LEGISLATIVE COUNCIL.

Wednesday, October 31, 1962.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS.

ABATTOIRS LICENCES.

The Hon. K. E. J. BARDOLPH: Last week I asked the Chief Secretary whether he could get the exact number of applications for licences made to the abattoirs committee that was constituted by the Government in connection with the establishment of abattoirs in the metropolitan area and country districts. Has he a reply?

The Hon. Sir LYELL McEWIN: I have a reply to the question, which I referred to the Minister of Agriculture. The question stated that several applications had been made for licences to establish an abattoirs, and I was asked, as Minister representing the Minister of Agriculture, whether any of the applications referred to the metropolitan area. The answer is that approaches have been made for licences for slaughtering from both inside and outside the metropolitan abattoirs area, but I have not got the number of applications.

DESTINATION SIGNS ON BUSES.

The Hon. Sir ARTHUR RYMILL: Has the Chief Secretary obtained a reply to the question I asked last week about the cost of the rear destination signs on buses?

The Hon. Sir LYELL McEWIN: I have received a report through the Minister of Works from the General Manager of the Municipal Tramways Trust stating that the project is not yet completed, and that the estimated cost is £20,050, which includes the cost of installation, which was not separately costed. There is an explanation to the effect that the job will not be completed until about the first week in December; consequently, I am providing an estimate at this stage. Generally speaking, the mechanism for the new signs was manufactured in the trust's workshops. The calico was imported from England and the signs were painted thereon in the trust's paint shop. Whilst some of the assembly was done off the bus, much of it had to be done on the bus itself, involving various modifications thereto, including those to the bus wiring system to provide illumination for the signs. The nature of the job, therefore, did not lend itself to a ready distinction between the equipment as such and installation, and no attempt was made to do this.

SPEED LIMIT THROUGH ELIZABETH.

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. M. B. DAWKINS: For a considerable time a speed limit has been imposed from the north of Smithfield to the Little Para through the town of Elizabeth. I understand it is intended in due course to raise the speed limit somewhat. Can the Chief Secretary, representing the Acting Minister of Roads, inform the Council whether that speed limit will be raised in the near future?

The Hon. Sir LYELL McEWIN: I will refer the honourable member's question to the Acting Minister of Roads with a view to obtaining the information he seeks.

PORT LINCOLN ABATTOIRS.

The Hon. G. J. GILFILLAN: Has the Chief Secretary a reply to the question I asked on October 25 about the possibility of distributing and transporting meat from the Port Lincoln abattoirs to the metropolitan area?

The Hon. Sir LYELL McEWIN: Yes, the Minister of Agriculture has made available a report from the General Manager of the Government Produce Department as follows:

> The transport of chilled meat from Port Lincoln to the metropolitan area was discussed with the Adelaide Steamship Company Ltd., owners of the *Troubridge*, before this vessel was completed and the company was actively encouraged by this department to provide a refrigerated trailer for the movement of chilled or frozen meat. After investigation of possible loadings, the company has provided one trailer and I believe that freight earnings have been satisfactory, although, as far as I am aware, only hard frozen meat, mainly reject lambs and cartons of boneless mutton have been moved.
>
> Introduction of chilled meat into the metropolitan area does not, of itself, impose any particular problem but a means of marketing the meat must be found before progress can be made. At a meeting with members of the Port Lincoln Agricultural Bureau in August, 1961, I fully discussed with producers matters now raised by the Hon. G. J. Gilfillan and pointed out that the department would assist with economic killing charges and in every possible way to facilitate the entry of chilled meat. However, producers would need to look to a workable scheme to provide the livestock necessary for such trade, as continuity of supply was a matter of great importance, and for market outlets for the meat produced, as this was a factor beyond the scope of this department's activities. Although I believe some moves have since been under consideration by producers, I do not know of any progress which may have been made.

KORUNYE RAILWAY CROSSING.

The Hon. L. R. HART: I ask leave to make a short statement prior to asking a question.

Leave granted.

The Hon. L. R. HART: Over recent years many fatal accidents have occurred at the Korunye railway crossing. The Highways Department recently purchased land adjoining this crossing with a view to improving its safety. The department has, however, recently made considerable adjustments to the safety rails at the crossing, and as the Mallala District Council has agreed to do most of the construction work required for the new crossing as a top priority job, can the Chief Secretary, representing the Acting Minister of Roads, say whether this work will be carried out or even started during this financial year?

The Hon. Sir LYELL McEWIN: I will refer the honourable member's question to the Acting Minister, who I know is personally interested in this crossing. I am not aware of just what action is to be taken or when. However, I will obtain the information for the honourable member.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 17. Page 1498.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): This Bill is an amendment of the Hire-Purchase Agreements Act, 1960, which was, if I remember rightly, a very large and important piece of legislation, and I believe that the Bill before us was promoted in another place as a private Bill and not as a Government measure. Its object is perfectly laudable; it was introduced for the purpose of covering up gaps in that new piece of legislation and, as all members will have experienced, it is necessary with more or less novel legislation to give it a trial to find out what is needed in practice, for there are often a lot of smart people who will find their way around the provisions of a new Act. On the other hand, I have no doubt whatever that a portion of this Bill at least goes considerably too far, and I refer in particular to clause 3. This relates to bills of sale and really operates also as an amendment to the Hire-Purchase Agreements Act and to the Bills of Sale Act, 1886-1940. Clause 3, as it comes to us, states:

> Any agreement made after the commencement of the Hire-Purchase Agreements Act Amendment Act, 1962, which operates as a Bill of Sale within the meaning of the Bills of Sale Act, 1886-1940, but is not in registrable form pursuant to the provisions of that Act shall be wholly unenforceable by the grantee thereof.

That could well affect the whole transaction to the extent where one of the parties could not recover the money involved. I have not found it necessary to go into details in the matter, but I would like to quote the meaning of "bill of sale" in the principal Act, namely:

> "Bill of sale" shall include bills of sale, assignments, transfers, declarations of trust without transfer, inventories of goods, with receipt thereto attached, or receipts for hire-purchase moneys of goods and other assurances of personal chattels, and also powers of attorney, authorities, or licences to take possession of personal chattels as security for any debt, and also any agreement, whether intended or not to be followed by the execution of any other instrument by which a right in equity to any personal chattels, or to any charge or security thereon shall be conferred, but shall not include the following documents.

Then follows a catalogue of the documents involved. As members will see, a bill of sale could be considered as being almost any commercial transaction, but in this case, as it came to us from another place, it says that the provisions of the bill of sale under certain circumstances shall be "wholly unenforceable" by the grantee. Therefore, I think it is totally unacceptable in its present form, and I do not think that the draftsman of it could possibly have conceived the width of the measure he was drafting. I do not think any member, including myself, could possibly visualize all of the transactions to which this clause could apply, but I would say that if it went through in its present form it would be quite a tragedy for the commerce of this State. Therefore, I have no hesitation in saying that I shall wholeheartedly support the amendment in the name of the Hon. Mr. Potter which is very wisely taken, and I hope that members will consider the matters I have raised and feel likewise. The purpose of the amendment, as I read it, is not to destroy the intention of this clause, but rather to limit it to giving effect to the matters to which the clause was intended to apply.

