the amendment:

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

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

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (5 and 6) and title passed.

The Hon. K. E. J. BARDOLPH: I desire to move for the recommittal of the Bill.

The CHAIRMAN: The honourable member will have to wait until I report on the Bill.

Bill reported without amendment.

The Hon. K. E. J. BARDOLPH (Central No. 1) moved:

That the Bill be recommitted for the purpose of reconsidering clause 4.

Motion carried.

Bill recommitted.

Clause 4—"Amendment of principal Act, s. 21"—reconsidered.

The Hon. K. E. J. BARDOLPH: I move:

To delete "sixty" and insert "fifty".

I move the amendment because it represents the policy of the Party I represent in the Council. After the due consideration given to this Bill from time to time the members of my Party are of opinion, which I think is the unanimous opinion of the people outside, that the amount should be 50 per cent instead of 60 per cent as contained in the Bill.

The Committee divided on the amendment:

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

Noes (15).—The Hons. Jessie Cooper, L. H. Densley, E. H. Edmonds, G. O'H. Giles, A. C. Hookings, N. L. Jude, Sir Lyell McEwin (teller), A. J. Melrose, Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 11 for the Noes.

Amendment thus negatived, clause passed.

Bill read a third time and passed.

WILD DOGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1491.)

The Hon. S. C. BEVAN (Central No. 1): This Bill has for its purpose the aligning of the Wild Dogs Act with the Dog Fence Act. The same people are concerned with these two Acts, but the Dog Fence Act is designed to prevent wild dogs from entering pastoral land in the far north of the State whereas this Act has for its purpose the destruction of wild dogs within that land. Recently, the Dog Fence Act was amended to increase rates and payments. The amendments sought to this Act are to bring it more into line with the Dog Fence Act. The first amendment is to define the financial year as being from July 1 to June 30. This will bring the Act into conformity with various Acts of Parliament under which the financial year ending on June 30 has been recognized by the Government. That year is also recognized by outside bodies. This alteration will result in the first rating period after the Bill becomes law being 18 months, but it will in future enable all rates to be sent out at the same time. This will obviate the present practice by which certain rate notices are issued in July and others in January.

Clause 5 deals with the imposition of rates, which will now be charged on the basis of a complete square mile and not on a portion of a square mile as was the previous practice. This amendment also brings the Bill into line with the provisions of the Dog Fence Act. The rate fixed in 1931 was 1s. a square mile or portion of a square mile. The rate was increased in 1953 to 1s. 6d. and the Bill now proposes to increase the rate to 5s. a square mile. My only real criticism of the Bill is that this represents a steep increase in the rate, but I appreciate that costs have increased considerably since 1953. Provision is now made for aerial baiting and the cost of that work will be increased because the Bill authorizes an increase in the cost of that operation from £2,000 to £3,000. A perusal of the Auditor-General's report and the balance-sheet of the fund reveals assets valued at more than £18,000, which is an indication that the increase from 1s. 6d. to 5s. in the rating is rather steep. If the increase had been as much as 100 per cent, making the rating 3s. an acre, that would have been adequate to meet the increase in the cost of aerial baiting because we must remember that the Government subsidizes the board. Under this Bill the subsidy will amount to £4,000 annually. Taking all those aspects

into consideration I believe that 5s. is too much and further thought should be given to the rate because this Bill was introduced to keep the Act in line with the amendment recently made to the Dog Fence Act. Charges under both Acts should be comparable and the increase provided in the Dog Fence Act was not as steep as that proposed in this Bill. I support the second reading.

The Hon. R. R. WILSON (Northern): The main provision in the Bill is to align it with the Dog Fence Act, details of which have been fully explained by the Hon. Mr. Bevan. Both Acts apply to the same people and I believe that is why this Bill was introduced so soon after the amendment to the Dog Fence Act. It is desirable to bring both Acts into line for the convenience of owners. The dictionary definition of a wild dog is that it is a dingo, native to Australia, name known as wild dog Australia, wolf-like appearance and extremely fierce, ears are short and erect, tail rather bushy and hair reddish colour. It is very destructive to flocks of sheep and often attacks young calves. It is systematically hunted, killed and poisoned. It is known to have travelled over 30 miles overnight.

Captain N. S. Buckley has for many years carried out the work of aerial baiting without accident. In a report in the *Advertiser* last Thursday it was stated that he had covered 6,000 square miles of country between the New South Wales border and Coober Pedy, and in that area saw only five dingoes. He laid a bait every 30 yards and placed 1,000 baits around water holes. The bait comprised brisket three-quarters of an inch square and contained one grain of strychnine. The cost would be considerable. The Hon. Mr. Bevan referred to the charge of 5s. a square mile. As the balance-sheet shows a credit of £18,000, I do not see why it is necessary under the circumstances to increase the charge from 1s. 6d. to 5s. I should like the Minister to explain the reason for the increase. The question arises as to the effect of these poisoned baits on the fauna in the areas where the baits are laid. Birds are not numerous in these parts and appear only at certain seasons. The crow is the most prominent among the bird life and anyone who can poison crows is doing a pretty good job. The other chief varieties are galahs and cockatoos. Wild dogs must be destroyed and therefore I support the second reading.

The Hon. L. H. DENSLEY (Southern): The menace of wild dogs is so great that a minimum payment of 5s. would be no great hardship to anyone. The Government is contributing half the cost for the destruction of wild dogs and I think we can agree that it will be quite lenient regarding any other expenditure. If the Government made the landholder pay an exorbitant rate, as has been suggested, the Government itself would also have to pay an exorbitant rate, but the amount mentioned is the minimum rate per square mile. Although only four or five dingoes may have been seen during the aerial baiting, it emphasizes that we should redouble our efforts and clean them out. The fact that the Government will spend much more money on aerial baiting is sufficient reason for it to make sure that those who will benefit from this legislation will also contribute a fair share.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—''Imposition of rate on all lands with certain exceptions.''

