

LEGISLATIVE COUNCIL.

Thursday, November 2, 1961.

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

ASSENT TO BILLS.

His Excellency the Governor's Deputy, by message, intimated the Governor's assent to the following Bills:

Artificial Breeding,
 Botanic Garden Act Amendment,
 Dog Fence Act Amendment,
 Housing Agreement,
 Housing Improvement Act Amendment,
 Land Settlement Act Amendment,
 The Parkin Congregational Mission of South Australia (Private),
 The Parkin Trust Incorporated Act Amendment (Private),
 Stock Diseases Act Amendment,
 Surveyors Act Amendment.

QUESTIONS.**RADIO-ACTIVE FALL-OUT.**

The Hon. K. E. J. BARDOLPH: Can the Minister of Health say whether any action has been taken in South Australia to check any radio-active fall-out from the explosion of the Soviet Union's nuclear bomb which has alarmed and shocked the world?

The Hon. Sir LYELL McEWIN: I think that the question relates to a responsibility of Commonwealth administration. Judging from reports I have read, we are not in a direction where we are likely to be affected by fall-out. It is a matter to be looked after in quarters other than State administration.

NEW PULP MILL IN SOUTH-EAST.

The Hon. A. C. HOOKINGS: Has the Chief Secretary a reply to my question of October 26 regarding the use of local materials for the building of houses for employees of the proposed new pulp mill near Mount Gambier?

The Hon. Sir LYELL McEWIN: The honorable member's question, which related to the building of houses for the new paper and pulp mill at Mount Gambier, was referred to the Chairman of the Housing Trust, who reports:

Housing for the purposes of the new pulp mill will not be required until about 1963, and consequently the Housing Trust has not, as yet, come to any decision as to the designs of the houses to be built to meet the needs of the new industry. However, the trust will undoubtedly prepare new designs for the

extensive housing programme which will be necessary and will, according to its practice, use suitable local materials to as great an extent as may be.

PUBLIC WORKS COMMITTEE REPORTS.

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

Mitcham (Daws Road), Flinders (Underdale) and Modbury High Schools, Findon High School Additions and Marion High School Additions, Port Lincoln High School Additions, Kidman Park Boys Technical High School, Mitcham Girls Technical High School (Additions), and Port Pirie Technical High School, Geranium Area School.

PARLIAMENTARY PAPERS.

The Hon. Sir LYELL McEWIN (Chief Secretary) moved—

That it be an order of this Council that all papers and other documents ordered by the Council during the session and not returned prior to the prorogation, and such other official reports and returns as are customarily laid before Parliament and printed, be forwarded to the President in print as soon as completed, and if received within two months after such prorogation, that the Clerk of the Council cause such papers and documents to be distributed amongst members and bound with the Minutes of Proceedings; and as regards those not received within such time, that they be laid on the table on the first day of next session.

Motion carried.

**SCAFFOLDING INSPECTION ACT
AMENDMENT BILL.**

Adjourned debate on second reading.

(Continued from November 1. Page 1702.)

The Hon. S. C. BEVAN (Central No. 1): The Bill considerably alters the principal Act by the insertion of amendments. Earlier this session in another place the Labor Party introduced amendments to the Industrial Code, and some of them are embodied in this Bill. Unfortunately, the Government did not accept the amendments to the Industrial Code: in fact, it rejected the whole Bill. It is pleasing, however, to note that the Government has now accepted some of Labor's suggestions. Labor has always contended that there were not sufficient safeguards in the Scaffolding Act. In an attempt to remedy the position a number of deputations, consisting of representatives of

the building industry, have waited on the Minister of Labor and Industry. Apparently the Minister was impressed by the requests and is now attempting to remove some of the faults from the existing legislation. The South Australian building industry has expanded greatly and now extends practically all over the State. I believe the Act should apply to the whole State and not, as at present, to certain small portions of it. Clause 3 enables the provisions of the Act to apply anywhere in the State and provision is also made for this to be done by regulation instead of by proclamation, which is the present practice. The Opposition has advocated from time to time that most of the acts required to be done under various legislation should be effected by means of regulations because Parliament would then have an opportunity to examine the regulations. That procedure would not result in any undue delay and I believe that this alteration from proclamation to regulation will be of definite advantage. Clause 3 represents a considerable advance on the present legislation.

Clause 4 deals with explosive powered tools. Doubt has been expressed whether these tools can be controlled under the Act but the amendment will definitely provide for control over explosive powered tools. These tools are now extensively used in the erection and alteration of buildings, because they result in much time saving. However, they are also very dangerous tools, especially if not properly used. Many accidents have occurred in the use of the tools, which are very powerful, and some have resulted from lack of proper supervision.

Much activity has recently occurred in King William Street in the erection of verandahs and, while passing along the street, it is almost impossible not to notice these power tools being used on those works. I believe that a dangerous situation is created in King William Street because of the lack of adequate protection. The scaffolding on the buildings is inadequate and the power tools are used in such a way that people walking along the footpaths close to the buildings could meet with serious accidents because of the lack of protection. Another form of equipment being used on these works is the oxy-welding equipment. Steel girders are used to carry the weight of the verandahs and the oxywelding equipment is operated over the footpaths but often no protection is provided under the equipment. Clause 4 will ensure that all these matters are brought under the control of the department and I hope the inspectors will pay

special attention to the safeguards now embodied in the Bill relating to power tools.

The Bill will remove many of the existing anomalies in the Act. Clause 5 further extends the powers under the Act and it deals with the use of appliances in connection with demolitions and excavations. The erection of multi-storey buildings involves considerable excavation work which will now come within the scope of this Act. Cave-ins have resulted in accidents and the inclusion of excavation work is a good provision. I recently saw some alterations that involved considerable demolition of a building to effect necessary repairs. That building was in the city and it was backed by a very narrow lane connecting two streets, and the footpath was only about 2ft. wide. A sheet of building board was erected on the edge of footpath to provide protection for the passer-by, but it was only the height of a single board.

Demolitions were being effected on the second floor, but no protection was provided against falling masonry, and pedestrians using the street had to be careful because bricks and masonry were falling on to the roadway. A workman was employed to clean and clear the thoroughfare, but there was considerable risk to people going through the lane. There was no adequate protection at all as a result of the scaffolding erected. This matter requires more supervision and the clause brings all demolition work and excavations more than five feet deep within the Act. Clause 6 places an obligation on the principal contractor to give the necessary notice in connection with the erection of scaffoldings. This is an improvement, because in the building industry today it has become a practice to sublet work to subcontractors. Sometimes the scaffolding, which is erected to do a special job, is taken over by the subcontractor, but it seems to be no person's responsibility after that to tender any notification about the scaffolding. There have been accidents, and this clause makes it an obligation on the principal contractor under all circumstances to report to the inspector the details of the erection of the scaffolding.

Clause 8 requires that an accident will be recorded and reported. This clause would have the approval of all people concerned with safety, because the emphasis today is on safety in industry. There have been many conferences in an effort to maintain safety measures in industry because of the large number of accidents that have occurred. This clause will ensure that the Chief Inspector is fully aware of any accident that occurs, and it places the onus on the employer to record the

circumstances of the accident and the nature of the injury. Many people have fallen from scaffolding in the metropolitan area, particularly during the erection of multi-storey buildings, and this clause provides that the employer will take all precautions, so that it may lessen the loss of manpower due to accidents.

Clause 9 is another important clause dealing with the general powers of inspectors, and is an all-embracing clause relating to scaffolding, hoisting gear and power-driven equipment. There should be no excuse in the future for an inspector not to use the powers given to him by this legislation, because he also has a duty to ensure that the intention of the Act is followed. I suggest that it may be necessary to amend this clause, because it states that the inspector "may give directions in writing". It may not be possible for the inspector, whilst on his tour of inspection, to give notice in writing immediately to the employer that something should be done about a faulty scaffold or some other defect noticed by the inspector. The inspector may have to return to his office before complying with this provision, and some time may elapse before the notice is given in writing.

The inspector should be able to order that any fault must be corrected immediately, and that the scaffolding or equipment should be put in a safe working condition, without having to return to his office and make a written report to the employer. I ask the Minister of Labour and Industry to have a look at this provision. I consider that the words "in writing" could be eliminated, and thus the inspector could give directions immediately for the withdrawal of labour until the scaffolding was made safe. I have much pleasure in supporting the second reading.

The Hon. Sir FRANK PERRY (Central No. 2): Everyone will agree that during recent years the equipment used on the erection of buildings has been developed extensively and that the types of buildings have changed. I consider that the proposed amendment of the Act to take these things into consideration is quite in order. Unfortunately, we have accidents on buildings, but they are not always due to scaffolding or to the gear that is being used, but in some instances to the carelessness of the worker. Clause 4 deals with the use of explosive powered tools. Their use is not without danger and I consider that proper safeguards should be provided for the protection of workmen and the public.

I do not think that any employer is inclined to skimp his scaffolding plant, but uses what he thinks is reasonable for the job. In this Bill the Government is providing that an inspector's opinion shall override that of the employer. I disagree entirely with the Hon. Mr. Bevan's statement that an inspector should have authority to order forthwith, without putting it in writing, that alterations should be made. If his opinion is contrary to that of the contractor, it should be stated in writing. Inspectors have their ideas of what is correct, but there are others who know just as much about safety as they do. I agree with the clause as drafted and I also agree with the provision for the control of portable cranes. Wherever restrictions are enforced there are delays, but safety is the main factor, and as that is the object of the Bill I support it.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. Sir FRANK PERRY: Does the reference to explosive powered tools relate only to buildings?

The Hon. C. D. ROWE (Minister of Labour and Industry): In this instance it applies only when they are used in building operations. An explosive powered tool is machinery in the definition under the Industrial Code, so, if it is used in a factory it is covered by that provision.

Clause passed.

Clauses 5 to 8 passed.

Clause 9—"General powers of inspectors."

The Hon. C. D. ROWE: The Hon. Mr. Bevan queried the use of the words "in writing", which have the effect of requiring an inspector to give a direction in writing to the person concerned in connection with scaffolding. The inference was that there are cases where the direction should be given immediately so that it can be carried out immediately. However, it is necessary for the direction to be explicit, and because of that I am not agreeable to the deletion of the words "in writing". Each inspector carries a notebook and therefore it is not difficult for him to write out the direction immediately and pass it on to the person concerned. If there is any delay, it is only the time taken to write out the instruction. Therefore, it would be wise to leave the words in the clause.

The Hon. S. C. BEVAN: A serious accident could occur if an inspector, finding scaffolding to be unsafe, had to return to his office and write out the direction and then go back to the

job to lodge the direction with the person concerned. However, after hearing the Minister's explanation I will go no further with the matter.

Clause passed.

Title passed.

Bill read a third time and passed.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 1. Page 1683.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the Bill, although it does not go far enough. I shall vote for it because I realize that any attempt to amend it would delay unreasonably the implementation of the amendments contained in it. It is becoming the habit to bring down amendments to the Workmen's Compensation Act at the end of a session when little time is left to consider and, if necessary, amend them. The Bill goes some of the way towards satisfying Labor's desire for an adequate measure. The principle of compensation being paid to workmen for injuries received whilst at work is becoming universally accepted. However, some people, in South Australia feel, in line with their thinking on matters concerning wages and working conditions generally, that in workmen's compensation workers in this State are to remain at a disadvantage when compared with workers in other States. Even with the proposed amendments the principal Act will not be comparable with Acts in other States. If we accept the principle that a workman should be compensated for his injury received whilst at work we should accept the principle that he should be compensated adequately, which Labor has always advocated. Unfortunately, we have not yet reached that ideal. Eminent people in other countries support the principle of workmen's compensation and consider such legislation to be humane. I will quote the opinions of two people on workmen's compensation legislation. Augustine Birrell, Q.C., of England, said:

All the enterprise of this country was carried on by the joint efforts of labour and capital. The capitalist at most only risked his money. The employee contributed his bones and sinews, and risked his life. In case the enterprise turned out a success, the capitalist made a fortune; whereas, however successful the concern might be, the workman got out of it just sufficient in the form of wage to maintain himself and bring up his family to lead a life of equally arduous and strenuous toil as that which had bent his own back and shortened his days. It was therefore perfectly just and right that the

House should in these latter days depart altogether from the old common law ideas of negligence, and impose upon every employer the responsibility of insuring the lives of his workmen without entering into the question of how the accident was brought about.