Mr. Potter has several other amendments on the file relating to later clauses. These also are important, though not as important as the one I have mentioned. Nevertheless, I propose to support all of them because, again, I think they considerably improve the Bill; at least they correct one error in draftsmanship. I think the fact that the measure has come before us should nullify some of the statements of honourable members of the Opposition Party

in this Chamber. Only yesterday the Leader of that Party said that he favoured the abolition of this Chamber and would do his best, as I understood him, to bring that about. This is a very good instance as to why this Chamber should exist and should always exist. If, as I expect, this Bill is amended, then we are going to save the commerce of this State from a great deal of embarrassment and a good deal of injustice. If this Chamber did not exist then the Bill would have gone through in the form in which it has already been passed by another place—which if the honourable member had his way would be the only House in this Parliament—with the dire consequences that I have already mentioned.

I commend Mr. Potter's amendments for the consideration of honourable members. He has explained them and I do not think there is any need for me to go into them in any detail, because no doubt in Committee he will give further explanations. In the meantime, and in anticipation of those amendments being passed, I propose to support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—''Enactment of sections 46a, 46b, and 46c, of the principal Act.''

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

In new section 46a, after ''Any'' to insert ''authority or licence (other than an authority or licence given by a company) to take possession of personal chattels contained in any''.

It appears to me that all honourable members realize the wisdom of this amendment, and as I explained it fully during the second reading debate there is no point in any further explanation.

The Hon. A. J. SHARD: This amendment is acceptable to my Party and we do not raise any objections to it.

Amendment carried.

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

In new section 46c (1) (*b*) to strike out ''which'' and insert ''where such''.

This is purely a drafting amendment, as I explained in my second reading speech.

Amendment carried.

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

In new section 46c (1) (*b*) to strike out ''notwithstanding'' and insert ''or an agreement which would be a hire-purchase agreement but for''.

The principal Act states that a hire-purchase agreement shall conform to certain things but shall not be another type of agreement, therefore the word ''notwithstanding'' cannot be used.

The Hon. C. D. ROWE (Attorney-General): I understand that this amendment was suggested by the Parliamentary Draftsman and has his approval. I have considered it and as it improves the verbiage of the Bill, I support it.

Amendment carried.

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

In new section 46c (2) (*b*) to strike out ''indictable'' and insert ''punishable''.

This amendment has also been approved by the Parliamentary Draftsman.

Amendment carried.

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

To strike out paragraph (*c*) of new section 46c (2) and insert the following new paragraph:

(*c*) The rights given by this section shall be in addition to any rights which a purchaser or hirer (other than a trader) may have at common law in equity or under any other Act.

I considered for some time what would be the appropriate amendment and finally the Parliamentary Draftsman made this suggestion. It is little different from the existing clause but it does add ''hirer'' and does not limit its application to a purchaser of goods. Apart from that it spells out the expression ''at law'' which was previously used. I am not sure whether the Parliamentary Draftsman is right, because it is a difficult question. I have a vivid recollection of reading a case on an interpretation of a section under the Mercantile Law Act where a court held that the words ''common law'' did not include equity.

The Hon. K. E. J. Bardolph: Don't you think your amendment is only word spinning?

The Hon. F. J. POTTER: Certainly not. It must not be forgotten that this provision is limited to the owner of goods who is also a money-lender, but people not registered as money-lenders might be affected. I think it is desirable to include the hirer as well as the purchaser in the protection given by the provision.

The Hon. A. J. SHARD: I oppose the amendment. The Parliamentary Draftsman has given much thought to the Bill. Earlier the Hon. Mr. Potter had much to say about the Parliamentary Draftsman and his work. This Bill has been approved by the Parliamentary Draftsman, but he said that if he had to draft the Bill he would alter three or four words and nothing else. I do not want to tie up the legal fraternity in any way, but for half the

time we cannot understand them, and I do not think anyone else can. The Parliamentary Draftsman says that the amendment is no different from the provision in the Bill.

The Hon. F. J. Potter: What about the words "or hirer"?

The Hon. A. J. SHARD: The Parliamentary Draftsman says one thing and the honourable member says another. He said that the Government accepted what is in the Bill.

The Hon. Sir Arthur Rymill: It is better from your point of view.

The Hon. A. J. SHARD: It is from your point of view. That is what we cannot understand. One legal man says one thing and another says something else, and then another tells us from the top that we are wrong. In 99 cases out of 100 one of the legal members is wrong. Unfortunately, we have members of the legal fraternity going both ways, and on this occasion I go for the Parliamentary Draftsman, who is the referee. He has no axe to grind and says whether a Bill is drafted according to the legal position and correctly covers the matter. The Parliamentary Draftsman assures me, and I believe that the Government supports him, that the verbiage in the provision is all right.

The Hon. Sir ARTHUR RYMILL: We have just had a tirade from the Hon. Mr. Shard, aimed principally, as I understand it, at the profession in which I once practised and in which I still remain a nominal member at least. I would have thought that every member understands the words in an Act of Parliament; otherwise, he is not fulfilling his duties as a member. If Mr. Shard would only apply himself, rather than play by ear, to this matter he would see that Mr. Potter has set out to improve what was submitted by the Leader's own Party. Mr. Potter pointed out that the addition of "or hirer" rectified an omission, and that it tied up with the Bill as presented by the Labor Party. It seems clear to me that if a previous provision relates to purchasers and hirers this provision should also preserve the rights at law of purchasers and hirers. If Mr. Shard votes against this proposal, when he claims to protect both hirers and purchasers, he is not protecting a large percentage of the people whom he wants to protect. The matter is clear to me and I support the amendment.

The Hon. C. D. ROWE: As a third legal man in this matter I suggest a compromise. I suggest that the words "or hirer" be included in the clause after "purchaser". That would make it read as follows:

> The rights given by this section to a purchaser or hirer of goods other than the trader shall be in addition to any rights he may otherwise have at law.

That would meet Mr. Potter's suggestion, except that he wants to set out in more detail what is meant by "at law". He wants to include "at common law, in equity, or by any other Statute". If my suggestion meets with Mr. Potter's approval I suggest that he withdraw his amendment. Then, I would be happy to move for the inclusion of "or hirer".

The Hon. F. J. POTTER: I am happy to withdraw my amendment to enable the Attorney-General to do what he says he will do. I am always happy to effect a compromise where possible, and I am pleased to have the Attorney-General's support. I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. C. D. ROWE moved:

> In new section 46c (2) (c) to insert "or hirer" after "purchaser".

The Hon. Sir ARTHUR RYMILL: I thank the Attorney-General for suggesting this so-called compromise which, I think, is very satisfactory. I think we, in this Chamber, should be indebted to the Hon. Mr. Potter for pointing out this defect in the Bill even if he has not had all the extra words included that he wanted included. I agree that the simple amendment of the Attorney-General covers the position, but the Opposition should feel particularly indebted to Mr. Potter instead of being antagonistic, as the Leader was.

The Hon. A. J. Shard: If we had not been antagonistic we might not have got what we wanted.

The Hon. Sir ARTHUR RYMILL: I think the Leader should get up on his feet and express his gratitude to Mr. Potter for pointing out this defect.

The Hon. A. J. SHARD: I am pleased to reply not because I was asked to, because I usually do what I wish to do, but because this Bill is important to the people who engage in this sort of business. I am glad to accept the amendment on the assurance of the Attorney-General, the Parliamentary Draftsman and my legal friends. I think this is the first time during the course of the discussion on this Bill that they have all been uniform in their views. I thank them for helping us to improve a very good Bill, which has been made very much better by their suggestions.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ELECTORAL DISTRICTS (REDIVISION) BILL.

The Council divided on the third reading:

Ayes (10).—The Hons. M. B. Dawkins, G. O'H. Giles, L. R. Hart, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 6 for the Ayes.

Third reading thus carried.