The Hon. S. C. BEVAN: It was stated in the Minister's second reading speech that it would not be appropriate to lay down at this stage an annual rate, but I suggest that this clause does that, as it includes the following:

(i) in any case where the sum payable by any person as rates for the transitional period would be less than seven shillings and sixpence, then the sum payable by that person as rates for that period shall be seven shillings and sixpence, and where the sum payable by any person as rates for any financial year would be less than five shillings, then the sum payable by that person as rates for that year shall be five shillings;

The Hon. C. D. ROWE (Attorney-General): That fixes only the minimum amount. I do not know that I am in a position at the moment to offer an explanation and I can only give the following minute which appears in the docket:

This Bill, which gives effect to recommendations of the Director of Lands approved by Cabinet, will bring the rating provisions under the Wild Dogs Act substantially into line with those under the Dog Fence Act, thus rendering it possible to combine the accounts for rates under both Acts and to effect a saving in departmental administration expenses. The Bill also seeks to increase from £2,000 to £3,000 the maximum amount that may be expended each year from moneys received on account of rates under the Wild Dogs Act on aerial baiting of wild dogs.

Reference has been made to the expense incurred in keeping this serious menace under control. The Bill comes to us with the recommendation of the Director of Lands, who has been closely associated with the administration

of this legislation, and therefore the Committee would be justified in accepting his recommendation.

Clause passed.

Remaining clauses (6 to 9) and title passed.

Bill reported without amendment. Committee's report adopted.

THE CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION 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.

As its long title indicates, its has as its object the giving of legal force and effect in this State to a constitution for the Church of England in Australia. As honourable members know, there is no established church in Australia. The various denominations are governed by their own internal constitutions, rules and regulations without the direct intervention of the State except when, at their specific request, such intervention becomes necessary. Most frequently, the State is asked to intervene where property held upon trust is concerned, perhaps to authorize an alteration in the terms of the trust, perhaps to authorize a sale of property where power was not originally given.

The Church of England in Australia has been legally organized and is constituted in different ways in different States. In this State its legal basis is consensual; that is to say, its members voluntarily accept certain basic principles and subscribe to certain formal documents containing the rules of procedure and forms for use in the government of each diocese. The synods of both dioceses are incorporated under the Associations Incorporation Act. Since 1872 the Church of England, although having a separate legal existence in each State in Australia, has regulated its general affairs throughout the Commonwealth through the medium of a General Synod which meets in Sydney every five years but which has no legislative authority, being little more than a body set up and operating by the consent of the 25 autonomous dioceses of the church.

For some 50 years church leaders, clerical and lay, have laboured to bring about a constitution which would unite all the dioceses of the church throughout the country and provide a firm basis upon which the whole of the church could work and speak as a whole rather than in separate parts through the several dioceses. In 1955 the present general synod approved of a draft constitution, which has now received the assent of every diocese in Australia, including those of Adelaide and Willochra in this State, and which is expected to come into force shortly. The constitution provides that it can be brought into operation when 18 dioceses have given their assent and Acts have been passed in five States. The other five States have, in fact, enacted the necessary legislation. It now remains for this Parliament, if it sees fit, to do likewise. The reason for enabling legislation is not, as might be supposed, that legislative force may be given to principles of faith and doctrine as such, but that the trusts upon which property held on behalf of the church may be related to the new constitution and that documents relating to the church shall be read and construed by reference to it.

The Government introduced this Bill in the House of Assembly at the request of the Diocese of Adelaide through its Bishop, with the concurrence of the Diocese of Willochra. The Bill has been seen in draft by the standing committee (the executive body) of the synod of the Diocese of Adelaide, acting in pursuance of a resolution of the full synod at its ordinary session last month accepting the constitution by a majority of over 75 per cent of clergy and laity of the diocese. The Diocese of Willochra accepted the constitution some time ago and left arrangements with respect to the necessary legislation to the synod of the Diocese of Adelaide.

Approval of the constitution has not been unanimous. Indeed, by one vote the Synod of the Diocese of Adelaide rejected it in 1956 and there are still many who consider the constitution an unsatisfactory document, for one reason or another.

This Bill has been once considered by a Select Committee in accordance with Joint Standing Orders and embodies certain recommendations made by the committee as the result of its inquiries. The operative clauses of the Bill are clauses 3, 4, 5, 6 and 7. Clause 3 gives the constitution and canons and rules made in accordance with it binding force in relation to property, clause 4 providing that no canon or rule contrary to a law of the State shall have any effect. Clause 5 enacts that all statutes and documents, rules, regulations, etc., are to be read as if the name of the church in Australia were substituted for any name meaning the Church of England however expressed. Clause 6 expressly empowers the administration of the customary oaths for church purposes and

clause 7 gives to the tribunals to be set up under the constitution the powers normally inherint in an arbitrator to summon and examine witnesses.

Clause 2 provides for the commencement of the Act and the coming into force of the constitution in accordance with its terms.

The foregoing clauses are common to the Acts which have been passed in the other States with such adaptations as the local circumstances require. Clause 8 is, however, unique. It provides that the diocese of Adelaide or any diocese formed entirely out of that diocese in the future, by resolution confirmed at a subsequent session of the synod, can withdraw from the constitution upon which event the *status quo* is restored in relation to that diocese and all the property of the diocese concerned reverts to it freed from any obligations under the constitution. A clause along these lines was included with the concurrence of the Standing Committee of the Synod of the Diocese of Adelaide which, in view of certain objections that have been seen to the constitution, felt that a clause on these lines would meet the objections of those who felt disinclined to accept the constitution unreservedly. The basis of the suggested clause is that should the Diocese of Adelaide (or any new diocese formed entirely out of it) wish to withdraw from the constitution it could in any event approach Parliament for the necessary action. Clause 8 is designed to obviate the necessity for such action should the need arise. The clause is limited in its application to the Diocese of Adelaide or any future diocese that might be "carved out" of it.

The Hon. A. J. SHARD secured the adjournment of the debate.

PULP AND PAPER MILL (HUNDRED OF GAMBIER) INDENTURE BILL.

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

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

That this Bill be now read a second time.

Its object is to ratify arrangements that have been made by the Government with a recently-formed company known as Harmac (Australia) Limited for the establishment of a pulp and paper mill in the South-East of the State. The Bill consists of seven clauses and a schedule which sets out in full the text of the indenture which has been made between the State and the company. The Bill is in terms similar to those which have been before the House on several recent occasions, the last two being the Bills concerning the oil refinery near Hallett Cove and the Broken Hill Proprietary Company's steelworks.