One of the Roosevelts of America is quoted as saying:

When the employer, the agent of the public, on his own responsibility and for his own profit in the business of serving the public starts in motion agencies which create risks for others he should take all the ordinary and extraordinary risks involved and though the burden will at the moment be his it will ultimately be assumed as it ought to be by the general public. Only in this way can the shock of the accident be diffused because it will be transferred from the employer to the consumer for whose benefit all industries are carried on. From every standpoint the change will be a benefit. The community at large should share the burden, as well as the benefits of industry. Employers would thereby gain a desirable certainty of obligation, and get rid of litigation to determine it. The workman and the workman's family would be relieved from a crushing load.

Apparently, the opinions of those two people are the same as mine, that the protection of workmen by compensation is an important matter. It is the concern of the whole community because it benefits from the results of the workmen's labours. The Workmen's Compensation Advisory Committee made certain recommendations to the Government which have resulted in the Bill now before the Council. One of the members of that committee (Mr. Bishop) was nominated for appointment by the trade union movement in South Australia. Apparently Mr. Bishop was able to convince the other members of the committee that they should recommend certain amendments to the Act and, although the amendments do not go as far as was desired by the trade union movement, they do at least go some of the way. Unfortunately, there is need for further improvement.

Clauses 4, 5 and 8 increase the rates of compensation. In all cases the rates provided are below those sought by the trade union movement to bring the Act into line with the provisions in other States. Apparently the majority of the committee decided that what the trade union movement sought was too much for South Australia and that attitude is similar to that adopted on other occasions on wages and conditions of employment. South Australia lags behind most other States, not only in private enterprise but also in its Public Service salaries. My experience has been that South Australians are always chasing something that somebody else has received

before us in another State. I wholeheartedly agree with the provision in clause 3 which provides for coverage for apprentices when travelling between their residence or place of employment and the trades schools, which they are obliged to attend under the provisions of the Apprentices Act. The trade union movement sought coverage for all employees on their journeys between their homes and their employment when proceeding to or returning from work. In the majority of States that provision has been in operation for some time. The Victorian Act was amended to include this provision in 1946. It is all very well for some people to claim that a workman may deviate from the direct route between his home and his place of employment, but accidents may occur on the way through no fault of the workman which may not be covered by third party insurance. A workman could be riding his bicycle home and his tyre might have a blow-out. What happens to that workman if he suffers some injury and is compelled to carry the cost himself?

The Hon. Sir Arthur Rymill: He could insure against it.

The Hon. A. F. KNEEBONE: If he received higher wages he would be in a position to provide for adequate coverage by insurance. However, that is not taken into consideration by the Arbitration Court.

The Hon. S. C. Bevan: Would this clause cover an apprentice going to night classes?

The Hon. A. F. KNEEBONE: I am not too sure about that. That query would have to be explained by the Minister. I should think he would be covered because the clause does not say it covers the apprentice only when going to school during the day-time. My interpretation would be that, because it does not specify the day-time, it must apply whenever he is attending classes. What about the workman who is cycling home and who is knocked down by a hit-and-run motorist? I know of workmen who have been injured in that way. In those cases no-one can be prosecuted and there is no coverage although the workman may be seriously injured. He receives no compensation at all.

Clause 5 also represents an improvement and provides for the wife who becomes a dependant of an injured workman but who was not a dependant at the time of the accident. The clause also states that a woman who becomes the wife of the injured workman subsequent to his accident shall be covered. I agree with those provisions. Clauses 4, 5 and 8 increase the rate of compensation. I have referred to

this matter previously and stated that the amounts provided did not satisfy the trade union movement's demands. I hope that as a result of something that may happen next March the present Opposition may have an opportunity to improve the Workmen's Compensation Act. Clause 7 also provides some improvement over the present Act for a partially disabled workman, and it provides for an assessment of his average weekly earning on the basis of what they would have been if the rates had been adjusted from time to time during his period of incapacity. That takes into account rises and falls in wages. There were other improvements sought by the trade union movement, including the listing of industrial deafness in the second schedule, although there is some doubt whether the present schedule does not cover it. There are many employers who endeavour to reduce the amount of industrial noise and so protect the employees, but there are others who do not care about the comfort and ease of their workers. If industrial deafness was specifically included, then the insurance companies, in an effort to protect their own profits, would force the employers to be more concerned about it. It is well known that certain classes of employees are prone to industrial deafness caused by noise.

One of the most important suggestions, which unfortunately was rejected by the majority of the committee and no recommendation on it was made to the Government, concerned the interpretation of the right to compensation being limited to personal injury arising out of and in the course of the employment of the workman. In most other cases the provision refers to an accident arising out of or in the course of employment. This is an important difference. It has been covered in the Victorian Act since 1946, and the South Australian Act will never be adequate until it is rectified. If, in addition to the amendments proposed, the matters I referred to were included, then we would have an Act somewhat comparable with some of the Acts in other States. It should be compulsory for any person engaging labour to take out immediately an employers' liability insurance covering his employees. It is my intention to support the Bill because any attempt to amend it would unreasonably delay the provisions being made applicable to those people who have been unfortunate to have suffered an accident, and are relying on the provisions of this Act for compensation.

The Hon. Sir FRANK PERRY (Central No. 2): The Hon. Mr. Kneebone has made a

humanitarian approach to this Bill in suggesting that all employees should be fully compensated under all conditions, circumstances and claims. If these conditions prevailed everyone would be satisfied, but I look at the matter differently. I regard industry as the source, in most cases, of our livelihood, and I am averse to adding any expense of an overhead character to industry when it is not necessary for it to be carried. We hear complaints in this House of farmers and graziers being controlled, because their products have to be sold on world markets and there is no power to improve the price of those products. The manufacturer is in the main made the responsible party by this Bill and he has to compete with all forms of overseas competition. At present all Australian industry is being asked to increase its exports for the benefit of the country's economy.

We should carefully examine all proposals to increase superannuation, insurance and all other ancillary expenses that are mounting up each year. I speak from an industrial point of view, and I desire to see wherever possible the lowering of the overhead costs of industry so that it can compete and hold its own on world markets. It is the duty of everyone to preserve his own life, because that is the first instinct a man has, and I think that it should be encouraged and not stifled. A man's first aim should be to ensure that suitable insurance is provided for his family in the event of his early death. Although all men cannot do that, many make those provisions. In South Australia the personal accident premiums for last year amounted to £750,000. That shows there are many people who recognize that they must accept some responsibility for their future, but the State says that in certain instances those who are affected should be insured compulsorily. We have motor vehicle insurance, third party insurance and such types of insurance to provide for those injured by accident. It should be remembered that there is a personal obligation to pay the insurance, and if an accident occurs and it is the fault of the one insured, his company pays the compensation. Under this legislation the employer has to pay the premium. The Hon. Mr. Kneebone read two extracts from statements by eminent people, but they did not add much to our ideas because it is recognized that industry has to pay and should pay for accidents for which it is directly responsible. Last year premiums in this field in South Australia amounted to about £1,780,000.

The Hon. K. E. J. Bardolph: That is passed on to the community.

The Hon. Sir FRANK PERRY: If it is possible to do so, that is done. We know that when too many of these costs are added to the cost of production of an article it can result in putting the seller out of court; so, we have to resort to the use of tariffs. The farmer, the grazier and the exporter have to sell their goods for what they can get on world markets. Any suggestion that should result in increasing these costs should be carefully examined. I should say that more accidents happen outside than inside workshops. There are many accidents on the road and in the home, for which the sufferer is not compensated unless he pays for the cover himself, or it is the responsibility of another party. Insurance premiums last year to cover various claims amounted to £13,000,000, which is paid for by people who seek to safeguard themselves against accident. I admit that industry should pay for accidents that occur in workshops.

The Hon. Mr. Kneebone seemed to think that an employee should be covered against accident or death from the time he leaves his home in the morning until he returns at night. That is going unnecessarily far and industry should not be charged with this responsibility, but only when an accident occurs to an employee at his work, where the management has some form of control. A number of claims enunciated by the Labor Party are creeping into this legislation and this Bill relates to apprentices when they are travelling from their homes to a school for training. I consider that industry should not be asked to meet this expense. We have been twitted by the Hon. Mr. Kneebone about how slow South Australia is in keeping up with workmen's compensation provisions compared with the other States. Under the Victorian law provision is made for the payment of £2,240 for death, plus £80 for each dependant. This Bill provides for the payment of £3,000 for death, plus £100 for each dependant, so it is considerably more than Victoria. This also applies to weekly compensation, which is considerably more here than in Victoria. This legislation was altered last year and involved an increase of 10 per cent in the premium rate and I should think it would cost South Australian industry £200,000 more as a result. This Bill also raises the cost by an equivalent of 10 per cent, and therefore it would appear that there will be further premium charges. This matter should be more closely examined by those to whom any suggested alteration is referred.

A committee representative of employers and employees, with an independent chairman,

makes recommendations to the Government regarding workmen's compensation payments, but in making them it can unwittingly affect the economy of industry. I have said that the increase of 12s. a week in the basic wage last year was added in full to the workmen's compensation payments. In fact, 15s. was paid, although the increase should have been only 12s. This Bill provides a reasonable help to men who are injured whilst at work. I think the provision dealing with the replacement of clothing is out of place in this measure. Some awards provide for the replacement, and I do not think it should be mentioned in this Bill. The measure is generous, but it does not fully compensate a workman when injured, nor is it intended to do so. Undoubtedly the payments to men unfortunate enough to be injured are generous, but all costs incurred in industry should be carefully watched in the hope that the best of conditions will be available to permit our overseas exports to increase. I support the Bill somewhat reluctantly in some directions, although it is a generous Bill. I hope that we shall not continue to have a measure amending the principal Act each year.

The Hon. K. E. J. BARDOLPH (Central No. 1): I did not propose to speak on this Bill, but I think I should say something about our export markets, which matter was mentioned by Sir Frank Perry. He has a right to express his views, but he said that the increased burden on industry, following on increases in workmen's compensation, would put the State in an unfavourable position in connection with overseas markets. The Hon. Mr. Kneebone said that workmen's compensation has a long history, with which I agree when we consider the conditions that existed in the 17th and 18th centuries. Workers in industry are actually producers. Capital may be invested in a business, but the labour is necessary to make it productive, and those who produce in it should be entitled to some protection in connection with injury. If we whittle down conditions in order to make our manufacturing prices comparable with the prices on overseas markets, we shall not get anywhere. Many of the goods placed on those overseas markets come from countries that do not have the social and industrial legislation that we have, and therefore they can undersell us. The Australian market is the best market that we can have for our products. If there is any surplus we can sell it overseas on world parity. In 1931 the wheatgrowers had to sell wheat for 1s. 6d. a bushel in Great Britain,

in accordance with world parity, and we know the results of that. Sir Frank Perry said that these increases in compensation payments will mean an added burden to industry, but the increases will be included in the prices of the commodities, and therefore the whole community will carry them. Sir Frank knows that in making up tenders in his industry all these charges are put together.