The Council divided on the motion "That the Bill do now pass":

Ayes (10).—The Hons. M. B. Dawkins, G. O'H. Giles, L. R. Hart, Sir Lyell McEwin (teller), F. J. Potter, W. W. Robinson, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and R. R. Wilson.

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

Majority of 6 for the Ayes.

Bill thus passed.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL.

Read a third time and passed.

VERMIN ACT AMENDMENT BILL.

Read a third time and passed.

CATTLE COMPENSATION ACT AMENDMENT BILL.

Read a third time and passed.

SWINE COMPENSATION ACT AMENDMENT BILL.

The Hon. K. E. J. BARDOLPH: On a point of order! On a previous measure just passed there were no Ayes and there were Noes on this side, but you, Sir, permitted the Chief Secretary to call for a division. What is the correct position under Standing Orders?

The PRESIDENT: On the call for a division we had a division and the Ayes won it.

The Hon. K. E. J. BARDOLPH: No-one voted for the Ayes.

The PRESIDENT: There were ten votes for the Ayes.

The Hon. K. E. J. BARDOLPH: No voices were called for the Ayes.

The PRESIDENT: The honourable member did not hear them.

The Hon. K. E. J. BARDOLPH: I know what happened and I object to the manner in which this place is being conducted.

Bill read a third time and passed.

HARBORS ACT AMENDMENT BILL.

Read a third time and passed.

LAND AGENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1766.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): This Bill was introduced last night in the first instance in this Council after we resumed after dinner, and it has not been before another place. I understood from the Attorney-General that there was some urgency about the measure and he hoped the Bill would receive quick consideration by this Chamber and then go to another place. We, of course, are a House of Review, although we do have certain Bills presented to us in the first instance, with which I agree in certain circumstances. Early in a session it is appropriate that Bills of no great importance should be presented here to keep this place going while we are waiting for legislation to come from the other place for our review, but the present time is not early in the session. In this case a Bill has been introduced here in the first instance which we are asked to pass very quickly, almost in the dying hours of the session. Our Standing Orders provide, unless they are suspended—and that can only be done in the case of urgency—that a Bill is read a first time on one day and it shall not be read a second time until the following day, and shall not be read, at the earliest, the third time until the day after that.

There is very good reason for these provisions. Honourable members may at times feel frustrated by Standing Orders, but they have survived the test of time, not only in this Chamber, but in the Mother of Parliaments, the House of Commons, for centuries. One of the reasons why a Bill is not passed immediately is to give the public who will be affected by it an opportunity of seeing what is going on and of making representations to their members if they feel adversely affected. The second reason is the converse of that really, namely, that honourable members shall have the opportunity to discuss matters with people of specialist knowledge in them and with people who are likely to be affected. In the

time available I have found it impossible to do these things satisfactorily.

The Hon. S. C. Bevan: What happens when the Council suspends Standing Orders?

The Hon. Sir ARTHUR RYMILL: We suspend in cases where it is proper and where fulfilment of the requirements of the Standing Orders is not necessary and where it is a question of real urgency. The Hon. Mr. Bevan interjected again a moment ago. As a rule, I find it hard to hear his interjections and think that it is because of the position in which he sits in relation to me. I think he said that I had four hours—

The Hon. S. C. Bevan: I did not say four hours; I said 24 hours.

The Hon. Sir ARTHUR RYMILL: That bears out that I cannot hear him. I thought he said four hours, but I have had 24 hours. I know that 24 hours would suffice for the consideration that the Hon. Mr. Bevan would give this Bill, but it does not suffice me.

The Hon. K. E. J. Bardolph: Would you disagree with the manner in which the Government has introduced this legislation towards the end of the session so that very little time can be given to its consideration?

The Hon. S. C. Bevan: The Government requires you to co-operate.

The Hon. Sir ARTHUR RYMILL: I thank the Hon. Mr. Bardolph for giving me the words which apparently he thinks I am not capable of putting myself. I am not saying this lightly. This is an important Act and a number of clauses have bothered me considerably. The Hon. Mr. Bevan, who is interjecting freely at the moment, kindly co-operated with the Government last night. He did a lot of work quickly on the Bill and addressed himself to the Council at very short notice, and from what I heard, if I may say so, with his customary thoroughness. On the other hand, the time available for Mr. Bevan would not have been sufficient for him to invite other people to comment, which I feel is so important in these matters.

I too last night did my utmost to consider this Bill in the expectation that I might be called on to speak, because it was adjourned on motion and I told the Attorney-General that I would be prepared to speak in the second reading debate if he wished me to do so, but that I would not support the matter going into Committee at that stage. I had as thorough a look at the Bill as I could in the time available, and I am indebted to the Attorney-General for giving me every facility. He gave me a copy of the second reading speech and of the Bill, which other honourable members did not have before them at that time, which again is unusual. This Chamber generally protests about a second reading taking place before the Bill is in the possession of honourable members. There was a copy of the Bill available, but that was all. I thank the Attorney-General for doing his best to facilitate our consideration of it at such short notice.

In this Bill there are some very laudable passages. At any rate, that is my opinion after a hasty glance at it and without having the benefit of consultation with specialists in this subject. However, I must say that with my limited knowledge of these matters there are at least two or three clauses which give me some concern. Clause 4 relates to the question of examination, that is examination for qualification to be licensed as a land agent. At present there is very satisfactory provision—section 26 in the Act relating to land agents, and section 56 relating to managers—stating the qualifications or the experience that they must have before they can be land agents, and the requirement for them to comply with. Section 26 first of all provides that a land agent must be over 21 years of age to be licensed; secondly, that he is a fit and proper person; thirdly, that he is not an undischarged bankrupt; and fourthly, it requires him to have two years' experience in the business. These provisions seem pretty satisfactory to me.

We are living in an age of specialists and in an age where academic qualifications are receiving more and more recognition. Sometimes one wonders whether we are not a little inclined to overdo these things. The person with academic knowledge is not always the best man in practice. My first query is whether it is necessary for a land agent to have the academic knowledge that this Bill prescribes, not as something required actually by the Bill, but as something that can be prescribed. Of course, if it is to be prescribed then no doubt it will be done by proclamation and this House will have no further say as to whether the prescription is right or not. In his second reading explanation the Attorney-General referred to this, and I think he suggested that the course that might be prescribed might be the South Australian Institute of Technology's course in real estate. I am not averse to academic knowledge; in fact, if it is used correctly then it is a very good thing to have. But the institute's course in real estate as I gleaned from the Attorney-General's explanation is only

a 12 months' course which would consist of a certain number of lectures. Whether that, if you have to have academic knowledge, is a right and satisfactory course, I would not know.

Secondly, if you must have the academic knowledge I doubt whether such a course would be sufficient; and thirdly, I doubt, if a man has had reasonable experience in real estate matters, whether it is necessary for him to have this technical knowledge. I have had experience in real estate. I have passed with great difficulty, I must admit, certain examinations in the law of property at the University of Adelaide. I would doubt whether in the ordinary course of land agency, that is, in the buying, selling and perhaps letting of property, any particular academic knowledge of laws relating to perpetuities, or whether a property can be entailed in fee or not, is required. I do not know whether the institute's course includes those things or not, but I would think that not much of that technical knowledge about real estate would be necessary to a land agent in the ordinary course of his business.

I query whether the qualifications already required are not sufficient and whether this academic training is not something that might be superfluous. We know that many leading land agents are land brokers, and there is a land broker's course, but perhaps as a former lawyer the least I say about that the better because I do not want to embark on something which is extraneous to the Act. This is the first clause I wish to criticize and I am dealing with criticism rather than passing laudatory remarks, because I feel that with the limited time at our disposal I should not go deeply into the clauses of which, on the face of them, I approve. After the hasty glance that I have had, I think this Bill in the main is a very satisfactory one, and in due course the major part of it would pass.