Clause 3 ratifies the indenture and gives it statutory force. Clause 4 deals with council rates, providing fixed amounts for the first five years: rates for the first two being £2,500 and for the next three £3,500. For 1968 the amount will be £5,000, which may be termed a "base rate" for that amount can be increased by the council in accordance with changes in the basic wage (or if there is no basic wage in force, other cost of living, price, or wage index). I may say that the question of rates was discussed with the District Council of Mount Gambier and I believe that the arrangements concluded on this matter are very satisfactory to all concerned.

Clause 5 is in a sense supplementary to clause 4 in providing that rights to lay pipelines or electrical transmission lines shall not be ratable and, further, that no water or sewerage rates are to be payable on the mill and mill site unless the company takes the benefit of any Government facilities in this regard. Clause 6 absolves the company from liability for the discharge of effluent, smoke, dust, gas, noise or odours with the proviso that such discharge is reasonably necessary for the efficient operation of the works and that there is no negligence. Clause 7 is a procedural provision in the usual form enabling the State to sue, arbitrate, etc., in its own name.

The indenture consists of 9 clauses. Clause 1 deals with interpretation and clause 2 provides that the indenture does not come into operation unless and until ratified by the Parliament, with the proviso that the company may at any time up to June 30, 1963 (that is, within 18 months of the commencement of next year) give notice that it finds it impracticable or inexpedient to continue, in which case the agreement is at an end. It is not envisaged that any insuperable difficulties will arise—indeed, the interests concerned with this matter have already expended money and made extensive preparatory arrangements—but at the same time much capital will be required for the undertaking and matters such as the obtaining of capital, and foreign exchange regulations, could conceivably affect operations.

Clause 3 provides that the company will construct and operate a pulp mill in the hundred of Gambier in accordance with accepted modern standards and practices. Clause 4 requires the State, on the request of the company, to sell up to five acres of Crown lands

in the vicinity of Ewens Ponds or Deep Creek for pumping station sites, and to construct and maintain a heavy duty road connecting with the main road and a railway connecting the mill with the railway system. The Government is not obligated to construct the pipeline; the company has undertaken the obligation of installing it, and the Government has agreed to sell land adjacent to the water supply to enable it to provide its own services.

Clause 5 obliges the State to build or cause to be built in reasonable proximity to the mill up to 500 houses for staff and employees to be offered on reasonable terms and conditions. Clause 6 empowers the company, without payment of any rent or royalty or any other charge, to construct, erect, or lay down any pipelines and electrical transmission lines on Crown lands, roads and (pipelines) on foreshores and the seabed. However, where roads are concerned, plans and specifications must be approved in writing by the Minister of Roads after consultation with the local council; in the case of Crown lands, plans are to be approved in writing by the Minister of Lands; and in the case of the foreshore or seabed they are to be approved in writing by the Minister of Marine after such consultation as he considers necessary with the Harbors Board and any council concerned. Subclause (7) of this clause provides that damage shall be kept at a minimum and roads and surfaces affected reinstated without delay.

Clause 7 entitles the company to draw water from Ewens Ponds and Deep Creek and use any quantities of water without payment. It provides that the State will not grant water rights to anybody else without the company's consent. Clause 8 empowers the company to discharge effluent into the sea from its own pipe at any point below the low water line. Clause 9 is in the usual form providing that approval shall not be unreasonably refused.

Such, in brief, are the terms and provisions of the Bill including the indenture. As the Bill has been referred to a Select Committee for consideration, I do not intend at this stage to go into the course of the negotiations between the interests concerned in this venture and the Government or into the many matters involved or into detailed figures. It is enough to say that the undertaking proposed is a very large one involving probably a capital expenditure of over £13,000,000 spread over about three years, which is about the time that it will take to build the mill. The company, which is backed by one of the largest pulp and paper concerns in Canada—MacMillan Bloedel and Powell River Ltd.—proposes a mill with an initial capacity of 62,500 tons of Kraft paper and paper board, ultimately producing 100,000 tons a year. The mill will produce its own electrical power from residuary products and other fuel. The company is making suitable arrangements for the supply of necessary wood supplies from private and Governmental sources in this State and south-western Victoria. Apart from the direct benefit to the State and private enterprise, the company expects to employ over 300 people at the mill itself as well as a similar number in the forests, and transportation. Indirectly, the company's operations might lead to the employment of many more—a total of up to 4,500 has been mentioned. Having regard to the obvious direct and indirect benefits which would accrue to the State and its people and to the need to continue its policy of development, the Government decided that it should do all in its power to facilitate the interests concerned in this project, and that is the object of the Bill now before members. I commend it to members for their consideration.

The Hon. A. J. SHARD secured the adjournment of the debate.

GAS 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 Bill is twofold—to remove the present limitation on dividend rates of the South Australian Gas Company and to authorize the provision of provident fund contributions for directors and retirement benefits for directors. Clause 3 amends section 27 of the Gas Act which now limits the rate of dividend of the company to 5 per cent on paid-up capital or such higher rate not exceeding 6 per cent as the Treasurer approves. Clause 3 provides that the rate may be at 6 per cent or such higher rate not exceeding 7 per cent as the Treasurer approves and this provision will apply as from the commencement of the amendment to all shareholders whenever the shares were issued.

Clause 4 amends section 43 of the principal Act. That section empowers the directors to establish and contribute to a superannuation fund, to contribute to sick or accident funds and to pay retiring allowances, but in all cases the benefits are restricted to officers, servants

and employees of the company. It is proposed to authorize the extension of the power in regard to sick and accident funds and the granting of retiring allowances to cover directors. At the same time the powers of contribution to sick and accident funds are being extended to provident funds. The principal effect of the amendment will be that the company will be in a position to make some provision for its directors. Similar conditions are, I understand, being adopted in industry generally—many active directors serve their companies over long periods of time and it is becoming recognized that there is no reason why directors should be in a different position from other servants of the company in this respect.