The Hon. Sir Arthur Rymill: He referred to export markets.

The Hon. K. E. J. BARDOLPH: Yes, where there are cheap labour markets. He also said that the whole community should carry the imposts, but I point out that they are not imposts, only rights. Not so long ago controllers of industry here were not safety conscious, but I do not suggest that that applied in the industry with which Sir Frank is associated. By means of this legislation working conditions have become safer, and the amount of money paid out in compensation is not so great when compared with what was paid before we had the legislation. Although the Bill provides for increased payments, South Australia is the second lowest State in the matter of compensation for the loss of the breadwinner.

The Hon. Sir Frank Perry: No.

The Hon. K. E. J. BARDOLPH: Yes, and Victoria is the lowest. I do not suggest that those who oppose the Bill are not humanitarian in their outlook, but workers in industry should be amply protected. They have only their labour to sell and have to rear families, and the Bill is necessary to protect them. I have much pleasure in supporting the Bill.

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

POLICE OFFENCES ACT AMENDMENT BILL (No. 2).

Ajourned debate on second reading.

(Continued from November 1. Page 1703.)

The Hon. A. J. SHARD (Leader of the Opposition): I support the Bill, which is designed to prevent pressure salesmen from using any reference to the Education Department or anything in connection with the department when trying to induce people to purchase books. I appreciated the Minister's second reading explanation, because he gave a long and accurate history of the case relating to the selling of encyclopaedias and school books. No-one could object to the Bill, but it does not go far enough, and I intend to move an amendment in the Committee stages to cover

other goods and services. I have only had this morning in which to examine the Bill, but, if it is sound in its outlook and approach to pressure salesmen selling encyclopaedias and school books, my amendment will be just as sound to protect the people who foolishly sign agreements without giving full thought to them.

If high-pressure salesmanship applied only to school books and encyclopaedias, that would be all right and the Bill would amply cover the position. However, all members know from their personal experience and from what they have been told that these salesmen do not only visit homes in the metropolitan area, but they tour the country and prey on unsuspecting women in their homes. This applies particularly in the case of younger women. I have had a long experience of calling at back doors and I readily understand how some of these unfortunate women fall for the high-pressure tactics used by salesmen. Recently a Victorian firm sent me some Christmas cards and I was prepared to consign them to the wastepaper basket, but suddenly noticed a statement to the effect that if the cards were not returned I would be charged for them. I regard people like that as confidence tricksters and I do not mind how tight the Government makes this Act to prevent that type of salesmanship from succeeding. This type of sale involves a deposit and a type of hire-purchase agreement. I would like to see a provision that the agreement shall be null and void unless it is signed by both the husband and wife.

It may be said that that is rather severe, but I am not concerned with that when dealing with this type of salesman. However, if by making the law very strict we save the happiness of one home, that harshness will be well worth while. When speaking of salesmanship I wish to make it clear that I have nothing against a person who has built up a reputable business similar to those conducted by Rawleights or Watkins, or by a person named Vincent who operates in the northern districts. I do not wish to interfere with those people, but seek to deal with the salesman who asks for a deposit, which is what these salesmen are doing. They are not operating for the good of the community and they cause much unhappiness in homes. I am totally opposed to that type of salesman.

I agree with the Government on the penalty, and assume that it must take a serious view of salesmen who are prepared to say they represent the Education Department or a headmaster or a teacher, because the penalty is

£100 or imprisonment for not more than 12 months. That should indicate to magistrates that Parliament takes a very serious view of this offence. It is a severe penalty, but only severe penalties will stop this objectionable practice. My only complaint is that the Bill does not go further, because we should try to prevent these practices.

When the Bill is in Committee I intend to move an amendment to clause 3. To some people, this amendment may appear to have wide application, and I was told that if it were passed it would prohibit any hawking or selling at all. The amendment is an attempt to stop any salesman from using undue influence on any person, and although it will not affect reputable firms or salesmen, it will put a strong brake upon high pressure salesmen.

The Hon. C. R. Story: Would you define "unreasonable persuasion" for me?

The Hon. Sir Arthur Rymill: I do not think the honourable member can. I do not think anyone can.

The Hon. A. J. SHARD: The clause has been drawn up by the Parliamentary Draftsman who should have a better knowledge of legal proceedings than I.

The Hon. C. R. Story: He doesn't pass the Bills.

The Hon. A. J. SHARD: He is in the Attorney-General's Department and should know what language to use to achieve what is required.

The Hon. Sir Arthur Rymill: The Parliamentary Draftsman drafts what he is asked to draft.

The Hon. A. J. SHARD: Sir Edgar Bean once told me that if any member could do better in drafting legislation he should do so. If any honourable member can suggest a better word I would be happy and ready to support him. In my opinion it is the intention of the Bill to stop unnecessary and objectionable practices, and if it achieves that I will be satisfied. I support the second reading.

The Hon. L. H. DENSLEY (Southern): As I understand the Bill it was drawn to prevent misrepresentation in the sale of educational books and equipment and to provide a penalty for so doing. It has been introduced because some salesmen inform people, especially women-folk, that their children could not get a reasonable education unless they had certain books and material, and by doing this induce gullible people to buy or undertake to buy something which they do not require. If that is the intention, then it is desirable legislation. A person who says that he is a

representative of the Education Department, or other educational organization, when he is merely selling on commission for anyone who will employ him, is definitely committing an offence. I agree that that practice should be stopped. The penalty provided is £100 or imprisonment for not more than 12 months. We cannot quarrel with that. It is all right to try to sell people books and other articles, but for the salesman to misrepresent the position by saying that he is acting on behalf of the educational authorities is one thing we must set out to stop. Australian woolgrowers are spending vast sums of money on sales promotion; so if we are to cut out the promotion of the sale of books or any other goods, surely we are not justified in seeking throughout the world to promote the things we want to sell. Perhaps we can limit the Bill to the original intention—the misrepresentation of the sale of books. I happily support new section 38 (a) (1) which reads as follows:

Any person who, in order to induce any other person to purchase or to agree to purchase books or other educational matter, states, holds out or represents, directly or indirectly, that he is a representative of or is in any way connected with, or has the approval of, the Minister of Education or the Education Department or any educational institution under the control of or connected with the Government of the State shall be guilty of an offence.

I think that every honourable member will agree with that provision. However, I am not so happy about subsection (2) which provides conditions upon which a person may be made to refund deposits or may break agreements that have been made. If a man came home from work and his wife said, "I have paid 10s. on an encyclopaedia" it would be most difficult to prove that unreasonable persuasion had been used. We are on rather thin ice in going that far. The Hon. Mr. Shard mentioned that he intended to move an amendment and said that it would do a lot of people a lot of good if they found themselves in a police court liable to a fine. I cannot see anything relative to the imposition of a fine in the amendment.

I am happy to support the Bill and particularly the penalty provision, but I severely criticize the balance of the Bill. I think that the Hon. Mr. Shard's amendment is far wide of the mark and it would be difficult to police. It is legitimate to have salesmen going around the country. It is our accepted way of life to have these people visiting homes and frequently farmers welcome them coming to sell them machinery and demonstrating what it

can do and also demonstrating articles used in the home. That does not imply that they will be doing anything wrong; and if they did so there is scope in the law to deal with them. I question subsection (2) and shall oppose the Hon. Mr. Shard's amendment, because it does not do what he says it sets out to do.

The Hon. G. O'H. GILES (Southern): I think that new section 38 (a) (1) deals faithfully with the position. Although there may be many anomalies, I think that we should watch carefully in this Chamber the trading reputation of the State. I should take a poor view if South Australia were wayward or childish in its attitude to proper trading practices, because it is my belief that this could well be the case if subsection (2) were passed. I therefore suggest that honourable members should look at it twice before agreeing to it.

There is a firm operating in South Australia that caters for 80 per cent of the sale of books on a house-to-house basis that must surely be regarded as educational as they include encyclopaedias and atlases. This firm has been subjected in the House of Assembly to the vilest suggestion as to the poor quality and exorbitant prices of the books and I believe it has been grossly maligned in this respect. This company came into the field in South Australia when there was a need for these publications. The Hon. Mr. Densley pointed out that a facility is provided for people to visit outlying areas for the sale of educational books, globes, atlases and encyclopaedias. This surely cannot do other than good unless of course there is misrepresentation. I agree that there must not be any misrepresentation in the sale of any article and I commend the Government for including the clause that deals with this matter. Subsection (2) leaves the gate wide open to improper trade practices in this State. When the firm went to New Zealand about two years ago it was received magnificently by the Government. It was encouraged to trade and was given facilities throughout the country. It built up a fair trade and the Government encouraged it with an import licence, representing a vast number of books. Our approach to this matter is not as mature as it should be. The firm, which handles 80 per cent of the book sales on a door-to-door basis, has co-operated with the Ministers concerned to the utmost extent.

The Hon. C. R. Story: Is this Bill directed against the firm you mention?

The Hon. G. O'H. GILES: I have said that 80 per cent of these book sales in this State are

made by the firm. First, a card is handed in giving the name of the firm, then there is the contract form, and on completion of the deal the contract is signed in four places by the client. Sections are ticked off by the salesman after he has read them to the purchaser. It seems to be a sincere attempt to do business without having any anomalies. I understand that the firm has contacted 120,000 homes in South Australia and made sales in about 20,000 cases, which is big business. Can the Attorney-General ascertain exactly how many complaints have been made in this matter, because the figure might not be high and significant, considering the sales made and the number of homes visited? The Attorney-General gave particulars of a case, but I would not say that it was associated with undue persuasion. After all, this is business. The salesman does not go along and say, "Mrs. Jones, I suggest that you have a good look at this book, but although I am selling it I think there are better books around". The busy housewife may have answered the door to a knock by a salesman who wants to display his books. She may be impressed by the encyclopaedia and the atlas, and may think that her children could make good use of them. She signs the contract form and pays the deposit, with the balance to be paid in a month, or perhaps a longer period.

The Hon. Sir Frank Perry: What is the price of the encyclopaedia?

The Hon. G. O'H. GILES: It varies. I think it is about £14 for three volumes. What happens when the husband comes home? He may have been busy in Parliament all day and had much to put up with. On the way home he may have called in somewhere and on reaching home he may be faced with the statement that his wife had bought an encyclopaedia or an atlas. What would be the reaction of the husband? For no reason at all he would pick holes in the deal and say that the wife had bought something of no value. Obviously she would answer him and say, "It was a nice-looking book and the salesman put it to me in such a way that he talked me into a sale". Is that unreasonable persuasion, or a normal business activity? The clause concerned is completely unworkable and against business practice as we know it. It is sheer padding and a waste in the Bill. I support the second reading because I appreciate the Government's move in bringing in the legislation, but I do not like the clause mentioned, and in Committee shall move for its deletion.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I regret that throughout this session I have often been on the opposite side to the Hon. Mr. Giles, which has meant that on every occasion one of us has been right and the other wrong. On this occasion I agree with him, and I hope it means that we are both right and not wrong. With apologies to the Hon. Sir Frank Perry, I want to give the legal approach to this Bill. The Hon. Mr. Giles helped in a lay sense, so perhaps I can be excused if I refer to it in a legal way. New section 38a has two subclauses. Subclause (1) creates a new police offence with a proper penalty. Subclause (2) is not related to a police offence but to a civil remedy that can be exacted in the civil court. I have no quarrel with subclause (1). I think it is a good provision, for it says that any person who deliberately misrepresents that he has officialdom behind him in his selling is subject to a penalty not exceeding £100 or imprisonment for not more than 12 months.