The second clause I want to draw attention to is clause 8, which relates to registered land salesmen and states that a land salesman cannot act for more than one agent. Section 37 of the principal Act requires a land salesman to be registered. No particular qualifications are required, and he must be registered by the board, but that does not mean that the board must accept all and sundry. It must be satisfied that the person is qualified to act. Then the section provides that the registration must be renewed every year. There is also provision for his removal if he does certain wrong things. I would have thought that that was a solid safeguard against the sort of abuses mentioned by the Attorney-General. This clause says, for the reasons mentioned by the Attorney-General, that the registered land salesman shall not undertake employment for more than one land agent.

The Hon. C. D. Rowe: At the same time.

The Hon. Sir ARTHUR RYMILL: That is how I read it. He can change his employment, but if he is employed by one agent he cannot be employed by another until he ceases to be employed by the first agent. I think it relates to the present employment. I have always been one for the freedom of enterprise. My Opposition friends have some creed or religion and I understand that they say a man should have only one job, but I have noticed that one or two of them have more than one job.

The Hon. S. C. Bevan: It's no good looking at me. I haven't got them.

The Hon. Sir ARTHUR RYMILL: I am not looking at anyone in particular. I am dwelling on the principle of whether a man should have only one employer. I have the good fortune to have a number of employers and if it were not so in my calling I would find it difficult to carry on in the way in which I wish to carry on. It goes against my grain, unless there is some satisfactory explanation, to say that a man should be prohibited from getting employment, particularly when in a part-time job. Let us take the instance of the small land agent. He probably could not afford to employ a land salesman full-time, and could afford only to have a part-time man. The effect of the clause as I read it is to cut out the part-time salesman and make every land salesman a full-time employee. I believe that if he is a part-time man he must have another job in order to support himself. That strikes at the up and coming land agent who cannot afford to employ a salesman full-time but can only engage one on commission from time to time. A salesman employed in that way could not afford to work only for the small man. He would need another employer or two. I cannot see why that should be prohibited. I have no doubt that there have been abuses. We have them in every business from time to time. There is a tendency in Legislatures all over the world to try to protect people against themselves, and to protect people against abuses, to the detriment of people who are lawfully, genuinely and decently carrying on business. That is all I want to say on this matter at this stage.

I now want to deal with clause 14 relating to registered branch offices. The clause says

that a licensed land agent may register a branch office of his business and that he shall at all times have in his service at such branch office a registered manager, and that manager shall not be registered in respect of any other branch office of that land agent or anyone else. Whether or not it means that the branch manager should be at the branch office all the time during working hours, or available at the office, I do not know. The position is not clear to me. If we read it literally it means that he must sit in the office all day, but we know that the manager of a land agency must be out of the office at some times.

The Hon. C. D. Rowe: It is the other interpretation. He must be there when required.

The Hon. Sir ARTHUR RYMILL: I thank the Attorney-General for the interjection. Apparently the manager must be available at the office when required. Again I take the instance of the small land agent who is trying to work his way up and wants to establish a branch office. Such things are known in law. People have offices in Adelaide but want to establish branches at, say, Port Adelaide or Elizabeth, or elsewhere. Medical men and dentists do it. They do not have a resident manager at each place.

The Hon. K. E. J. Bardolph: The dentist does.

The Hon. Sir ARTHUR RYMILL: A qualified man must do the operating. The dentist would go to the branch and do the operating. It is the custom to have no resident manager in at least the three professions I have mentioned. The principal would go in certain prescribed hours, which would be shown on a plate on an outside wall. He would conduct the operation, whether it be on teeth, body or something else. It is not necessary to have a manager at each place of business.

The Hon. C. D. Rowe: It would if the place were kept open.

The Hon. Sir ARTHUR RYMILL: No. He would have an office girl or someone like that to take messages. She would not draw teeth, or do anything of that sort. She would be there to attend to the customers or the patients when the qualified person was not there. The clause will prevent the small man from establishing a branch office anywhere. I am only talking superficially at this stage because I have not had an opportunity to discuss, particularly at this busy stage in the session, with any of my friends in this business the pros and cons of the Bill. I am raising the points as I see them myself. I think this provision throws the onus on the small man, and it should not do so. Like all members I am for the small man, especially the energetic man with a branch office. He will be at the top of his profession one day and he should have every facility to get there through his own efforts rather than serve a time with other people, unless he wants to do that.

I think that three clauses must give us considerable cause for thought and, personally, I think that this is not an urgent matter. We have a Land Agents Act that is working perfectly well. This Bill contains certain things that appear quite desirable and even highly desirable but, on the other hand, there are certain things that cause me some concern, and I would make a plea to the Attorney-General to give us further time to consult about this matter and consider it further.

The Hon. F. J. POTTER (Central No. 2): I support the second reading, even though the Bill was only put before us at a late stage last night. I have had a careful look at it and it seems to me that all the provisions are acceptable except the one explained last by Sir Arthur Rymill. The Bill is designed to deal with anomalies and administration difficulties that no doubt crop up from time to time and, accordingly, I think the Bill is largely unobjectionable. The two matters referred to by Sir Arthur Rymill also received my close attention and I cannot quite agree with him on this question of the land salesman. Essentially, the person who is a registered land salesman ought to be an employee. He ought not to be free lancing, because if he wants to do that sort of work it is clearly open to him to qualify for a land agent's licence to carry on that business on his own account as a principal.

The whole purpose of the salesman seems to be that he should be an employee and, therefore, I think it is desirable that he should be an employee for only one employer at a time, because he is occupying a position in this sphere of activity that might put him in a decidely embarrassing position if he were to play one employer off against another. He is vitally concerned in the result of his sales because it is on that that he earns his commission or share of commission and, consequently, I think the clause designed to keep him bound to one employer is quite justified and, indeed, I understand from what inquiries I have been able to make from large and small firms of land agents that everybody is wholeheartedly

behind this principle. However, I hope the Hon. Sir Arthur Rymill will examine this point as I think there is a defect in the clause inasmuch as it prohibits a land salesman from working for more than one land agent at a time. As honourable members know, we have a number of firms in this State carrying on business in partnership. I may again perhaps be dragging out one of those little grubs in the wood pile, but it seems to me there is a straightout prohibition that he shall not, if he is employed by one land agent, be in the employ or the service of another land agent and that he shall not get any pay by way of remuneration, salary, or commission from any other land agent.

If A, B & C are land agents they are all registered as land agents and there is no such thing as licences for partnerships because each agent has to have a separate licence. Therefore, it is quite obvious that in a partnership or firm there might be one or more salesmen employed, and it would seem ridiculous that a land salesman should be confined to working for A not being able in any way to work for B who is a partner or to receive any remuneration from the firm. That is a matter that should be examined in Committee and I invite the Attorney-General to discuss that question. I mentioned it to him before the Council sat this afternoon, because it is something that should not be in any shadow of doubt.