I would draw attention to the new subsection (4) of section 43. This provides that no retiring allowance shall be paid to a director without the consent of the company in general meeting, a safeguard against any possible abuse of the new powers. This being a hybrid Bill, it has been referred to a Select Committee in accordance with the Joint Standing Orders.

The Hon. A. J. SHARD secured the adjournment of the debate.

STUDENT HOSTELS (ADVANCES) BILL.

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

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

That this Bill be now read a second time.

Its object, as its long title indicates, is to enable the granting of advances out of Loan funds to assist persons in the establishment or improvement of student hostels. The Bill is short, its principal clause being clause 7 which empowers the making of advances for the purchase or construction of land, furniture, equipment or buildings for use for the purpose of students' hostels, reasonable preference in accommodation being given to students from outside the metropolitan area. Advances are to be limited to 90 per cent of cost of land or buildings and 50 per cent of cost where furniture or equipment is concerned. The term of the advance is to be not over 40 or 12 years respectively (clause 8), advances are to be secured by mortgage (clause 9), and carry interest to be fixed by the Treasurer (clause 10). The remaining clauses are of a machinery nature covering administration by the State Bank and accounting procedure (clauses 3, 4, 5 and 6). Clause 4 (2) provides that the necessary funds are to be provided by Parliament from time to time. Clause 11 of the Bill empowers the making of regulations.

Such are the provisions of the Bill. It is introduced because the Government believes that there are many institutions catering for the accommodation of students who find themselves unable to improve their facilities or to expand for lack of finance. The Bill is, as honourable members will see, designed primarily to assist country students. The living-away-from-home allowance instituted by the Government some years ago gave some assistance in this regard, but one result of the excellent operation of the scheme is that adequate accommodation has become unavailable. This Bill will enable the Government through the State Bank to make advances for the erection or improvement of hostels along lines very similar to those of the Advances for Homes Act, under which loans are made for the erection of houses. I commend the Bill to honourable members.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

CHILDREN'S INSTITUTIONS SUBSIDIES BILL.

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

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

That this Bill be now read a second time.

Its object is to enable the Government, acting through the Minister administering the measure, to grant financial aid in deserving cases to persons, institutions and authorities engaged in the care and training of children who are destitute or in needy circumstances to assist those persons, institutions and authorities in providing buildings and equipment for the housing, care or training of such children. Clause 2 will confer on the Minister the necessary power to grant such financial aid from time to time. Before making a grant the Minister must be satisfied that the accommodation, care and training for which the buildings and equipment are intended will not be conducted for profit. To assist the Minister in assessing the merits of each application for assistance, the Children's Welfare and Public Relief Board will furnish him with a report on such matters relating to the applicant as the Minister requires and such other matters as are brought to his notice by the board.

Clause 3 appropriates the sum of £50,000 out of the general revenue for the purpose of meeting the grants to be made under this measure and provides for the appropriation of further moneys from time to time for that purpose. Clause 4 provides that any grant shall be subject to such terms and conditions

as the Minister may, as he thinks fit, impose. The clause also limits a grant to a maximum of one-half of such amount as the Minister considers to be the fair and reasonable cost of the buildings and equipment to be provided with the assistance of the grant.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

HEALTH ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

REGISTRATION OF BUSINESS NAMES ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

REAL PROPERTY ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

MARRIAGE ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

[*Sitting suspended from* 6.03 *to* 7.45 *p.m.*]

CONSTITUTION ACT AMENDMENT BILL.

(Second reading debate adjourned on October 24. Page 1433.)

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

MOTOR VEHICLES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1506.)

The Hon. S. C. BEVAN (Central No. 1): Apparently it was deemed necessary to amend this legislation in order to meet present-day circumstances. The Bill will cover tow motors and the roll-on roll-off ship that will be used soon. Clause 6 amends section 26 of the principal Act to provide for day to day rather than month to month registration, which will be advantageous. Ever since the registration of motor vehicles on a monthly basis there have been complaints from people about resulting loss of money. If a person traded in his motor vehicle for a new one about the twenty-eighth of the month, and the registration of that new vehicle commenced on the first day of that month, he would pay registration for 12 months when actually he would be getting registration for only 11 months. I do not know whether the issuing of registrations in the way provided by the Bill will make the department busier.

The Hon. A. J. Shard: We are told that it will make things easier for the department.

The Hon. S. C. BEVAN: It should, because instead of the department being busy towards the end of the month issuing registrations, its work will be spread more evenly over the month. Clause 8 strikes out subsection (3) of section 54 of the principal Act, which provided for refunds on a monthly basis. This form of refund had a harsh effect. Under this amendment it will operate on a day to day basis and the same position will apply to a person transferring registration from one vehicle to another. There will be no loss at all and that represents a considerable advantage compared with the present legislation. Clause 9 provides for a day to day refund on licences. Clause 11 inserts a new section dealing with instructors' licences. This is an important amendment because it is now necessary for applicants for licences to pass a driving test. Many driving schools have been set up and most of them have capable tutors. The present system provides for A and B class driving licences and, because of the system, it is necessary for the Government to examine this matter. An instructor will pay more for his licence than the ordinary driver pays. I do not believe that £10 a year represents an excessive amount in all the circumstances because, after all, the instructor would not take long to reimburse himself that charge. I do not know whether this portion of the Bill goes far enough. There is no control over the issue of instructors' licences. I know that the Registrar has to be satisfied of the *bona fides* of the applicant for an instructor's licence. He must be satisfied that the applicant is capable of driving a vehicle, that he is aware of the provisions of the Road Traffic Act and other necessary requirements. If the Registrar is doubtful about an instructor he can have the instructor tested to make sure that he is qualified to be an instructor. The Bill could have gone further and provided for a form of registered instructor so that there could be more control over driving schools to ensure that teachers are capable of giving adequate instruction to persons attending these schools.

The volume of traffic on our roads has increased and it will continue to increase. Therefore, it is imperative that persons possessing driving licences should be capable of driving in a proper manner. The ground work in this direction is performed by the driving instructor. The Bill could have gone further and provided a form of registration for driving schools, though the licensing of qualified instructors may at present prove adequate. I would like to see some form of registration for driving schools.

The Hon. G. O'H. Giles: What is the difference between a form of registration and giving permission for a person to be a tutor? I cannot see what the honourable member is driving at.