The Hon. Sir Frank Perry: Cannot the person concerned make a claim for misrepresentation?

The Hon. Sir ARTHUR RYMILL: Already there are legal remedies for breaches like fraudulence, innocent misrepresentation or undue influence. However, subclause (2) is a statutory attempt to superimpose something else on that and the main difficulty I have found with it is that it uses the words "unreasonable persuasion", words that are unknown to the law as far as I know, and the clause itself suggests they are unknown, because it says that unreasonable persuasion shall mean that the agreement "shall be deemed to have been induced by undue influence". What "unreasonable persuasion" is I do not know, and I do not think anyone else knows.

I think the clause, for a start, is fairly impracticable. I agree that the intention of the clause is good, but it is not capable of being legally defined accurately. Further, I do not think it is necessary because remedies already exist for the consequences of a breach of the law. I would like to examine exactly what will happen if subclause (2) comes into effect. This will be the position as I see it. First, a contract is entered into between the parties and signed. Secondly, if the purchaser decides within 28 days that the vendor has been guilty of unreasonable persuasion and the purchaser does not want to go on with the contract, he is entitled to give notice repudiating the contract, which thereupon becomes void.

Thirdly, I assume that the contract being void, the books shall be returned. The clause does not say so, but a voidable contract in law is distinct from a void contract and whether this means that the books are to be returned or not I do not know, but certainly the clause is well loaded against the vendor.

Fourthly, and this is the crux of the argument I am putting, the consequence of all these steps is that a legal action has to be taken by someone, and that person who has to take legal action is not the vendor who is entitled to sit on his contract (because a contract is *prima facie* valid), but it is the purchaser who has to take the legal action and it is the purchaser who has to persuade the court that unreasonable persuasion was used. We have heard the Hon. Mr. Giles's assessment of the normal sort of value of these books. Court proceedings are pretty expensive and if someone paid £14 for books and had to fight a court action over them he would be very much more out of pocket than if he stuck to the books and paid for them.

The Hon. F. J. Potter: He could use it as a defence to any claim by the vendor.

The Hon. Sir ARTHUR RYMILL: I do not quite understand what the honourable member means.

The Hon. F. J. Potter: This provision could be used as a possible defence to a claim by the vendor.

The Hon. Sir ARTHUR RYMILL: Yes, provided notice had been given within 28 days. In these circumstances it would be very unlikely, because if a purchaser gives this notice it might be that the purchaser would just sit down on it and wait for the vendor to sue. That could well be the case. Then, whoever takes the action, the onus will remain on the purchaser to say that unreasonable persuasion (whatever that may mean) was used. After the 28 days—and it is not only the agents or vendors who can be irresponsible in these matters, for there are plenty of purchasers who are irresponsible—the books may be well thumbed over and possibly read from cover to cover. This is not a one-sided thing by any means at all.

I believe that a similar section to this exists in another Act and I am told it has proved rather unworkable, as I think this one would be. Whether that is so or not I do not know from personal knowledge, but I have never seen in the court notices a case under that particular section. I believe it is a section in the Land Agents Act. There are other remedies. There are the ordinary common law

remedies for misrepresentation or using undue influence and, as I have mentioned before, the misrepresentation does not make it fraudulent, but it can be innocent and a person can still get his remedies. I do not think this clause adds anything and I think it could be unfairly used by purchasers. On the other hand I believe the book companies concerned would not be particularly worried about this clause except as a nuisance value in very few cases, because I imagine that few people would know sufficient of the law to give the notice within 28 days, which does seem a rather long period, unless they consulted a solicitor and that, I imagine, would be in very rare cases. As far as the Hon. Mr. Shard's amendment is concerned, I certainly do not propose to support it.

The Hon. A. J. Shard: I thought you would.

The Hon. Sir ARTHUR RYMILL: That sounds like wishful thinking. As I read the amendment (and I have gone to some pains to examine it) it opens out this clause, which refers purely to the sale of books, not only to any goods but to the provision of services of any kind as well. If I feel, as I do, that this clause is likely to be impracticable in relation to the sale of one commodity only, I think we would get into utter chaos if it applied to every type of commodity sold by salesmen or to services. Certainly in no circumstances would I support the amendment of the Hon. Mr. Shard. I conclude by saying I do not think this clause is of tremendous importance one way or the other, because I think it would only rarely be invoked. I do not think it affords much protection and I do not think it would be of very great nuisance value either to the vendors, but all in all I think we would be better without such a clause on the Statute Book. I support the Hon. Mr. Giles's amendment.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Enactment of principal Act, section 38a."

The Hon. G. O'H. GILES: I move:

To strike out subsection (2).

The CHAIRMAN: As the Hon. Mr. Shard also intends to move an amendment, the only way I can see to get a vote on both amendments is that the first question put will be—that all the words up to "agreement" remain part of the Bill. If they remain part of the Bill, the Hon. Mr. Giles's amendment goes by

the board, and then the Hon. Mr. Shard can move his amendment because he wants to leave in the first part of subsection (2).

A division on the question that all words up to "agreement" remain part of the Bill was called for.

While the division bells were ringing:

The Hon. L. H. DENSLEY: Mr. Chairman, I think you said that if the Committee voted against the question that all the words up to "agreement" be deleted, then the Hon. Mr. Giles's amendment would be defeated.

The CHAIRMAN: I advised the Committee that the question would be that the words proposed to be struck out stand, and as the Hon. Mr. Shard wants them to stand and if he has the numbers that they do stand, then Mr. Giles's amendment is out.

The Hon. C. D. ROWE (Attorney-General): I think the position is clear. The Hon. Mr. Giles mentioned during his second reading speech that he would like to see the whole of subsection (2) deleted from the Bill, and what we are in effect voting on now is to decide whether or not subsection (2) will or will not remain part of the Bill. Those who want to see it remain part of the Bill will vote with the Ayes, and those who want to see it deleted will vote No. I think that is how I understood you, Mr. Chairman, to put the matter. If the majority vote "Aye" then we will come to the Hon. Mr. Shard's amendment about goods and services.

The CHAIRMAN: Yes, and that is the question on which the Committee will now divide:

Ayes (14).—The Hons. K. E. J. Bardolph, S. C. Bevan, Jessie Cooper, A. C. Hookings, N. L. Jude, A. F. Kneebone, Sir Lyell McEwin, A. J. Melrose, Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe, A. J. Shard (teller), and R. R. Wilson.

Noes (5).—The Hons. L. H. Densley, E. H. Edmonds, G. O'H. Giles (teller), Sir Arthur Rymill, and C. R. Story.

Majority of 9 for the Ayes.

The Hon. G. O'H. Giles's amendment thus negatived.

The Hon. A. J. SHARD: I move:

In subsection (2) after "agreement" to insert "(a)" and after "matter" to insert "or (b) to purchase goods or services from a door-to-door salesman, or (c) to purchase goods or services to be paid for in instalments".

It does not appear necessary to speak on this amendment again, as I gave detailed reasons in my second reading speech. If the amend-

ment is sound for the sale of educational books then it is just as sound regarding goods and services. I ask the Committee to accept the amendment, and so prevent high pressure salesmen inducing unsuspecting people to sign agreements before discussing the matter with their spouse.

The Hon. C. D. ROWE: I regret that I cannot agree with the amendment, because the Bill proposes to deal with particular causes of complaint that have been received, namely, certain types of salesmen going to houses representing that they have some affiliation with or the approval of the Education Department or the Minister of Education, and more or less implying that unless the parents purchase their goods they will be placing their children at a disadvantage as to their education. We have a high affection for our children and do the best for them, and most of us would stretch a point to spend money if we thought it was in their interests. These salesmen play on that particular sympathetic chord. We have had numerous complaints of their activities, and that is what we are trying to stop. However, the Hon. Mr. Shard wants to extend the Bill to include goods and services that are paid for by instalment. In the first instance, we have no evidence of complaints regarding the sale of general goods and services. Particularly in the country, the people are glad to have salesmen call and demonstrate the latest household goods and to offer their services. When dealing with goods and services, there is no suggestion that the family will be damaged if they do not act, so this falls into an entirely different category. Therefore, I ask the Committee to vote against the amendment.

The Hon. Sir FRANK PERRY: It would appear from the Hon. Mr. Giles's statement that about 20,000 copies of these books have been sold at £14 a set. If we are to accept such a provision, we should have something more authoritative than a few complaints. I consider that the Committee is entitled to all the information available. I have heard three members speak against the clause and not one in favour of it, except the Minister in his second reading speech. I therefore ask the Attorney-General whether we cannot have more time to consider it.

The Hon. C. D. ROWE: I thought that the Committee understood the clause, but I should not be opposed to its reconsideration if that is the wish of the Committee.

The Committee divided on the amendment:

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

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, A. J. Melrose, Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe (teller), Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

Majority of 11 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

ALCOHOL AND DRUG ADDICTS

(TREATMENT) BILL.

Returned from the House of Assembly with the following amendments:

No. 1. Page 2, line 9 (clause 4)—After "excess" add "and who is thereby at times—
(a) dangerous to himself or others; or
(b) incapable of managing himself or his affairs".

No. 2. Page 7, line 11 (clause 13)—Leave out "a certificate" and insert "certificates" in lieu thereof.

No. 3. Page 7, line 11 (clause 13)—Leave out "a" second occurring and insert "two" in lieu thereof.

No. 4. Page 7, line 12 (clause 13)—Leave out "practitioner" and insert "practitioners" in lieu thereof.

No. 5. Page 7, line 12 (clause 13)—Leave out "not" and insert "none of them" in lieu thereof.

No. 6. Page 7, line 16 (clause 13)—Leave out "practitioner has" and insert "practitioners have" in lieu thereof.

No. 7. Page 7, line 36 (clause 14)—Before "the" insert "and the court is satisfied by evidence on oath that that person is an addict".

No. 8. Page 8, line 14 (clause 14)—After "kind" insert "and is an addict".

No. 9. Page 12, line 38 (clause 25)—After subclause (3) add the following subclauses:—

(4) A patient admitted to an alcoholics centre upon the application of a person mentioned in paragraph (b), (c) or (d) of subsection (1) of section 13 of this Act shall be forthwith discharged from that centre or from any other centre to which he had been transferred under this Act if a special magistrate—

(a) upon the application in writing of that patient or of some other person on his behalf; and

(b) after inquiring into the application and into the circumstances of his admission or detention in that centre,

considers that he is not an addict and orders his immediate discharge.

(5) The superintendent of an alcoholics centre shall provide such facilities as are necessary to enable a patient to make an application for his discharge from a centre and to appear before a special magistrate, court or judge, as the case may be, in connection therewith.

(6) Where—

(a) a special magistrate dismisses an application made by or on behalf of a patient under subsection (4) of this section; or

(b) a court or judge dismisses an application made by or on behalf of a patient under subsection (1) of section 26 of this Act,

no further application shall be made under that subsection by or on behalf of that patient within a period of six months after the date of such dismissal.

Consideration in Committee.

Amendment No. 1.

The Hon. Sir LYELL McEWIN (Chief Secretary): The words added will qualify the definition of "addict". They do not add much to the definition but offer a reasonable guide for the medical practitioner or court in forming an opinion as to whether a person is an addict. I move that the amendment be agreed to.

Amendment agreed to.

Amendment No. 2.