Dealing with the second matter raised by Sir Arthur Rymill, I find myself in sympathy with his submissions, but I think we should not get away from the fact that there will be no prohibition on land agents or a small firm of land agents setting up a branch office. They can do this now and some do it, and the only actual difficulty they suffer in having a branch office is that they cannot advertise under the branch office address. That is the big problem that many of them have. This clause, primarily, seems to be an attempt to get over that difficulty by enabling them to have two registered offices so that they can advertise their wares either at the head office or at the branch office, because both of them will be registered offices. However, again I think that there is a defect or a point has been overlooked, and I have discussed it with the Parliamentary Draftsman and the Attorney-General and I believe that they are examining the question. Under section 52 of the Act it is only a company or a person usually residing outside South Australia who can appoint a registered manager. Consequently, although this proposed new section talks about appointing a registered manager it would preclude a licensed land agent or a firm of land agents from getting any benefit from this clause, because they cannot appoint a registered manager if they are not a corporation or a person who is resident outside South Australia.

The Hon. Sir Arthur Rymill: They cannot carry on a branch office at all.

The Hon. F. J. POTTER: No, only in the informal way that they can at present carry it on, so this seems to be a defect that should be looked into. I come back to the point that Sir Arthur Rymill made that, even if we correct that anomaly and make it possible for a land agent or a firm of land agents to appoint a registered manager, should we in fact require any person who wishes to use registered branch offices to have at all times registered managers. It does seem to be imposing a pretty hard burden because, after all, it is not a terribly valuable thing, I suppose, to say that it is only a registered branch office that can advertise under that particular address. Surely a person who is carrying on a branch is not doing anything very heinous in advertising that branch address. I suppose it could be alleged that an agent might have a branch in the corner of a shop, but it is rather a fantastic situation. It is *prima facie* at least a pretty severe restriction on a person's right to carry on a business in the way he wishes, in not being able to go to a branch office himself part of the time and have merely a secretary or typist there at the times when he is not present. I think the principle behind this should be examined, and again, I point to the wording of section 52.

I was rather disappointed to find that in one or two other respects no attempts were made in this amending Bill to deal with matters which I feel are becoming very important. I refer to one which has come to my notice very recently, and that is the question of the amount of the fidelity bond which a land agent or land salesman or manager is required to give under section 72. Under that section a registered person must give a fidelity bond, which is taken out through an insurance company, in the sum of £2,000. It was originally £500 but it was increased in 1959. This sum seems to me inadequate. Recently my attention was drawn by three or four clients who approached me to the fact that there was before our courts a case in which a registered agent was charged with the offence of embezzlement and, although I do not want to make any reference to that case because I think it might still be regarded as *sub judice* as sentence has not yet been passed, I think I can refer to statements

in the press showing that a very substantial deficiency was involved. It seems to me likely that the only money available will be the £2,000 bond, and this is an inadequate amount. I realize that it is extremely difficult to cover all possibilities; the fact that land agents are required to have a compulsory audit is some measure of protection and is no doubt one of the reasons why the number of land agents in this State who have been involved in embezzlement offences has been remarkably small. The case I mentioned is the first I can remember for a number of years, but this case is adequate proof that an audit is not sufficient guarantee in all circumstances that members of the public will be protected because, if an agent sets out deliberately to keep another set of books which he does not disclose to the auditor, it is impossible to get over the difficulties involved in that situation. In such cases innocent people who deal with these agents stand to lose their money when they pay substantial deposits only to find that the money disappears in some way.

I have ascertained that registered persons under this Act pay insurance companies £12 10s. a year as a premium for the £2,000 fidelity bond. It is not strictly an insurance in the technical sense because, undoubtedly, if the bond were called up by the Attorney-General for some breach of the Act and the insurance company had to pay out it would look to the agent for reimbursement, even though it might have to wait until he had served a sentence.

I ascertained from the Registrar this morning that there are 480 agents, 1,004 land salesmen and 140 managers, or a total of 1,624 persons registered under the provisions of this Act. If, instead of making each one of those persons pay £12 10s. a year to an insurance company to get £2,000 protection, say they paid £10 a year each to the Government it would mean a yearly income of £16,240 which the Government, surely, could retain as the nucleus of a fund to which the public could look for recompense if they became involved in unfortunate circumstances of this nature.

The Hon. C. D. Rowe: That matter is being looked at by the Government but all the details have not yet been worked out.

The Hon. F. J. POTTER: I am glad to hear that because I remember distinctly that, not very many years ago, we ceased to operate the insurance fund under the provisions of the Real Property Act. That fund grew year by year by the charging of about three-farthings in the pound on all transmission applications that went through, and I think it eventually reached nearly £1,000,000. Subsequently it was found to be unnecessary; in fact, I do not think there was ever a claim on the fund because it was limited to paying claims on defects in title and, as the Land Titles Office system is pretty foolproof, there never were any claims against the fund. It seems to me that an admirable system could be introduced whereby in a short time the Government could accumulate a fund, and it would be available for the payment of claims. Not only that, the Government could make some interest on it from time to time. It would be cheaper for the persons registered under this Act than the scheme for which they are paying at the moment.

This suggestion occurred to me because recently I have been concerned in advising certain people, one a pensioner who may not receive much of a return in connection with a similar matter. I am glad to hear that the Government will consider it and I hope that soon it will take some positive steps. As it has seen fit not to deal with it at this stage I will not carry the matter further. I support the Bill with the reservations I have mentioned and perhaps the other matters I have raised will be dealt with in Committee.

The Hon. G. O'H. GILES secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1750.)

The Hon. G. O'H. GILES (Southern): I support this Bill. I shall refer to happenings under this Act during the last 12 months. On October 4, the Premier announced that Executive Council had freed a wide range of goods from price control, and I was pleased with this action. Many speakers with the opposite viewpoint to mine have stressed the point of the great administrative cost to big retail stores entailed by this Act. There are many problems involved in checking prices, particularly during sales when price juggling is going on in different lines. I anticipate that the people of South Australia will not be hard-hit due to this action of the Government. I think the opposite is the case and many advantages can accrue from removing from price control certain types of clothing. I will not weary members by reading all the items.

The Hon. Sir Arthur Rymill: You might be embarrassed if you did.

The Hon. G. O'H. GILES: Yes. One is called a brunch coat. I do not own one and do not know what it is. Although some clothing

has been removed from the list, essential clothing that could be included in a consumer price index is still under control, such as school and college wear, and the cost of this clothing is usually a problem to every young family in the community. It is important that there should not be any undue over-charging on these items.

Another item under the controlled list is men's and youths' and boys' working attire, including overalls, dustcoats, drill or denim, cleaners' jackets, combinations, work trousers, shorts and work shirts. They are items essential to the normal person for work. The cost of them can be included in the expenses of a high proportion of the everyday workers of this State, and I congratulate the Government on maintaining control on these items. During the last 12 months meat has been decontrolled. This may not please everyone, but taking all sections of the community into account and striking a balance between two schools of thought, this has been important to the State generally. I do not want honourable members to think that I am in favour of the Government decontrolling every commodity, because that is not what I believe. I believe that, with the added complexity and amount of business handled by Governments today, automatically we are going to achieve an economy in Australia—and that will affect South Australia—which must become slightly more controlled and regulated. On the other hand, I do not want to be thought of as a person who does not believe in true competition; indeed, that is against the policy of my Party, and in which I believe.

The Hon. Sir Arthur Rymill: You want to have it both ways.

The Hon. G. O'H. GILES: No. Where I do differentiate is that where I feel true competition does not apply, and there are many examples—for instance, the cost of fuel at the wholesale level, which is much different from that at the retail level—where competition hardly applies at the source, there should be a measure of control for the protection of the public. It is on this basis that I believe this Government is doing the right thing in retaining price control for the protection of a large number of the people of this State. In any society today enjoying full franchise and in countries which are highly democratized, such as Australia, there is much more realization of social conscience than there was many years ago. In other words, I feel that all members of Parliament——and not of one Party or the other—will not allow conditions to apply as they have in the past, and will not allow certain sections of the community to be held to ransom by one or two companies. This is fundamentally the basis of my reasoning in supporting the Government's policy on price control at this stage.