The Hon. S. C. BEVAN: All a person has to do is to satisfy the Registrar that he is capable and has held a driving licence for three years. That enables him to receive a licence to act as a driving instructor and run a driving school. Is that sufficient? What is to stop me or any other member who has had a licence for three years from being registered for the purpose of teaching others to drive?

The Hon. Sir Arthur Rymill: The Registrar has to regard applicants as fit and proper persons.

The Hon. S. C. BEVAN: Yes, but I must be regarded as a fit and proper person because I hold a driver's licence now. The Bill contains provisions under which the Registrar can satisfy himself that a person is fit and proper and he can have tests and examinations made if he is doubtful. I do not think that the Registrar would decide in every case that an applicant should be tested. I may be the world's worst driver and yet I may be able to receive a licence and set up a driving school.

The Hon. Sir Lyell McEwin: If the Registrar gave you a licence you might have a driving school with three or four other instructors who were not competent.

The Hon. S. C. BEVAN: Something should be embodied in this legislation relating to the setting up of driving schools.

The Hon. A. J. Shard: An instructor should prove that he is capable of instructing other people in what he sets out to do.

The Hon. S. C. BEVAN: Yes. If I were the world's worst driver I might pass on my faults to my pupils. Having made those few comments, I support the Bill.

The Hon. L. H. DENSLEY (Southern): I support the Bill and I wish to say that it gives much pleasure to the people of Kangaroo Island to see a long-desired wish come true. Many years ago I approached an honourable member who was also a member of a shipping company, and I passed on to him a statement from Kangaroo Island settlers dealing with the lack of transport for the island. They believed that they would not have adequate transport for their requirements. That honourable member assured me that the volume of traffic justified extra shipping, which would be provided by the company. It is extremely pleasing to know that we are now on the point of getting the particular type of ship they were anxious to get. The settlers wanted one of the army vessels that they could run their trucks on, as this would provide greater transport facilities. As it is, that will be provided by one vessel and the Bill provides for certain facilities in respect of that vessel. I am pleased that the Bill has been introduced at this stage. The fact that a roll-on roll-off ship is to be provided to serve Kangaroo Island and other parts of the State necessitates some modification of our law regarding trailers drawn by prime movers, which will be used on the new service. The Bill provides that they may draw additional trailers. The value of this provision will be evident to the settlers on Kangaroo Island and other places.

As to the clause relating to driving instructors, the requirement that a person must be more than 21 years of age, have held a licence for three years, have a good character and is proficient surely provides for the ideal person who would be engaged in teaching driving. It is a good idea that these people should be registered, because the very position that the Hon. Mr. Bevan mentioned is possible under the law as it stands. This defect will be largely overcome when the Bill operates. A licence fee costing £10 does not seem to me to be out of proportion compared with the general licence charge and the people concerned will recoup themselves the little extra they have to pay out of the fees they charge for tuition. I have much pleasure in supporting the Bill and I am sure it will also give pleasure to those who will be provided with the new transport service.

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

SUPERANNUATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 1505.)

The Hon. A. J. SHARD (Leader of the Opposition): I support this Bill introduced

by the Government to improve the position of superannuated public servants and those contributing to the superannuation fund. However, the Bill as it stands does not go far enough. The Public Service Association requested that a unit be valued at £1 2s. 6d., but the Bill does not provide that. For a long time South Australia has been lagging behind other States and the Commonwealth in superannuation. Contributors in other States have been able to get a bigger pension although contributing less than those in this State.

In recent years increases have been made in other States without any increase in contributions, whereas there have been no increases in South Australia. As a result there have been long and continued complaints from public servants in this State that they have not been fairly treated by the Government. A number of superannuated public servants and widows on pensions have told me, "We have found that original promises made to officers on joining the Public Service have been broken because, in effect, inflation has been allowed to wear away our pensions, and instead of being in a position of relative comfort, which we would have been entitled to expect from the contributions made at a time when they involved a real sacrifice, we are in a position of extreme poverty because of the lost value of the Public Service pensions."

Although this Bill will remedy some anomalies, it still does not do justice to the Public Service, which not only does not get over-award payments, but does not get cost of living adjustments to awards as are given by the Labor Government of New South Wales, where not only have public servants been in a better position in relation to pensions over a long period, but salaries have been much better because cost of living adjustments have been given to them. Although this Bill goes some way, it still does not do justice to the public servants of South Australia.

I believe that it should provide for £1 2s. 6d. a unit for pensioners, and that this would be the only fair thing on today's money values. However, we are forced to accept half a loaf or get no bread. As the Bill relieves a little the position of pensioners and widows and copes with some of the anomalies that have existed, it deserves the support of honourable members. I hope that next year this State will have a Government that will give £1 2s. 6d. a unit to Public Service pensioners and put them in a position similar to what they were in under a previous Labor Government, when they were getting benefits comparable with those received by public servants elsewhere in the Commonwealth.

The Hon. JESSIE COOPER (Central No. 2): I congratulate the Government on having introduced this legislation, which will liberalize the superannuation benefits of many retired public servants.

It is on this aspect of the Bill that I would speak briefly. Last year in a debate on the Superannuation Act I said that the time had come for the Government to consider the possibility of bringing superannuation benefits into line with those appertaining in some other States. The disparities which then existed were causing dissatisfaction and misunderstanding within our Public Service. I felt then that much of this feeling could be dissipated at no great cost to the Government. I am therefore very pleased to congratulate the Government on its taking the necessary steps to increase superannuation benefits beyond the existing scale to those public servants who have already retired. I support the Bill.

The Hon. Sir FRANK PERRY (Central No. 2): The Superannuation Fund has been something of a problem to Parliament over the last few years, which is the result no doubt of the decrease in the value of money and of the general inflationary trend. Over the years, Parliament has introduced a number of similar Bills in which it has endeavoured to do justice to the Public Service within the powers it was able to exercise. This Bill was introduced as a result of a good deal of agitation by the Public Service, and seeks to bring the fund into line with that of the Commonwealth and other States. I understand that the scheme in this State is not much different from those in other States, and point out, as I said on another occasion, that in South Australia we cannot expect and should not expect to have the advantages that are enjoyed by some of the more prosperous States.