The Hon. Sir LYELL McEWIN: Under the amendment a person cannot be received into a centre under clause 13 unless an application for admission is supported by the certificate of two medical practitioners, and not one as the Bill provided for when it left this place. The amendment will provide a further safeguard against an application being made with an ulterior motive. I move that the amendment be agreed to.

Amendment agreed to.

Amendment No. 3 agreed to.

Amendments Nos. 4, 5 and 6.

The Hon. Sir LYELL McEWIN: These are consequential amendments and I move that they be agreed to. They merely put the singular into the plural.

Amendments agreed to.

Amendment No. 7.

The Hon. Sir LYELL McEWIN: This is another protection. The court, before making an order under clause 14, must be satisfied on the evidence that the person convicted is an addict. Previously the Bill conferred on the court a discretion to commit to a centre a person convicted of certain offences. It was felt by the advisory committee that no court

would commit a person until it was satisfied that he was an addict. The amendment does nothing to alter the intention of the measure and I move that it be agreed to.

Amendment agreed to.

Amendment No. 8 agreed to.

Amendment No. 9.

The Hon. Sir LYELL McEWIN: This deals with a new subclause, which will give the right to a patient to make an application for his earlier discharge from a centre and will oblige the superintendent to afford such facilities as are necessary to enable the patient to make such application and to appear before the appropriate tribunal for the purpose. When an application is dismissed it cannot be renewed within a period of six months after the date of dismissal. I move that the amendment be agreed to.

Amendment agreed to.

INDEPENDENT SCHOOLS: SUBSIDIES.

Adjourned debate on the motion of the Hon. K. E. J. Bardolph:

(For wording of motion see page 1156.)

(Continued from November 1. Page 1671.)

The Hon. K. E. J. BARDOLPH (Central No. 1): In closing this debate I thank the Hon. Mrs. Cooper for her contribution in supporting the motion. She adequately answered the Chief Secretary on the statistics he brought forward to bolster his claim opposing the motion. It is true, as Mrs. Cooper said, that those statistics did not convey the true picture of the independent school population and of those desirous of attending those schools. Be that as it may, the fact remains that the independent schools in South Australia are saving the Government £10,000,000 a year. The specious argument by the Hon. Mr. Giles that when one goes into a shop to purchase goods there is no compulsion to purchase a certain brand was no valid argument against the motion. One cannot purchase canned conscience. Parents send their children to independent schools as a matter of conscience. I point out to Mr. Giles that every child of school age in South Australia is compelled to attend school. That flays the honourable member for bringing that up in opposition to my motion.

I know that certain members of this Council have made up their mind on this motion and I concede that right to them. They have every right to form an opinion and to express their views accordingly. As I said when moving this motion, I wanted to bring it into an

atmosphere free of any antagonism. I compliment the Chief Secretary, because he tried to keep the debate in that atmosphere, and I also commend the Hon. Mrs. Cooper. This is a most important issue confronting parents who wish to send their children to independent schools. In Canada, where a similar set of circumstances applies on education, the income tax paid by those desiring to send their children to independent schools is credited to the income tax fund and the money collected goes to the independent schools that the children attend. In Australia only two per cent of the Commonwealth taxation funds is spent on general education. The contrast between Australia and Great Britain is even greater, because in the latter country four per cent is spent on education. Whilst the educational systems in all our States are reaching a crescendo as far as expenditure is concerned, in the overall expenditure we are only spending two per cent.

The great bill for those children attending independent schools and the cost of upkeep and capital expenditure is borne by the parents of the scholars. The £10,000,000 is the actual working cost of the independent schools and does not take into consideration the capital cost of the land and buildings provided by the controllers of the independent schools. The people who send children to the independent schools are saving the State much money. I shall not weary the Council by extending the debate further, because I wish to intimate that, irrespective of the fate of this motion, I have discussed this matter with the Premier and, whilst making no promises, he assured me after I put certain facts to him that he would investigate the matter. Irrespective of what this Council does, I hope some good will come out of the motion which was submitted in an atmosphere free of any antagonism and listened to attentively by honourable members. I hope members will support the motion.

Motion negatived.

RESTRICTIVE TRADE PRACTICES.

Adjourned debate on the motion of the Hon. A. J. Shard:

That in the opinion of this Council, legislation should be introduced to prohibit monopoly, cartel and restrictive trade practices which operate to the public detriment.

(Continued from November 1. Page 1667.)

The Hon. C. D. ROWE (Attorney-General): This motion, in the form in which it was moved, would constitute the longest explanation members have had placed before them in the

Council this session, and undoubtedly it touches on some very important considerations, so much so that despite the fact that I have been very busy in the last two days on matters relating to the conclusion of the session, I did a considerable amount of homework in connection with it. I propose to speak not at very great length, but at some length, in reply to the matters raised. The form in which the motion was moved seemed to me to be somewhat peculiar.

The Hon. C. R. Story: It was not original, was it?

The Hon. C. D. ROWE: I would like to know something about the authenticity of the motion, but I will deal with that later. To deal with it briefly, the first 11 lines appeared to have been written in as a kind of introduction and then the next 16 or 17 pages appeared to be a verbatim extract from the report of the Joint Committee on Constitutional Review appointed by the Commonwealth Parliament. I have not compared the motion with the report to that Parliament, but it seems to me that the great majority of what was said was simply a straight-out extract from that report without any addition or alteration. Then the last two pages of the motion made certain comments with regard to this Government with which I cannot agree and which I do not think can be supported in fact. With regard to the opening 11 lines, and there is some of this to which I take exception, the mover said:

No more vital question than this is facing the country today. The Commonwealth Attorney-General has repeatedly announced his intentions to do something, and this has been echoed by the Attorney-General of this State. As far as I know I have never made any statement on this particular matter at all, except that after the last conference of the Attorneys-General of Australia in South Australia I did make a statement to the press that it would be further considered. To say, as this motion implies, that I have been going around the country echoing statements about it is quite untrue. I was quite surprised that the Hon. Mr. Shard should have said so in his remarks and that brings me to the point raised by the Hon. Mr. Story. If the Hon. Mr. Shard had thought about it I do not think he would have said that. I have sufficient respect for the Hon. Mr. Shard to know that he does not wittingly make statements which he knows to be wrong. That statement in the opening remarks of the motion is definitely incorrect, and I rather resent that it should have been made.

The Hon. Sir Arthur Rymill: Perhaps it was drawn in another State and referred to another Attorney-General.

The Hon. C. D. ROWE: I think it was drawn in this State, but it was originally meant for presentation to another place. It was not presented there, so that we have had the benefit of it here. There are several remarks with regard to the substance of the matter which I should like to make. I can assure the mover of this motion that legislation of this type, unless carefully considered, could lend itself to encourage that which it seeks to prohibit. In other words, there is always a possibility that legislation of this nature may itself restrict trade more than it may prevent restrictive trade practices. A similar position could exist in the case of monopolies as monopolies in some countries have been built up under the very protective guise of certain legislation existing in those countries. It is the feeling of my Government that alleged restrictive trade practices, cartels and monopolies vary so widely in their effects, their applications and their intentions that it is necessary to treat each and every one on their merits.

From past experience it has been found, after investigation, that certain alleged restrictive trade practices, and claims that monopolies and cartels exist, have not proved to be as harmful as thought, in that by reason of their very nature they have conferred more benefits on the consumers than they have disadvantages. In other cases where such claims have been made it has been found that the complainant himself stands to benefit financially should the alleged restrictive trade practice be stopped, or should the alleged monopoly or cartel be forced to cease their operations. In other cases again, it has been found that some so-called restrictive trade practices or the formation of cartels has been forced upon the people operating these agreements in order to protect their own interests and to survive in the business world. In other cases there do occur from time to time restrictive trade practices which, by reason of their very nature, are not in the interests of the community. It might be said that a similar position exists in the case of some cartels and monopolies, but in respect to all these operations which are harmful, I think honourable members will agree that restrictive trade practices are nowhere near as prevalent in this State as we know them to be in some other States.

As regards monopolies and cartels, the source of these is mainly outside this State, but the position in many phases of industrial and manufacturing activity in this State has so strengthened itself in recent years that this feature alone gives us some measure of protection, in view of the availability of local sources of supply in many cases. The principal reason why restrictive trade practices are less prevalent in this State than any other is that this Government, over the last few years, has done more than any other Government in Australia to prevent such practices by maintaining a strong and efficient Prices Department as authorized under the Prices Act. By maintaining the Prices Act, which some Governments have allowed to lapse, or in other cases have little effective machinery to control the position, the community of South Australia has a much greater measure of protection against these practices than people in other States.

The Prices Act in South Australia is a most potent weapon which gives the Prices Commissioner and the Government the power to obtain a vast amount of information on trading and associated matters. In fact the powers conferred upon the Prices Commissioner are much wider than most people would believe, and a number of persons and organizations who have attempted to exploit the community or sections of the community or who have attempted to corner trade by various means have found this out much to their surprise. It is widely recognized by businesses and business men throughout Australia, that, due to the alertness of the Prices Department in this State, there is less chance here of unfair trading practices occurring than in any other State in the Commonwealth. In fact a number of astute persons who have commenced operations in the eastern States and have extended and been able to maintain their activities in some other States, have found that it has been unwise to commence operations in this State, or in certain cases where they have attempted to do so, they have had to close their doors.

At another stage of his speech the Leader of the Opposition made reference to the Fair Prices Act and then quoted a definition of a combine as outlined in Section 2 of that Act. He then referred to a case of the stopping of supply by a sedatives manufacturer and went on to say that the Prices Commissioner had excused the action of the manufacturer, and further stated that this particular case was a clear breach of the Fair Prices Act and the Government had done nothing about it.

The Leader omitted to quote section 6 and section 19 of the Fair Prices Act. Section 6 states:

If, upon the hearing, the board is of opinion that the applicants had no reasonable grounds for believing that a combine existed and had fixed or increased prices to the detriment of the public, the board may, in addition to dismissing the application, order the applicants to pay the costs of the application.

while section 19 states:

Where any person in the usual course of his business sells or offers for sale any commodity subject to the observance or performance by the purchaser thereof of certain conditions and such conditions—

- (a) are fair and reasonable, and
- (b) do not operate to the detriment of the public, nothing contained in this Act shall be construed—
 - (1) to compel such person to sell any quantity of any such commodity; or
 - (2) to render such person liable to any penalty under this Act for refusing to sell any quantity of such commodity to a person who refuses or neglects to observe or to perform such conditions.

It must be borne in mind that instead of doing nothing, the Government referred this matter to the Prices Commissioner who made a thorough investigation and heard both sides of the story. His report and his findings were forwarded to the Government which, after studying his report, was of the opinion that his viewpoint was a correct one and therefore accepted his recommendation. The whole matter was completely investigated, and so no further action was required. There is little doubt that under the Fair Prices Act or any type of restrictive trade practices legislation, the findings made would have been in line with those made by the Prices Commissioner. Even if we had invoked the provision of the Fair Prices Act, we would have arrived at the same conclusions as did the Prices Commissioner.

In connection with the Fair Prices Act, it should be noticed that it is an Act which confers rights on all adult members of the public residing in the State to initiate proceedings providing that any six of them are of the opinion that a combine exists. If the Opposition believes that there is any necessity to invoke the Fair Prices Act they can do it quite easily themselves, but the fact is they have never sought to use the power which they themselves possess. The Leader of the Opposition also referred to monopolists who have previously fleeced the public, and added that in Australia, and particularly South Australia, they are encouraged, acclaimed by

the Government whose Party benefits from their liberal contributions, and feted and bedecked with imperial honours.