Perhaps now I could deal briefly with the matter of housing under this Bill. No doubt there are many reasons why housing in South Australia can be cheaper than in other States. I am sure that any following speaker who takes an opposite view on this Bill will not hesitate to take me up on this point. Nevertheless, I think there is much in the effect of price control to help cheapen the cost of building houses in this State. My information is that on the average five-room standard brick house built in this State there is a difference between its cost and the cost of a similar house in other States of about £500, and close on £1,000 on other houses of similar types. These figures have become wider in the last 12 months. I think about a year ago I quoted about £600.

The Hon. F. J. Potter: If price control were removed, don't you think that situation would still go on?

The Hon. G. O'H. GILES: I do not think that would be so. In support of my contention, perhaps the answer is found in the list of items still under control by the Prices Commissioner. I shall not go into this too deeply and talk about fuel costs, for instance, which indirectly affect the price of house building. I will run through a few of the items that are directly applicable. They are asbestos; bricks and building blocks; builders' hardware, including hinges, locks, and fasteners; building boards; porcelain enamel ware, and substitutes, metal or plastic; fibro cement sheets; fibrous plaster sheets, and so on. I could include sleepers, joinery and joinery stock as being applicable in the building of a house. If price control were lifted these items might not be so cheap.

The Hon. F. J. Potter: They do not come from monopolies.

The Hon. G. O'H. GILES: That may be so. It may be that this is a case where firms are in competition with each other, but I could think of one good example where it is not so. I am pointing out that all these items are under price control and that many are directly applicable to the building industry.

The Hon. Sir Arthur Rymill: The building industry is highly competitive.

The Hon. G. O'H. GILES: I agree and it is an example of competition working at a level

using materials under price control. I consider price control important in the economics of the country and its cost structures. I would point out that Governmental works are carried out in this State more cheaply because of the impact of price control. In case members do not agree with me that the building industry is helped by price control, I shall place in *Hansard* a set of figures dealing with the number of houses built for each 10,000 of population in each State. I seek leave to have the statement incorporated in *Hansard* without its being read.

Leave granted.

	Total houses built—year ended 30/6/62.	Population as at 31/3/62.	Houses built per 10,000 of population.
New South Wales	26,411	3,973,539	66
Victoria	18,969	2,974,843	64
Queensland	9,140	1,527,405	60
South Australia	9,136	985,077	93
Western Australia . ..	6,082	750,046	81
Tasmania	2,397	358,520	67

	Total houses and flats built—year ended 30/6/62.	Population as at 31/3/62.	Houses and flats built per 10,000 of population.
New South Wales	32,349	3,973,539	81
Victoria	23,039	2,974,843	77
Queensland	10,068	1,527,405	66
South Australia	9,729	985,077	99
Western Australia . ..	6,347	750,046	85
Tasmania	2,551	358,520	71

The Hon. Sir ARTHUR RYMILL: On a point of order, Mr. President. I assume that the honourable member will indicate the source of the information.

The PRESIDENT: That will be necessary.

The Hon. G. O'H. GILES: I shall be delighted to do it. The Commonwealth Statistician recently released the figures. I have not got the volume number at this stage, but I can get it. I am now dealing with the number of houses built for each 10,000 of population. The information shows that 66 were built in New South Wales, 64 in Victoria, 60 in Queensland, 93 in South Australia, 81 in Western Australia and 67 in Tasmania. Such a wide difference in favour of South Australia to my mind is not a fluke, and I do not think these figures can be directly applicable to the amount of Loan money received and put into housing. I think it reflects in favour of what Mr. Shard said. He referred to happy employer and employee relationships. These things are applicable. I do not say it is all the result of price control, but the position is helped because the prices of the basic materials used in house construction are pegged in this State.

The Hon. F. J. Potter: Those figures are only measures of house construction.

The Hon. G. O'H. GILES: Quite so. The figures that would appeal more are those that I gave earlier. I said that a five-room house could be built about £500 more cheaply in South Australia than in the other States.

The Hon. Sir Arthur Rymill: If you had more experience of the working of the Act you would think differently.

The Hon. G. O'H. GILES: I agree with the honourable member that in many ways anomalies occur in certain sections of the community, but my attitude is plain. In these days one must strike a balance for the good of certain sections of the community, as against others. I say that the South Australian manufacturers of these individual lines still stay in business and return a good percentage to shareholders, perhaps not an exorbitant amount and as much as they would like, but a satisfactory amount. This Bill is aimed at protecting great sections of the population. There is no doubt about that. So long as 60 to 70 per cent of the articles manufactured in this State are sold on interstate markets it must be so. No doubt the prime object of the Premier, who is a heady man, is to keep costs down to enable the position to improve. It is a complex situation. By proper organization we have the position where more work can be done in this State for the same amount of money than is the case in other States. I believe that price control, to a degree, is important.

I would like, if I may, to get back to the speech of the Leader of the Opposition on price control delivered on October 25 last. The first point I wish to pick him up on, with due respect, is this remark, "I fail to see that price control had any effect on the employment position in the last 12 months." I am afraid I interjected, strictly against Standing Orders, and said, "Is not price control part of the economy of this country?" The reply I received was, "Not an important part as administered today." I do not accept that remark, and I would think that it is not right that so important a man as the Leader of the Labor Party in this Council should make such statements as that. I do not intend for one minute to rehash the argument that went on from one side of this Council to the other recently on unemployment figures, but in view of the importance to this State of motor vehicle production and taking into account the figures given by the Attorney-General on the question of unemployment, there is no basis for the Leader's contention.

The Hon. K. E. J. Bardolph: The Attorney-General's figures were a matter of conjecture.

The Hon. G. O'H. GILES: The Leader of the Opposition went on to say that price control plays a very small part in the overall employment position in this State. I find it very hard to get into the honourable member's mind on this matter. I cannot quite read it at this stage. On the one hand he and his Party support price control and yet (perhaps I am misreading the honourable member) so many of his utterances reek of insincerity. I hope I am humble enough to say that no one makes more errors of judgment in this Council than I do, and I am sure I would be the first to forgive any human errors in other people. However, this is a different matter: this is the Leader of the Labor Party in this Council evidently talking with his tongue in his cheek and being completely insincere about a Bill he is nominally supporting. I find it difficult to come to grips with this state of affairs; I do not understand it and, quite frankly, it does not particularly appeal to my particular likings in this matter.

I think anyone who believes, as the Hon. Mr. Shard evidently does, that price control has no effect on the economy of the country should examine what constitutes the consumer price index. I think he spoke, if I remember rightly, about the small importance of price control because food and rent were the major items in the consumer price index. I do not intend belabouring this Council by going through the figures that I have, but they are available for any honourable member to look at, and I am sure every one of them will make the Leader, the more he sees of them, realize they have exactly an opposite effect to the impression conveyed in his remarks. If I may be forgiven I will go briefly through the list. Items such as butter, cheese and eggs, if not directly under price control, are certainly subject to various forms of price fixing, and certainly they are extremely important in the cost of living figures in this State. In fact, the schedule includes such items as flour, wheat, infants' food, milk, prepared stock and poultry foods, which are directly applicable (and so is meat meal), and a host of other items. There is no shadow of doubt that no matter which way we examine our cost index, as those items affect the cost of living in this State price control still bears its impact and keeps the whole cost factor of South Australia at such a stage that we are more than able to compete with cost structures applying in other parts of Australia.