At present the Superannuation Fund stands at about £15,000,000, with a Government yearly subscription of about £1,100,000 towards the fund. That is a considerable sum which the Government is called upon each year to provide, and the contributions, I understand, are 60 per cent by the Government and 40 per cent by the officers. The State scheme is better than the average of others that have been established. In some funds in private enterprise the contributions are made entirely by the company, but only a few companies are prosperous enough to do that. Most funds

are based on a 50-50 contribution, yet in this State the Government contributes 60 per cent and the officers only 40 per cent. It is interesting to note that an officer or a daily paid employee can hold eight units in the fund and still draw the full Commonwealth social service benefits. A large proportion of the subscribers contribute for only eight units, thus allowing them to receive the Commonwealth benefits. The Bill, as I see it, also helps those who cannot obtain the advantages of Commonwealth social service, that is, those in the higher salary group. Prior to this legislation, an officer in this group was limited to 36 units, but now he may contribute for any number of units, with a maximum pension of half his salary. I understand the fund is of particular advantage to officers who are ill, and their dependants will now receive higher benefits.

Contribution to the superannuation fund is not compulsory for daily paid or female employees, and the minimum number of units that must be taken by a permanent officer is four. The fund is in good order and supplies benefits to officers of the Public Service and is much appreciated by them. I was disappointed at the Hon. Mr. Shard's comment that the benefit should be increased from £1 to 22s. 6d. a unit. That would be a rise of 5s., and if an officer held four units, which is the minimum number, he would draw an extra £1 a week.

The Hon. A. J. Shard: That is what they asked for.

The Hon. Sir FRANK PERRY: Yes, it is asked for, and I gathered the Hon. Mr. Shard was supporting it.?

The Hon. A. J. Shard: That is right.

The Hon. Sir FRANK PERRY: I do not think any honourable member should support the payment of money without considering the cost to the Government. The Government is now paying £1,100,000 annually from its revenue to the superannuation fund. The benefits are being liberalized, and the Bill provides for a certain amount of voluntary subscription, the total of which cannot be forecast. It provides for a rise in the pension from 17s. 6d. to £1 for each unit. The total cost of that rise can be calculated. It is likely that this Bill will cost the Government an additional £200,000 to £300,000 a year. That is a large amount to be supplied from the taxation pool to meet the demands of the superannuation fund. I do not say that is wrong; it is probably correct that our officers in South Australia should not be a great deal behind those in other States in superannuation benefits. I am not opposing the Bill, but honourable members should realize what the obligation of the Government is when they suggest an increase of 25 per cent in benefits. The Bill provides that officers on the high salaries may receive no more than half the amount of their salaries in superannuation benefits. Officers on the lower salaries can receive up to 66 per cent of those salaries. The Bill alters the actuarial period from five years to three years. It is wise to keep the fund on a proper basis, and under the Bill the position will be reviewed every three years. I do not decry any fund that provides benefits for sick and aged people. In these days people live longer and therefore must make greater provision for their old age. The Bill will be of some assistance in this regard. I hope that it satisfies the Public Service, that no further amendment of the principal Act will be necessary, and that the demand on the public purse will not be greater than is calculated. I support the Bill.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2).

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

Page 6 (clause 28)—Insert new subclause as follows:

(2) Subsection (8) of the said section 666b is amended—

(*a*) by inserting after the words "which is unfit for use" in paragraph (*a*) thereof the words "as a vehicle or machinery";

(*b*) by inserting after the words "which is unfit for use" in paragraph (*b*) thereof the words "as an article of furniture".

The Hon. C. D. ROWE (Attorney-General): The amendment made to clause 28 by the House of Assembly merely adds to the definition of "chattel" in its application to vehicles, machinery and furniture. At present "chattel" is defined as (*a*) any vehicle or machinery which is unfit for use, and (*b*) any article of furniture which is unfit for use. In neither case is the particular use referred to. The amendment makes it clear that the vehicle, etc., is unfit for use as a vehicle or machinery. The furniture concerned has to be unfit for use as furniture. This amendment will enable councils to order the removal of an "old bomb" which is unfit for use as a motor vehicle notwithstanding that parts of it may be claimed to be useful. I ask the Committee to accept the amendment.

The Hon. C. R. STORY: I am pleased to see this amendment put in by another place. I have attended local council meetings where the matter of unsightly chattels has been discussed, particularly at places such as Port Wakefield and places even closer to the city. The North Road near Prospect is a good example. The Council attempted to correct this position by amendments to section 666 of the Act in 1957. That was to make people move unsightly wrecks. Unfortunately, there are always good bush lawyers in the country and they find a way around the provision, particularly at Port Wakefield, where some people put it all over the council. The amendment will ensure that people will not be able to say that the unsightly chattel contains good parts and that they wish to keep it because it is useful. The Parliamentary Draftsman assures me that this will enable councils to have blocks of land cleared of shells of vehicles and councils will be able to function in the way that the Subordinate Legislation Committee and I would like to see them function.

Amendment agreed to.

HOSPITALS ACT AMENDMENT BILL.

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

Page 1, line 19 (clause 3)—Insert at end of clause:

> "Provided that any rate of payment or special rate fixed in respect of the hospital shall be reasonable".

The Hon. Sir LYELL McEWIN (Minister of Health): The Bill, as it left this Council, restored to the boards of subsidized hospitals the power to fix their own charges, which was the practice ever since the inception of the hospitals until an amendment was placed in the Act about two years ago. That unfortunately altered the position. The Bill restores that power to local hospital boards and the amendment is a proviso stating that any charges fixed by the board shall be reasonable. That means charges may be contested if any people consider that they have been charged an unreasonable fee by any hospital. No-one can object to anything that is reasonable. I ask the Committee to accept the amendment.

Amendment agreed to.

TRAVELLING STOCK RESERVE: HUNDREDS OF BOOLCUNDA, PALMER AND WILLOCHRA.

Consideration of the following resolution received from the House of Assembly:

That those portions of the Travelling Stock Reserve in the hundreds of Boolcunda, Palmer and Willochra, shown on the plan laid before Parliament on August 29, 1961, be resumed in terms of section 136 of the Pastoral Act, 1936-1960, for the purpose of being dealt with as Crown lands.