It seems to me, to put it mildly, that is an extravagant and unjust use of words, because if nothing else it is a reflection on the Crown to say that imperial honours have been conferred upon people who have been fleecing the public. I would like the Leader of the Opposition to submit to me the names of persons who he alleges come within this particular category. I am rather incensed at the extravagant words which were used by the Leader yesterday. That was indeed a strange statement, bearing in mind that the Liberal Government of South Australia is the only State Government in the Commonwealth that has maintained a strong and efficient Prices Department, which, in keeping with my Government's policy, has contributed more to the discouragement of restrictive trade practices, cartels and monopolies than any State in the Commonwealth or any authority elsewhere in Australia.

Although not generally publicized, due to the oath of secrecy under which his department works, the Prices Commissioner and his staff are continually investigating restrictive trade practices and the like, and in this respect, as all honourable members are aware, have achieved a great deal of success in their endeavours. I would remind honourable members that my Government has never encouraged or acclaimed businessmen whose activities are against the public interest, and has no intention of ever so doing. Therefore, I think that the Opposition would be hard put to it to provide any tangible evidence to support such a reckless statement.

The Leader of the Opposition also drew attention to the oil companies by stating that they "clearly have an agreement among themselves the aim of which is for oil wholesalers steadily to obtain control of petrol retailing and drive the smaller business men from business." The Prices Commissioner has assured me that no such agreement exists among the oil companies in regard to this matter. He receives the Australia-wide accounts of all oil companies annually and confers with the secretary of the oil industry from Melbourne on an average of at least once a fortnight in the course of his continual review of landed costs, F.O.B. values and tanker freight rates on major petroleum products. Many honourable members will also be surprised to know that, acting for the Government, he has been responsible for the limitation of the building of petrol stations

and also continually reviews the rationalization plan for the erection of new service stations. As he is recognized by all other States as being a most competent authority on the oil industry, I think we can accept his assurance.

What is happening in Australia concerning petrol retailing is a trend which is world-wide and one which, irrespective of any legislation, evolution will to some extent bring about. The claim by one section of the industry that another section of the industry should be investigated and controlled is all very well, but it should be remembered that the claimant's section is an interested party. Its representations to the Prices Commissioner in the past concerning the activities of the oil companies have always received his close attention and there are a number of occasions when he has upheld their representations and has directed the oil industry to take certain action. If any complaints regarding the oil industry are referred to him I am sure they will be given close attention. I have often heard honourable members speak in glowing terms of his work and in view of the confidence they have expressed in him from time to time I was somewhat startled and surprised to hear yesterday the criticism directed against his handling of the situation. It seemed to be a contradiction of their previous form in regard to these matters.

In the introductory portion of his speech, the Leader has given us a detailed history of the background of the legislative situation regarding restrictive trade practices and monopolies. However, he has carefully omitted to mention the work done in this field over the last 18 months or so by the Standing Committee of Attorneys-General. Several meetings of the committee, consisting of Attorneys-General of all States and the Commonwealth, have been held, the last one here in Adelaide, and substantial progress has been made, to the extent that at least one State has already announced its intention to introduce a Bill in its Parliament. As the Leader probably knows, this is the committee which has been responsible for the framing of uniform laws now operating in other directions.

To say that neither the Commonwealth nor the State Governments have done anything is a mis-statement of fact. As a member of this committee, I state quite flatly that the legislation now being considered is wide in its scope. Consideration of this legislation, however, is one of immensity and is occupying and even trying some of the most outstanding brains of the legal profession in the service of the State

and Commonwealth Governments, together with other senior Government officers experienced in the practical application of varying aspects of industry and commerce. In view of the information which I have put before the Council, I consider the motion moved to be superfluous and it should be defeated. Furthermore, as I have indicated, the speech in support of the motion contained a number of inaccuracies, which detract from its support. I therefore ask the Council to reject the motion.

The Hon. A. J. SHARD (Leader of the Opposition): There must have been some worth in my speech yesterday in view of the reply of the Minister. It showed that he and his officers had spent much time in preparing the information he has given to the Council this afternoon. My only regret is that the motion was not introduced earlier in the session and then members could have got into real holts on the subject. The Attorney-General was put in the position yesterday that members of the Opposition experience nearly every day of the session in that they are asked to give speeches on Bills, possibly four or five, the day after they have been introduced. Therefore, the Minister will recognize our difficulties.

The Council divided on the motion:

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

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, A. J. Melrose, Sir Frank Perry, F. J. Potter, W. W. Robinson, C. D. Rowe (teller), Sir Arthur Rymill, C. B. Story, and R. R. Wilson.

Majority of 11 for the Noes.

Motion thus negatived.

[Sitting suspended from 5.35 to 7.45 p.m.]

CITY OF WHYALLA COMMISSION ACT AMENDMENT BILL.

Returned from the House of Assembly with the following amendments:

No. 1. Page 1, line 16 (clause 3)—Omit "without" and insert "with" in lieu thereof.

No. 2. Page 1, line 17 (clause 3)—Omit "and with the approval of the Minister".

No. 3. Page 1, line 19 (clause 3)—Omit "Minister" and insert "Commission" in lieu thereof.

No. 4. Page 1, line 21, and page 2, line 1 (clause 3)—Omit "or an adjoining area".

Consideration in Committee.

Amendment No. 1.

The Hon. N. L. JUDE (Minister of Local Government): This amendment restores the

Bill to getting the consent of the ratepayers in respect of a loan. When the Bill left this place it provided for a loan to be obtained without the consent of the ratepayers. It was thought necessary to have it that way, but since then the commission has informed members of another place that it does not want it and prefers to have a poll of ratepayers. Under the circumstances I move that the amendment be agreed to.

Amendment agreed to.

Amendment No. 2.

The Hon. N. L. JUDE: During the last month there has been a concerted move, whenever possible, to strike out "board" and insert "Minister"; but another place has struck out the words "and with the approval of the Minister". It seems to be a sound amendment and I move that it be agreed to.

The Hon. L. H. DENSLEY: Does it mean that the commission will be able to borrow up to any figure without the permission of the Minister, or must his approval be obtained when the amount is beyond a certain figure?

The Hon. N. L. JUDE: I imagine that if the commission needs a certain sum it will be aware that the money is required for hospital purposes and will not attempt to get more than the ratepapers would approve. In any case the approval of all borrowings by district councils must come to the Minister eventually for it to be referred to the Treasury. That still gives the Government control in the matter.

Amendment agreed to.

Amendment No. 3 agreed to.

Amendment No. 4.

The Hon. N. L. JUDE: This is regarded as an important matter by the commission and the Government does not regard it as unreasonable. I have said previously that we endeavour to give local government as much power as we can. In this case a hospital might be established in an area where it might be thought that the commission should not have the responsibility for borrowing money. I move that the amendment be agreed.

Amendment agreed to.

INFLAMMABLE LIQUIDS BILL.

Returned from the House of Assembly with the following amendments:

No. 1. Page 4, line 17 (clause 6)—Leave out "subject to section 8".

No. 2. Page 4, line 24 (clause 6)—After "gallons", insert "and".

No. 3. Page 5, line 8 (clause 6)—After "gallons" insert "of each class of inflammable liquid".

No. 4. Page 5, line 29 (clause 8)—Leave out “Excepted as” and insert “Subject to the exceptions”.

Consideration in Committee.

Amendment No. 1.

The Hon. C. D. ROWE (Minister of Labour and Industry): This is really a drafting amendment, which makes it clear that it is not necessary to get approval for a depot in which to keep inflammable liquids in the quantities allowed by the clause. It also ensures that if a person has more than 25 gallons of petrol or 250 gallons of kerosene the depot must be registered. I move that the amendment be agreed to.

Amendment agreed to.

Amendment No. 2 agreed to.

Amendment No. 3.

The Hon. C. D. ROWE: At present a person is allowed to keep 1,000 gallons of fuel of all kinds without having to register the depot. The other place has said that it is not unreasonable in these days for a person to keep 1,000 gallons of petrol and 1,000 gallons of kerosene. The purpose of the amendment is to enable this to be done. It is a liberal provision for primary producers and I move that it be agreed to.

Amendment agreed to.

Amendment No. 4.

The Hon. C. D. ROWE: This amendment is consequential on the first amendment, and I move that it be accepted.

Amendment agreed to.

POLICE OFFENCES ACT AMENDMENT BILL (No. 1).

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

ROAD TRAFFIC BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2 to 10, 12 to 15, and 17 to 27 without amendment, and had agreed to amendments Nos. 1, 11 and 16 with amendments.

In Committee.

Amendment No. 1.

The Hon. N. L. JUDE (Minister of Roads): This was the contentious clause regarding the association of pedestrian crossings and school crossings. I consider the House of Assembly's amendment a slight improvement on that previously agreed to by this Chamber. The House of Assembly's amendment to the Legislative

Council's amendment will give power for the erection of school signs in the vicinity of a school, and not necessarily on the street adjacent to the school. These school signs will indicate a 15 mile an hour speed limit between such pairs of signs. I ask the Committee to accept the amendment.

The Hon. L. H. DENSLEY: I think this amendment will meet the Committee's desires, namely, that it will provide for the safety of schoolchildren. If children are crossing a road and there is a school just around the corner, the fact that a sign is placed on the road will signify that there is a school nearby and the motorist must reduce his speed to 15 miles an hour until he passes that sign.

Amendment agreed to.

Amendment No. 11.

The Hon. N. L. JUDE: This is a consequential amendment. If there is no pedestrian crossing mark there is still a speed limit of 15 miles between the signs. I move that the House of Assembly's amendment be agreed to.

Amendment agreed to.

Amendment No. 16.

The Hon. N. L. JUDE: This amendment was made because it came to the notice of the Government recently that the Bill did not cover the many tractors that have only one brake. In this place we agreed to the Bill covering tractors with two specific braking systems. It is now proposed that regulations may be made providing exemptions or modifications as to brakes. It was said that the provision in the Bill as it left this place did not cover all types of tractors. I move that the House of Assembly's amendment be agreed to.

Amendment agreed to.

PROROGATION SPEECHES.

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

That the Council at its rising adjourn until Tuesday, December 5, 1961.

This motion indicates that we have completed the work of the session and are about to prorogue. The session that is drawing to its close has been historical because of the many matters of significance which I will mention, and which are not normally included in a session. This session has been unique. We have dealt with 53 Bills, which indicates the development and progress of the State, and

shows that the work of a State Parliament is not something of the past but something that grows with the development of the State.

We have come to regard it as a matter of course that our President is Sir Walter Duncan. Tonight you, Sir, as President of the Council, have given the last message between the two Houses. You have given a period of service which I think is unrivalled by anybody in the history of South Australian Parliaments. If anyone proves me wrong, I will still say that your period of service has been exceptional. You entered Parliament in 1918, five years after your father, Sir John Duncan, represented practically the same district. I think its name has been changed, but it is practically the same district as was represented by your father. You served for 14 years as a floor or private member. In Canberra they would have called you a back-bencher, but I could not imagine you, Sir, as a back-bencher. In 1932 you became Leader of the Liberal Party in this Council and during the 12 years that you served in that position I first became associated with you when I was a youthful member. I well remember the assistance that I received from you and your capable leadership. I remember your good humour and the manner you had of leading your Party, always with a maximum of discretion that kept us out of trouble.