This, of course, also applies in terms of farmers' costs and farmers' goods. There are many articles directly controlled by the Act that largely affect the cost of food for the metropolitan area. The lists are legion and even include components of machinery used in the production of primary produce for the metropolitan area. I am not sure in my own mind that perhaps a case does not exist for the decontrolling of superphosphate. Honourable members may think this is a peculiar attitude for a primary producer to take in this Council, but I point out that certainly in areas to the south of Adelaide true competition exists to a very great level, and I am quite certain in my own mind that in that area enough competition exists for such superphosphate companies to be decontrolled at this juncture. I say this, because of the activities of such companies as Pivot, which works from Geelong and carries its product across the border.

If I might strike a quick comparison, the latest figures I have on this topic are that superphosphate in new sacks delivered at Naracoorte today costs £13 13s. 7d. a ton. In new sacks delivered at Millicent (and I would not think there should be a great deal of difference although the two places are not exactly identical) the price is £13 8s. 11d. for interstate superphosphate. That is slightly cheaper. If a producer is a member of a co-operative such

as Pivot there is a possible reduction of up to £2 a ton, the price depending on how many shares are held as against how many tons of superphosphate are ordered on a particular annual basis. I think that sums up fairly well the case I have to offer today. I repeat, and have no hesitation in saying, that there are many instances helpful to the working community of this State that accrue from price control. I hope that where a valid case exists various other items will be further removed from control. I have a feeling that, nevertheless, there will not perhaps be the number of items removed in the next 12 months that we have seen taken from the list in the last 12 months. I take the view that the Government's attitude in this matter is a most responsible attitude and I have no hesitation at this stage in supporting the Bill.

The Hon. Sir ARTHUR RYMILL (Central No. 2): It is hardly necessary for me to say that I oppose this Bill with all the strength at my disposal. The Hon. Mr. Giles has mentioned a lot of things which seem to be totally extraneous to the matter and purely guesswork as to their application and, as I expressed by way of interjection, it is only a pity that he has not had experience in the practical workings of this Act, because otherwise I am sure he would feel very differently. It is most curious that this seems to be the only part of the world where a Liberal Government is in power that claims to find any benefit from price control, and my observation of the figures, which I have quoted almost *ad nauseum* over the last six or seven years, suggests that price control is totally ineffective.

I would like to draw members' attention to the extraordinary variety of reasons given each year for its continuance since price control was taken over by this State. I have often inquired as to who writes the second reading speeches on price control, and I have never received an answer, but I am sure that Shakespeare would have referred to him as "a man of infinite variety". As members know, the powers to regulate prices were contained under National Security Regulations issued by the Commonwealth Government under its wartime powers. There followed a referendum and permanent power for the Commonwealth over this matter was defeated. The Commonwealth Government apparently was advised that its wartime powers had ceased to operate in respect of prices, or were likely to be challenged, and they gave up the control. The State Governments thereupon assumed control, and I think South Australia is now practically the sole State that has any measure of price control, some of the others having dropped out of the field years ago.

It is curious that we have found it so advantageous, according to Government spokesmen, when other people have found these controls to be an embarrassment and have abolished them. We took over price control in 1948 and the Act was first initiated in this Council. The Minister in his second reading speech said this—and I would like members to listen because it is very interesting—

> The system in some instances took the form of profit control and in that case it immediately becomes a subsidy for inefficiency.

That was a reference to Commonwealth control. Yet what we have today is profit control; there is no other criterion for the control of prices. In 1949 this statement was made:

> The devaluation of sterling has already had a marked effect on prices and will have a still further effect.

That was the main reason given. In 1950:

> The Government hoped that the number of articles to be controlled could be gradually eliminated because price control as a permanent measure has no attraction for the Government.

That was said 12 years ago and the war has been over for 16 years, yet we still have price control. In 1951 there was a new reason, of course—there is a good deal of originality—

> The strong inflationary tendency now prevailing renders a continuance of the Act more necessary than ever.

So we see that in 1949 it was devaluation of sterling and in 1951 it was a strong inflationary tendency. These illuminating remarks were made in 1952 as the main part of the second reading speech:

> The Government believes that freedom from control is in the public interest and leads to lower prices than control, provided that supplies of goods are on the market and there is no trade arrangements designed to defeat competition. Unfortunately those conditions do not yet exist over a very wide field.

In 1954 the reason was:

> Supplies of essential goods and materials are still substantially below requirements.

In 1955 we first heard of this one that the Hon. Mr. Giles has been echoing:

> To keep costs of production as low as possible . . . and the existence of trade associations and trade arrangements.

The Hon. G. O'H. Giles: Do not the consumer index figures prove what I have said?

The Hon. Sir ARTHUR RYMILL: People interested in theoretical economics can prove anything for themselves by figures if they wish to. I shall not embark on that field because I

regard myself as practical. In 1956 the reason was:

There is not at present sufficient free competition to protect consumers against excessive prices.

What have we today? Have we not sufficiently free competition after experiencing all the economic difficulties that we have had? In 1957 "it was necessary in the interests of the economic development of the State." In 1958 it was "Cheaper essential commodities, housing, clothing and foodstuffs." In 1959 and 1960 it was inflation. Last year price control was needed for the purpose of restraining the increased wage from being used as an excuse by employers to increase prices. In 1962, it is needed "not only because of existing conditions in respect of export markets, but also having in mind the likely future position in the event of the United Kingdom joining the European Common Market." It is a great pity that the Minister's second reading speech was not delivered last week because then he could have used this reason:

Price control has to be continued, having in mind the likely future position in the event of hostilities occurring in relation to the island of Cuba.

The Hon. G. O'H. Giles: That is only a theoretical argument.

The Hon. Sir ARTHUR RYMILL: Precisely. Every year has produced a new theory relative to potential conditions which, to my mind, have had nothing to do with price control.

The Hon. Sir Lyell McEwin: The honourable member is hopelessly out of touch with reality!

The Hon. Sir ARTHUR RYMILL: I could say the same about the honourable the Chief Secretary—he is obviously hopelessly out of touch with day-to-day business and trading. I do not propose to go into all the reasons why I object to price control. I have done that year after year, but if honourable members are interested in them they can read them at length in *Hansard* reports from 1956 to 1961 inclusive. All I wish to say is that in my opinion price control is out-dated, out-moded, ineffectual, socialistic, unjust, particularly in its effect on some sections of traders, it is expensive to the Government and, even with the recent release of goods from control—which naturally I laud—it is still highly expensive to traders and this must add to the general cost which eventually finds its way into the price of consumer goods. I do not wish to weary the Chamber as I have done in past years on this matter. I know that the numbers will be in favour of the Government, but I propose to cast my vote as usual against price control, and it is a very strong and sincere vote in what I believe to be the interests of the people of this State.

The Hon. C. R. STORY (Midland): I support this Bill, and do so because, like every honourable member, one has to study how best to represent one's constituents. I believe that in casting my vote the way I shall is in the best interests of my constituents. I appreciate other honourable members' point of view and I have some sympathy with them. I believe price control has had a marked effect on the economy of this State. I do not agree with the remarks of the Leader of the Opposition when he said that the primary industries did not really benefit as a result of price control. He said that control of petrol may have been of some assistance to primary producers. Let me dispel any doubts the honourable member may have on this point because price control has been of great benefit, not only to primary producers but to the public generally. In the last five years the Prices Department has been instrumental in obtaining a reduction in the price of petroleum products. Standard grade petrol has been reduced by 5½d. a gallon—

The Hon. A. J. Shard: It is going up by a half-penny a gallon from tomorrow.