The Hon. C. D. ROWE (Attorney-General): These portions of the travelling stock reserve contain approximately 5,000 acres, and extend from the vicinity of the town of Willochra in the hundred of Boolcunda, southwards through the hundreds of Palmer and Willochra to the southern boundary of the lastmentioned hundred near the town of Wilmington. The areas in question comprise the remainder of a travelling stock route, the greater portion of which was resumed in 1951, following a resolution by both Houses of Parliament. The present proposal has arisen from requests by the district councils of Kanyacka and Wilmington, through whose districts the reserve under consideration passes. The reasons put forward by the councils may be summarized as follows:

(a) The need for the reserve for *bona fide* travelling stock has not existed for a number of years; in fact, portions have been fenced across.

(*b*) In dry seasons loitering stock cause "dust-bowl" conditions.

(*c*) Control of vermin, noxious weeds and straying stock would be aided by the closing of the reserve and the allotment of the land.

(*d*) Straying stock are a danger to the public using the roads in ever increasing numbers because of the growing tourist attraction of the north.

(*e*) A three-chain road would adequately cater for movement of stock.

The views of the Stockowners' Association were sought and the council of the association has supported the proposal, having ascertained that all local committees favoured the resumption and that landholders in general were prepared to accept allotment of the land. The Pastoral Board, having by inspection and investigation confirmed that the reserve is little used by *bona fide* travelling stock, that a three-chain road would meet the needs, and that adjacent landholders would take up land made available to them, has recommended that the reserve be resumed. I therefore ask members to agree to the resolution.

The Hon. E. H. EDMONDS (Northern): I support the resolution. We have had at least two other similar propositions for the resumption of stock routes which in the past have been used by travelling stock. As the Minister has pointed out, the use for that purpose has

long since passed because of different methods of transporting stock these days. It is rare that one encounters mobs of travelling sheep, cattle and other stock on the stock routes. Frequently in many districts they have been used for some time for grazing by people who travel up and down the routes so long as the feed lasts. To those who have been associated with this practice, they were known as the "long paddock". At one time in the north one landholder had the reputation of having the smallest area of land in his own right but one of the biggest mobs of sheep in the district, because he grazed up and down the stock route. The disadvantages of these areas remaining as open stock routes have been mentioned by the Minister, and I agree with the reasons he gave. They become breeding grounds for vermin and gardens for noxious weeds, and because they have been over-grazed by pseudo travelling stock have become a menace by causing sand drift and erosion.

They are very good areas of land that could be better used, but in effect are lying idle. In this instance there are some 5,000 acres and the land extends for about 12 miles. The land could be better used if it were resumed as Crown Lands and allotted to adjoining landholders, who would be pleased to get it and make good use of it. The Minister has indicated that the people concerned, including the Stockowners' Association and the district councils, favour the project and therefore I have pleasure in supporting its resumption.

Resolution agreed to.

TRAVELLING STOCK ROUTE: HUNDREDS OF SEYMOUR, MALCOLM, BONNEY, GLYDE, SANTO AND NEVILLE.

Consideration of the following resolution received from the House of Assembly:

That those portions of the Travelling Stock Route in the hundreds of Seymour, Malcolm, Bonney, Glyde, Santo and Neville, shown on the plan laid before Parliament on August 29, 1961, be resumed in terms of section 136 of the Pastoral Act, 1936-1960, for the purpose of being dealt with as Crown lands.

The Hon. C. D. ROWE (Attorney-General): The stock route in question extends from Tailem Bend to the southern boundary of the hundred of Neville, about 90 miles to the south, although at intervals throughout this distance there are stretches where no stock route exists. The area of the stock route involved in the proposal is approximately 6,078 acres. The route varies in width from about five chains to 40 chains and follows the general course of Princes Highway, which, however, is in some places on the eastern and in others on the western side of the stock route, and in many other places crosses from side to side in an irregular diagonal course. The question of resumption of portions of this travelling stock route has been the subject of discussion and consideration for many years, particularly the portion between Tailem Bend and Meningie. In 1946, Parliament approved of a length of about four miles of that portion, in the hundred of Seymour, being closed so that it could be leased for seven years. That section is included in the present proposal.

In the last four or five years, the District Council of Meningie and others have again raised the question on several occasions, stressing among other points the difficulty of dealing with noxious weeds and vermin. As a result of investigations by the Pastoral Board and the Agriculture Department, it was decided that it would not be opportune to close the stock route, as the requirements of the Upper South-East, because of the build-up of the beef-cattle industry in that locality could not at that time be clearly forecast. Another approach was made in 1959, and the request was supported by the Stockowners' Association as regards the portions of the route between Tailem Bend and Meningie. Objections were submitted, however, by holders of certain nearby land to the closing of a section in the hundreds of Seymour and Malcolm. Again it was decided that action to close the route should not be taken at that time.

Since then, further representations have been made, strongly supported by the Stockowners' Association, and deputations from the District Council of Meningie have waited on the Minister of Lands. It has been asserted that the use of the route by *bona fide* travelling stock is negligible; in any case the route is not continuous but is broken at intervals by stretches where only the highway exists. The route is badly infested with noxious weeds, and control measures could be much more effective if it were resumed and allotted to adjoining land holders. The Pastoral Board, the Agriculture Department and the Stockowners' Association have conferred and examined the whole question in detail, paying particular attention to control of vermin and weeds, and the latest information on the facilities likely to be needed for the movement of stock to and from the Upper South-East. These investigations and further inspections by the Pastoral Board have shown

that the stock route is no longer necessary in its present form for *bona fide* travelling stock, and that with modern methods of transport a three-chain road would be adequate.

Those landholders who had previously objected have been interviewed. The objections were based on the need to move sheep between separated parts of the holdings, but it was pointed out that, if the stock route were resumed, the landholders' needs of access would receive full consideration in the allotment of the land. Although the discussions, investigations and findings have been mainly in respect of the stock route between Tailem Bend and McGrath's Flat in the hundred of Glyde, it is evident that there is no more need for retention of the remainder, extending from McGrath's Flat to the southern boundary of the hundred of Neville, than there is of the northern portions, particularly if the northern portions are resumed. In the light of all these circumstances, therefore, I ask members to approve of the motion for closing the whole area.