I value the years that I served under your leadership. In 1944 you were elected President of this Council and for 18 sessions you have presided over the business of this place. It has been my pleasure to serve as Leader of this Council during all that period. Therefore, this is an occasion on which I may be excused for feeling sentimental in that it is the breaking up of my long association with you in this Parliament. Your judgment has always been appreciated by me and I am sure by every member. Our association has been a most valued one and I am sure your influence over this place will live many years after your retirement. I am sure that we all wish that you should enjoy health and happiness during your retirement and perhaps you will be able to express more freely what you think and say than you are inclined to do now as President, although I have not noticed any particular curbing of your ideas.

Another long association is also about to be broken and my feelings in this regard will be shared by all members. My esteemed colleague, Mr. Harry Edmonds, after 18 years in the Council, is also retiring. He has been my close colleague because we have always had to

approach the electors together and we represent a very vast electorate. He has been a hard worker and one could not have wished for a whiter man as a colleague. No-one could have set a better example than Harry Edmonds, and I am sure the respect I have for him is shared by every member. I remember on one occasion that it was said of him, "This fellow always has something worth while listening to because he has his feet on the ground." Mr. Edmonds wanted to give up his public duties six years ago, but he responded to my appeal to continue a little longer. I am pleased that he has seen the six years out and is still a very sound man in his contributions to the debates of this Council. I hope he will enjoy many happy years after his retirement.

It is fitting that I should pay a tribute to the assistance I have had from my ministerial colleagues. It has not always been my pleasure to have two ministerial colleagues in this Council and there have been times when I have had to carry on with one sick colleague, which made the responsibility very heavy. It is a privilege to have two active and willing colleagues as one can always leave matters in their capable hands when other obligations have to be attended to. I thank them for their willingness at all times to look after the affairs of the Council.

I have seen changes in the Liberal Party leadership in this Council from Sir David Gordon to Sir Walter Duncan, to Sir Collier Cudmore, to Sir Frank Perry, and now to the Hon. Mr. Densley. Mr. Densley is studious and earnest in all that he does and, although we have not at all times been in agreement, he has been a very co-operative colleague and I appreciate the attention he has devoted to the various matters before the Council. I am sure that every member appreciates the attention and application he has devoted to his work as Leader of the Party.

This year we were unfortunate in that we lost a familiar and loved figure in the person of the late Mr. Frank Condon. His loss necessitated changes. There had to be a new Leader of the Opposition and a new member representing Central No. 1 district. The Hon. Mr. Shard has only served a brief period as successor to the late Mr. Condon, but I think he has fallen in with the atmosphere of the Council and he has not made many mistakes so far. He has been able to keep his team together. I hope that I am able to associate with him in his present position for at least another three years. I think the Hon. Mr. Kneebone has quickly adapted himself to the debates of this

Council. I am sure that members will continue to listen to him with the interest which they customarily evince to the views of all honourable members.

Another unique thing is that we have had a whole session without the Clerk being in attendance. Mr. Ball has been overseas, but I think we have had a successful session, and have not found ourselves in any difficulty under the administration of Mr. Drummond as Acting Clerk and Mr. Mertin as his assistant. They have acquitted themselves well and the business of the Council has carried on without interruption, and I congratulate them on behalf of the Council on the work they have done.

Our Parliamentary Draftsman, Dr. Wynes, and his assistant, Mr. Ludovici, have served the members in the way that has become traditional for Parliamentary Draftsmen. They have waited upon the requirements, not only of the Government in drafting legislation, but of members in drafting amendments which they desire to put forward. Again this session we have been unique in that we have put through what really is a consolidation measure, the Road Traffic Bill, and we have had the voluntary services of Sir Edgar Bean, who has given his time and effort in redrafting and consolidating this legislation. I am sure that everyone has appreciated his efforts and that he has been within the precincts of this House giving us the benefit of his long experience. It was a complicated piece of legislation, and I would like him to accept our gratitude.

Our messengers, Don Fletcher, Ted Dawes and Bob White have done everything they could do both within and outside the Chamber, and their services have been of a standard which we have come to expect. The reporting, library and catering staffs have all, in their usual fashion, given their services for the benefit of members and these, too, have been appreciated.

Before the next session, Mr. President, we shall have an election. With your own and the Hon. Harry Edmonds' retirement, it means there must be new blood in the House, although when I look around I cannot see much reason for any changes. I look forward to the next session when I hope to see everyone fit, well and hearty as we leave each other this evening. It has been a happy session and I would like, in conclusion, to thank all members. I have referred to various people already, but for the pleasure in my work as Leader of the Chamber, I thank not only one or two, but the whole House, and I say I have greatly appreciated the co-operation of all members.

The Hon. A. J. SHARD (Leader of the Opposition): I rise to join with the Chief Secretary in his remarks. Firstly, Mr. President, I want to refer to you and, on behalf of my colleagues and myself, say that we regret that because of increasing years you have been forced to retire. We have not always seen eye to eye with you, but we have always admired you. I have often envied you sitting so confidently up there with your chirpy manner of expression, and ruling that you are not there to enforce Standing Orders so much as to give directions in whichever way you think fit. I often wished when I was a chairman that I could do that, knowing full well that members are with you all the time. That is indeed a compliment to you, Sir. I have been here six years, and although at times we may have been inclined to disagree with your rulings, out of respect to you and knowing that underneath it all you were doing your best in the interests of Parliament and members generally, we accepted your rulings.

The fact that a President can complete six years without a ruling being challenged is a tribute to his fairness. I might say, Sir, that if when I am your age I have the memory, wit and wisdom that you have, I shall be extremely fortunate and happy. One or two of your recent remarks have been priceless, particularly the one when you ruled that interjections were out of order, especially those you could not hear. Another example occurred this afternoon when we were dealing with the complicated amendments of the Hon. Mr. Giles and myself to the Police Offences Bill, and you asked, after explaining them, whether you had made them clear, because you did not know yourself whether what you said was clear or not. That is the sort of thing that makes the House a pleasant place, and helps one to appreciate a chairman who has a sense of humour and allows a good deal of latitude. On behalf of my colleagues, and I am sure I speak for every member of the House, I wish you a happy retirement and sincerely trust you will enjoy good health and long life.

It has been a pleasure to be associated with the Hon. Mr. Edmonds, and I know what a magnificent job he did as a member, and then as chairman, of the Land Settlement Committee, but because of increasing years he has decided to retire from this Chamber. It seems to be a pity that age eventually catches up with everyone, but it is nice to know that one is retiring of one's own free will. My colleagues and I hope that Mr. Edmonds will have many years in which to enjoy his retirement and that he will retain his health and visit us often.

The Hon. E. H. Edmonds: Thank you.

The Hon. A. J. SHARD: I thank the Chief Secretary for the kind remarks he made about me. It was a frightening experience to follow such a fine gentleman as the late Mr. Condon and it was not easy. My position was particularly difficult, because there were only three of us representing Labor in this Chamber for a few weeks, and but for the able assistance and the team work of my two colleagues, the Hons. Mr. Bardolph and Mr. Bevan, my job would have been much harder. I pay a special tribute to them. I believe that our Party made a wise choice in the Hon. Mr. Kneebone to fill the vacancy caused by the death of Mr. Condon. He has already made an impression upon the Chamber, and if he is returned next year I am sure he will be an acquisition, not only to our Party, but to Parliament and the State. His maiden speech was a very worthy one, and his effort this afternoon when speaking on the Workmen's Compensation Act Amendment Bill was an indication of what we can expect in future.

Members of my Party try to do their best and put their point of view fearlessly before the Chamber. This year we have done a little better than we have done for some time. We were successful, for the first time, since I have been a member, to get a private member's Bill introduced by Labor through the Council. That is an achievement. We also got an amendment proposed by the Hon. Mr. Bardolph accepted by the House. If that is not unique it is almost so, and the amendment that I moved last week to the City of Whyalla Commission Act Amendment Bill that was solidly turned down by every honourable member except my colleagues was subsequently unanimously adopted by the Chamber; so, we could not have been very far off the mark after all. It gives us hope for the future. I therefore ask honourable members opposite in future to have a second look at any suggestions we may offer and not get the other House to return a Bill with an amendment that had not been accepted here, thus resulting in members reversing their decision.

I pay a tribute to the work of the Hon. Mr. Story, the Government Party Whip in this Chamber. His job is not an easy one. We have crossed swords with him and also with his predecessor, the Hon. Mr. Densley. Sometimes I think we may try to mimic Dame Nellie Melba by wanting everything; but the way that Mr. Story has handled his position has been agreeable to us, and must have been

of great assistance to you, Mr. President. On behalf of my members I thank him for that assistance.

No member of the Council has a greater opinion of Mr. Ball, our Clerk, than I have. During his absence abroad we have had an Acting Clerk in Mr. Drummond and an Acting Black Rod in Mr. Mertin. I did wonder how we would get on during Mr. Ball's absence, but no one could have done their respective jobs better than the two gentlemen I mentioned. I particularly pay a tribute to Mr. Drummond. It did not matter what information I wanted on procedure, he readily and willingly gave it and there were times when without my seeking information he knew what I was expected to do, and the necessary document was placed before me, and this made everything so much easier. When Mr. Ball returns and hears our report concerning Mr. Drummond he will be pleased to know that he has such an able assistant.

On behalf of my colleagues I thank the *Hansard* staff. Sometimes when I read the proofs I wonder whether I actually said the things reported. The one section of the Parliamentary staff with whom I will never quarrel is *Hansard*, because I value their assistance too much to be out of step with them. To make their difficult job easier is my objective. In my tributes, I also include our three messengers. They have always been thorough gentlemen, attentive to their work and very courteous, and always willing to assist members. I pay a particular tribute to our Librarian, Mr. Lanyon, and his assistants. I have been a source of worry to them recently, and here again the assistance that one receives is typical of that received from all employees associated with Parliament.

It would not be right for me to conclude without saying "Thanks" to our catering staff. We hear many comments about their efficiency and I can say that this staff is second to none in any Parliament I have visited, and I have visited quite a number. To Miss Bottomley I say "Thanks". Although it may be a little early to think of the festive season, I should like, on behalf of my colleagues, to wish everyone a Happy Christmas and to trust that the New Year will be bright and prosperous. May I wish the greatest wish of one human being to another, that you may all enjoy good health through 1962 and the years ahead.

The Hon. L. H. DENSLEY (Southern): It is with some regret that I rise to say a few farewell words to you, Mr. President, on your

retirement. You have been President during the 18 years I have been a member. You have been a guide, philosopher and friend to every honourable member during that period. I thank you very much for the wonderful way in which you have helped all of us in what we are trying to achieve. I join with other honourable members in extending to you very best wishes for your retirement.

To the Hon. Mr. Edmonds I would like to pay a tribute for the clear and concise way in which he has always spoken in this Chamber. For many years he had a fairly wide experience as a farmer and as a chairman and member of a district council, which made him particularly suitable to become a member of Parliament. He has carried out his duties extremely well. I wish him and his wife all the best in his retirement.

The Chief Secretary said that this had been a unique session. I feel a little that way myself, especially when I see in the gallery a man who led us for so long in this Chamber. I refer to the Hon. Sir Collier Cudmore. I want to say how much we appreciate his work here, and we appreciate his being with us tonight. I also thank the Chief Secretary and the other Ministers who have co-operated splendidly and helped us to carry on the business of Parliament. The achievements of the Government in South Australia in recent years have been truly remarkable and we are looking forward to much greater growth in the years ahead, when I am sure there will be much work for the Government and members of Parliament to do.

I say thank you to my colleagues for their great loyalty to me. They have helped me tremendously and I deeply appreciate their actions and the confidence they have given me. I say thank you to the Government Whip for the work he has done and the great assistance he has been to me. I have been the Whip and I know the assistance that he can give to every member. I have often wondered how we would get on if we did not have a Whip to arrange the various speakers. The Hon. Mr. Story has done his work very well.

I want to pay a tribute to the members of the Labor Party. Throughout the session there has been a very good spirit of friendship within the ranks of that Party. We have always felt that they were genuinely friendly and co-operative towards us. We know that in Party politics there must be differences of opinion, but we do appreciate their sincere, friendly spirit towards us. I have already welcomed the new member, the Hon. Mr.

Kneebone. I am sure he will come to enjoy Parliament as much as those of us who have been here a long time. With other members I thank the Parliamentary Draftsman and his assistant. I do not want to repeat what previous speakers have said about them.

Our Clerk (Mr. Ball) who is absent overseas has been of great assistance to members. I have sometimes felt that members would work him to death because every hour of the day someone has been asking him for advice. I would be failing in my duty if I did not express to Mr. Ball our great appreciation of his work. It is with pleasure that I say thank you to the Acting Clerk (Mr. Drummond) and to the Acting Black Rod (Mr. Mertin) who have done such a good job in the circumstances in which they were placed through Mr. Ball going overseas. I am sure that Mr. Drummond has filled his position extremely well. The messengers have helped us considerably. To the Librarian and all members of the staff associated with the successful running of Parliament I express thanks for the part they have played. We have been well treated by all of them. Again, I express to you, Sir, my gratitude, and I hope that you and the Hon. Harry Edmonds will enjoy good health in the years to come.

The Hon. K. E. J. BARDOLPH (Central No. 1): I cannot let this occasion pass without adding my endorsement to the remarks already made about you, Sir, regarding the work you have done during the years in which you have been in this Parliament. After your retirement, the Chief Secretary will be the father of this House. Following on in years of service are the Hon. Alec Melrose and myself. We both came into this House in 1941. Over the 20 years of our association, we have learned to look upon you (although I hold different political views) as a leader of sterling qualities. You have given me the right to state my political opinions. Your family, as pointed out by the Chief Secretary, has for many years played a prominent part in the politics of South Australia; in fact, it has developed into what one may term the Duncan legend. Although much has been said about age, it is a privilege rather than a penalty; it is a privilege to be endowed with faculties at a ripe old age. I join with other remarks made about the Hon. Harry Edmonds. I have always found him to be of a kindly nature. There is an old adage that he who serves his Party best also serves his country best, and I think that you, Mr. President, exemplify that quotation. Your

political and commercial activities have shown that you have the sterling qualities that go to make up a good Australian.

The Hon. A. J. MELROSE (Midland): On occasions of valedictory speeches there has always been a strict precedent. The Leaders in the House always speak and in a certain order, as has occurred tonight, but I ask the indulgence of honourable members to be allowed to break precedent, because this is a unique occasion. If one may be allowed to qualify the word "unique", I say that it is an extraordinarily unique occasion. You, Mr. President, have served for a long time in this Chamber. You have been President for 17 years; that will probably stand as an all-time record. I do not wish to recapitulate what has been said about your attributes, but I wish, as the oldest back-bencher in this Chamber (having been here for 20 years), to pay a tribute to you as someone who is going out of our little community. Only those of us who have been in Parliament for any length of time know the sort of atmosphere that prevails here. We in this House have been blessed with a community feeling that probably is not excelled anywhere in the Parliaments of the British Commonwealth of Nations.

We have lost a dearly beloved friend in the late Frank Condon, but we have added to the ranks of the Labor Party in the House the Hon. Mr. Kneebone, who shows every sign of fitting into this community very well indeed. Just in case what I am saying now is taken out of its context by the daily press, I emphasize that although we are here as one large family every man will stand up for his political thoughts, beliefs and principles, no matter how friendly we are in the Chamber or outside. I think we are a great working body.

You, Sir, were Leader of the Liberal and Country Party when I first entered this House and I thought you were pretty tough. You were elevated to the position of President, and now that you have really matured you are about to leave us. We have benefited greatly from your sound advice and shrewd guidance. I have been lucky in having the colleagues that I have had representing the Midland district—you, Sir, the Hon. Ross Story, the Hon. Colin Rowe and others. Like everyone else, I am sorry to see you go, and I join with the other speakers in wishing you all the enjoyment you can possibly find in your years of retirement.

Other speakers have referred to the Hon. Harry Edmonds, whom I remember coming to this House as a very promising young man. He has always made shrewd contributions to the

discussions, and he has been loyalty itself. Now that his career is coming to an end I ask myself whether a person cannot be too good. Harry Edmonds has been loyal to the Government throughout his entire stay in this House, and I have sometimes thought that he was too good. Perhaps there have been times when we expected he would support something that was a bit revolutionary, but he has always supported his Party. To him also, as an old-timer, I wish the very best in his years of retirement. I would have concluded my remarks now had I not seen my beloved friend, the Hon. Sir Collier Cudmore, in the gallery.

The PRESIDENT: Order! The honourable member must not refer to the gallery.

The Hon. A. J. MELROSE: I should like to tell you, Sir, that except for yourself a certain gentleman is in my opinion the greatest citizen that I have known in the business and political life of South Australia. That man played a leading part in the formation, development, and functioning of the Liberal and Country League, which has not only kept South Australia on the rails over all these years but has, I believe, influenced the whole political life of Australia. In the business life of South Australia he was outstandingly capable. He may have been in the gallery tonight, but I do not know. With these few remarks I wish you, Sir, years of health, wealth and prosperity.

The Hon. A. C. HOOKINGS (Southern): I know the hour is late, but on behalf of members who came here at the beginning of this Parliament and the member who joined during this session, I cannot allow this occasion to pass without adding some words expressing our appreciation for all you have done, Mr. President, not only for the past and present members of the South Australian Parliament, but for everybody in the State of South Australia. Your impartiality and inimitable manner as President will long be remembered with great affection. Your warmth of friendship, your just and invaluable guidance to younger members, together with your ready wit, have been a major contribution to the outstanding harmony which prevails in this Legislative Council. For the outstanding record of such a long period as a member—44 years I believe, with 18 years as President of this Chamber—we offer you our sincere congratulations. May I conclude by saying "Thank you" for all you have done, and may you and your family be granted the very best of health so that you may enjoy a long and happy retirement that you so richly deserve. May I also say how much we have appreciated our association

with the Hon. Mr. Edmonds. I understand he came to the Council at the same time as you became President. I am sure we have all respected the integrity and judgment of our colleague and have appreciated all he has done. To the Hon. Mr. Edmonds we offer our congratulations on an excellent job, and we extend every best wish on his retirement.

The PRESIDENT: A man would not be human if he were not affected by the generous, complimentary and flattering phrases that have just been used about him. I appreciate them all most heartily. I could cut 50 per cent off some and still appreciate what was left. However, it will be a wrench as honourable members may find, after having been a member for 44 years (as it will be when I retire) to go out after having got into the habit of coming here. Forty-four years ago I came in expecting to stay for a very short time and hardly wanting to come in at all, yet here we are after all that time and somebody says, "Clearing out before your time!"

It is hard to imagine that 44 years have passed. I can see a lot of ghosts here tonight. I have sat in the Legislative Council with over 60 members in all. Luckily 19 are still left and if we like to look around a bit further we can make the number up to 20, even if one is sitting in the gallery. I have been extremely lucky. Right through my political life I have had unlimited help from my wife and family, who have put up without one grumble with my comings, my goings, and my not knowing where I was or would be day after day.

Then I have to thank all members for their kindness and generosity to me ever since I became a member. For instance, I recall during the past year the kindness of members in carrying on the business and not playing up when I was away on one or two occasions, and not getting annoyed when they discovered I was so deaf that I could not hear what they were talking about, although I must admit that not being able to hear has its advantages at times. But now I can tell you a secret. I do not know whether any of you noticed it, but during the latter part of this session I coined a new phrase, "That the motion be agreed to". I did it for the simple reason that many times I did not know what the motion was: I could not hear! Nobody seemed to take any notice, and we went on perfectly happily under those conditions.

I could soliloquize for some time, but this is not the time or place to do so. I am not quite sure how to put it, but I say that I have enjoyed every minute of my political career. Some members go out and say they hated it,

they did not like it, or it was terrible work, but I must admit that I enjoyed it from the start and, if I had another chance, I should take the same job on again.

The third group of people I should like to say "Thank you" to are those who have been my electors. They have been most considerate. At every election they have returned me without any trouble whatever. When you come to think of it, my electors today are the grandchildren of those who voted for me when I first entered Parliament, which shows how time has flown and how these things happen: it goes on from generation to generation and here I am having had at least three generations voting for me. Had I waited a little longer I might have had a fourth.

I also want to say "Thank you" to Mr. Drummond and Mr. Mertin sitting at the table. Before the House met this session I was for a time a little nervous about how we would get on but, after a very short while, I discovered that we were getting on wonderfully well and thenceforward I had never a moment's hesitation or doubt whether or not a thing would be done properly. If any of you want a shot at it, I suggest you come up to the table and take it on occasionally for a few hours! When you are putting up all sorts of resolutions and amendments and you know that a record has to be kept of them, and they have to be worked out and written up, it is not easy. However, I thank and congratulate the clerks at the table on having done such an excellent job.

As I say, gentlemen, I could soliloquize, but I shall not. I should like to thank you all. I offer my special thanks to the members of the Labor Party, because they could have been naturally prejudiced against me before coming here and some have told me what they have thought about me, but, one after another, they always seem to come round, and we remain and part the best of friends. I do not say that we approve of each other's politics. I have not had any politics for 18 years. Anyway, it did not matter much what they were. If I had had a few years longer, some of you might have thought that I had joined the Labor Party, or something of that sort! To those who have offered me congratulations I say, "Thank you". The messengers and everybody associated with Parliament have revealed great consideration to me—in my earlier days because of my youth, and in my later days because of my age. They have been generous and kind and I thank them.

I think that is sufficient from me. I have talked to members in almost every language, but I have rarely quoted poetry, but tonight I am going to conclude with a couplet:

“Not heaven itself upon the past has power,
But what has been has been and I have
had my hour.”

I thank you all.

The Hon. E. H. EDMONDS (Northern): Mr. President, had I followed my inclination I would have let you carry on for the remainder of the proceedings and not have accepted the obligation (if I may call it that) of replying and expressing my thanks for the sentiments that have been directed towards me. I have been aided by what the Hon. Mr. Bardolph said: he gave me a good cue. When I entered public life some time ago I happened to read an American book that contained some mottoes and quotations. In the modern vernacular they could be described as gimmicks. One that attracted my attention and impressed me was a Yankee proverb—and I am not sure whether it was attributed to Josh Billings or one of the old-timers—that said that the hen that cackles most does not necessarily lay the largest eggs. I regarded that as a good motto to carry in public life and I have always endeavoured to profit by it. So, I want mem-

bers this evening not to regard the brevity of my remarks as an indication of my appreciation of the sentiments they expressed, but as a desire on my part, from my natural timidity, not to speak at greater length.

At the risk of tiring members a little longer, I may say that I have enjoyed every minute of my association with honourable members in the Legislative Council. I have enjoyed the friendships I have been able to cultivate. I have made some good friends, not all on this side of the House by any means, and one way and another my sojourn here as a representative of the Northern district has been all the more pleasant by reason of those associations. Although I am occupying this seat for the last time, I will have an opportunity of mingling with members occasionally as I understand that a retiring member is entitled to some privileges in that regard. So, I content myself with simply saying once again, “Thank you all. I appreciate very much your kindly references to me.”

Motion carried.

PROROGATION.

At 11.40 p.m. the Council adjourned until Tuesday, December 5, at 2.15 p.m.

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