The Hon. L. H. DENSLEY (Southern): The same position applies to this matter as to the previous one. One can readily understand that part of the travelling stock route would be valuable and those holding leases of it would not like to part with them, but the time has come when district councils do not want to undertake the clearing of noxious weeds because it is easier for them to tell the landholder to do the job than it is for them to do it. I know the road fairly well, and know that some of it is in quite a good area, particularly near Meningie, but as a stock route I think it has had its day. Wandering stock is an added menace, particularly as that road is alongside the main Princes Highway, and that in itself is a sufficient reason why something should be done regarding the resumption of this land. The fact that councils, Stockowners' Association and other bodies support this application proves that the time has arrived for the land to be resumed, and I support the motion.

Resolution agreed to.

STANDING ORDERS COMMITTEE REPORT.

Consideration in Committee of report.

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

That the report of the Standing Orders Committee and the schedule of proposed amendments appended thereto be agreed to.

The report and the appendix are on members' files. The alterations recommended by the committee are the result of discussions which have taken place over the past 12 months. Before the matter was taken into consideration by the Standing Orders Committee, a desire had been expressed in the Council that the Standing Orders should be reviewed and reprinted. There are no entirely new standing orders among the recommendations. The alterations are designed to bring the Council's Standing Orders into line with current practice in the Council. For instance, Standing Orders No. 15 and 16 make provision for the prorogation of Parliament by the Governor in person, but this procedure has not been followed since 1910—more than 50 years ago. Consequently, these standing orders are recommended for repeal. Standing Order No. 8 requires the members of the House of Assembly to remain without the Bar when they are summoned to hear the Governor's Speech at the opening of Parliament. Since Her Majesty the Queen opened a special session of the Parliament in 1954, however, members of the Assembly have been accommodated in the Council benches while the Opening Speech has been delivered. The relevant standing order has therefore been amended to bring it into line with current practice. These examples are typical of the alterations recommended, and I commend the report and the amendments for the favourable consideration of the Committee.

The Hon. K. E. J. BARDOLPH: I have pleasure in seconding the motion. It is quite true, as the Minister has indicated, that a review of the existing Standing Orders would place them in line with those of other Parliamentary institutions, and would also make for the easier working of Parliament. This is an occasion when one should express thanks to the subcommittee appointed, which comprised you, Mr. Chairman, Hon. Sir Arthur Rymill, and Mr. Ivor Ball (Clerk of Parliaments). This subcommittee did a considerable amount of work in tracing the proceedings of the Council and in reviewing the Standing Orders to bring them up-to-date as they are contained in the report.

The Hon. Sir ARTHUR RYMILL: I support the motion, and as a member of the subcommittee thank the Hon. Mr. Bardolph for his kind words. The subcommittee did meet for quite a number of hours on several occasions, and I think every member of it individually went through all the Standing

Orders as well. I would like to say for myself, Mr. Chairman, that I had always regarded our Standing Orders as possibly being a bit antiquated until I had to get to grips with them, and then I realized what an admirable document they constituted and how really little amendment they needed after all. I think what is likely to mislead honourable members, and certainly misled me, about the Standing Orders is the extremely out-of-date mode of indexing. I have always found as a private member that when I wanted to take a point of order, unless I prepared it in advance it was hard to put my finger on the particular Standing Order in a hurry.

The intention of the Standing Orders Committee is as shown in the report, that the whole of the Standing Orders not only shall be re-indexed, but shall be re-indexed in a modern form instead of the rather ancient form it is in at the moment, which is hardly an index at all. It is now a sort of chronological precis of Standing Orders and does not help much. I believe when that index is prepared and coupled with the amendments that have been made to Standing Orders that are out-of-date, it will be of great benefit to members. The Chief Secretary referred to some typical alterations. Another refers to the use of the words "His Majesty". We know of the need to use the words "Her Majesty", but we have overcome that problem by referring to the name of the Sovereign. The annotations have been brought up-to-date. There is nothing dramatically different from the present Standing Orders. As the Chief Secretary has pointed out, the Standing Orders have been brought up-to-date and are more in line with existing practices.

Motion carried. Committee's report adopted.

The Hon. Sir LYELL McEWIN moved:

That the report and the appendix to the report of the Standing Orders Committee, October 24, 1961, be presented to His Excellency the Governor, for his approval, pursuant to section 55 of the Constitution Act.

Motion carried.

BRANDS ACT AMENDMENT BILL.

Returned from the House of Assembly with the following amendment:

Clause 3 (*da*) (ii) After "substance" where second occurring insert "registered as a stock medicine under the Stock Medicines Act, 1939."

Consideration in Committee.

The Hon. Sir LYELL McEWIN (Chief Secretary): The amendment is self-explanatory. A number of medicines used in treating wounds in sheep are already registered under the Stock Medicines Act and it means that in future it will not be necessary to prescribe all the medicines registered under that Act. In effect, the amendment does not extend what was originally intended in the clause.

The Hon. C. R. STORY: When the Bill was discussed here previously the word "black" was mentioned a great deal. I do not know much about stock medicines, but it appears to me that if any of them are black in colour they cannot be used under the Bill. Will not the amendment confuse the issue to a great extent? Perhaps we could report progress so that the matter could be further considered.

The Hon. Sir LYELL McEWIN: The matter has been considered by the Chief Inspector of Stock who says that the amendment permits the application on sheep of substances registered as stock medicines under the Stock Medicines Act without the need to have them prescribed as scourable substances. He said that it had been the intention of the department to examine the needs of the industry in regard to the substances used in the treatment and prevention of wounds in sheep and to prescribe the substances for the purposes of this legislation as scourable substances. The Chief Inspector says that the substances are at present registered as stock medicines under the Stock Medicines Act and the amendment makes it unnecessary to prescribe those medicines. If the honourable member is in any doubt about the matter I am willing to report progress.

Progess reported; Committee to sit again.

ADJOURNMENT.

At 10.27 p.m. the Council adjourned until Wednesday, November 1, at 2.15 p.m.