The Hon. C. R. STORY: I have also seen the press reference, and the increase is a half-penny on standard grade petrol. The cost of premium grade petrol has been reduced by 4½d. a gallon over the period; lighting kerosene has been reduced by 2½d. a gallon; power kerosene by 1½d. a gallon; distillate by 3d. a gallon; diesel oil by £3 11s. 6d. a ton; and furnace oils by £4 a ton. These reductions have been made following upon inquiries by the Prices Commissioner. Sir Arthur Rymill mentioned that most other States have done away with price control. That may be so, but only to a varying degree. It is fair to say that South Australia sets the pace for the whole of Australia with regard to petrol prices and that other States cannot make any great increases in the price of petrol that they would like to while this State has pegged prices. This legislation affects more than this State because it has Commonwealth-wide ramifications.

I would like the Leader of the Opposition to note that the total savings to South Australia resulting from these reductions over the period is in the vicinity of £12,000,000. Mr. Shard said that he did not think that price control had much effect on the economy of this State. It is conservatively estimated that primary producers have benefited directly by

£4,000,000. Even the Leader of the Opposition must consider this a very substantial saving. Sir Arthur Rymill did not refer to superphosphate, but I have heard him speak of it on many other occasions. Superphosphate is absolutely essential for the proper working of properties in many parts of South Australia. The lower the price can be kept while the companies still receive a fair margin, the better off are the people in the primary producing areas. Over the last five years the action taken, mainly regarding sulphuric acid, has resulted in a saving of over £1,000,000 to primary producers, and this has come as a direct result of price control.

The cost of tyres and tubes used on farm implements, tractors and heavy earth-moving equipment has been kept within limits under price control legislation. The Prices Department also keeps an eye on cartage rates. This control has a wide effect on the economy of this State. Every worker who has a loaf of bread delivered is affected by the cartage cost; every worker who has anything at all delivered receives a direct benefit as a result of the control of petrol and cartage costs.

The department has the responsibility of fixing fair and reasonable prices for controlled commodities and services. Should a complaint be received by the department about exorbitant or excessive charges for any commodity or service, it is promptly investigated. There have been some very beneficial results to people in industry and to people who have sought the services of this department. For example, in one case the original charge for certain plumbing work was £335; the department assessed the proper charge at £235 and a reduction was made of £100. In another instance the original charge for drainage and septic work was £126; the department assessed the charge at £66, with a saving of £60. The original charge for domestic painting in another example was £70; the department assessed it at £30 and a rebate of £40 was made. There have been many instances of investigations of television repairs. This is an interesting point because these repairs have recently been controlled again, as it became necessary in the interests of fair play. I have two cases related to television repairs. In one the original charge was £29 11s. and the departmental assessment £14 16s., giving a reduction of £14 15s. In the other case the original charge was £31 16s. and the departmental assessment £15 15s., giving a reduction of £16 1s. I could mention a number of cases along these lines, but this indicates the additional part that the Prices Commissioner is playing in the economy of the State.

It is regrettable that some members were unable to grasp the logic behind the Government's move in retaining price control. Those who are opposed to price control must have noticed the changing conditions that we have from time to time, not only in connection with the economy of the State but in the general effect of what is happening in this quickly changing world. The department has kept abreast of these changes extremely well. It has been suggested that the Prices Commissioner should do only certain work, such as looking into costs of services. Not only does he fix the prices of certain commodities, but he needs a staff to watch the price trends of all commodities to see that people are not penalized in any way. If the department were broken up and only three or four officers were left it would be futile, because the Prices Commissioner must have a staff to do his work. It might be said that he could carry out investigations, as he did into the wine industry, and make recommendations, but he needs a staff to watch price trends. The Hon. Mr. Shard spoke at length about the prices of hearing aids. I thought he had some trouble with that matter because there seemed to be a good reason for assisting pensioners, and the Government must be commended in this matter.

The Hon. A. J. Shard: I agree about the pensioners.

The Hon. C. R. STORY: Yes, but the honourable member made the point that only about 20 per cent of the pensioners would receive a benefit. Actually 80 per cent of the users of hearing aids will benefit, and they are pensioners in some form or another. This 80 per cent will receive a great benefit as the result of the investigations by the Prices Commissioner. The honourable member also referred to the margin of 46 per cent in relation to hearing aids sold to users other than pensioners. He said that the charges were exorbitant. I suggest that he look at the position in the other States and if he does he will be shocked to see the difference between the prices here and those in the other States. I support the Bill. Normally I do not support controls, but it is necessary for us to have some form of price control in relation to the goods and services that affect the man in the street. Not only is it necessary to control the prices of shoes of children and food lines, but to keep all prices within bounds in order to benefit people in the lower income groups.

The Hon. Sir Lyell McEwin: It will maintain industry, too.

The Hon. C. R. STORY: Yes. We have to export many of the goods manufactured in South Australia. If we can keep down the cost structure by controlling prices of such things as petrol and cartage, and by giving people reasonably cheap clothing and things of that nature, it must help the community.

The Council divided on the second reading:

Ayes (13).—The Hons. K. E. J. Bardolph, S. C. Bevan, M. B. Dawkins, G. O'H. Giles, G. J. Gilfillan, L. R. Hart, A. F. Kneebone, Sir Lyell McEwin (teller), W. W. Robinson, C. D. Rowe, A. J. Shard, C. R. Story, and R. R. Wilson.

Noes (2).—The Hons. F. J. Potter and Sir Arthur Rymill (teller).

Majority of 11 for the Ayes.

Second reading thus carried.

Bill read a third time and passed.

ABORIGINAL AFFAIRS BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1772.)

The Hon. G. O'H. GILES (Southern): I support the Government in this most important piece of new legislation. I look at it as being a completely new concept as far as this State is concerned. It is a completely new concept in terms of the rights of Aboriginal people in our community. I would say that having accepted the fact that this Bill grants full citizenship rights to these people, on the other hand the Bill to a minor extent also envisages a certain amount of protection to the more primitive Aboriginal people who exist in the northern portions of this State. I believe that in the Address in Reply debate some time ago I mentioned certain aspects of this problem that particularly interested me. I spoke, for instance, at that stage of the responsibility of the community in the acceptance of Aboriginal people at a social level. I still feel that no matter what enlightened and far-reaching legislation this Parliament may produce, nevertheless the core of the whole problem is whether, in fact, the people of our community will fully accept these people when they come to live in our vicinity.

I think, at the time, I also mentioned the grave responsibilities that the trade unions had in this particular matter of the assimilation of these people. After all, it is no use having legislation before this Council if it becomes a very difficult and awkward matter for the Aborigines to find jobs in our community. I think that all honourable members in this Council will agree with me when I say that it is not every member of our community, whether he be a trade unionist, a farmer or a big business magnate, who is prepared to accept Aborigines as social equals, and I think this is a most important attitude that we can do nothing whatsoever about in terms of legislation. I think, during the Address in Reply debate, I also mentioned that certain areas, in my opinion, should be looked at in a very different fashion from other areas. I think all honourable members will agree that in many ways the Aboriginal person, whether male or female, who lives in close proximity to the metropolitan area is in a position now to compete with society and become integrated as we know it today and, conversely, it is certainly the case that many Aborigines in far-flung areas of the State are not in such a happy position to meet the rigours of society.

These principles are recognized by the Government in the drafting of this Bill and, personally, it affords me much pleasure to see that this is so. At this stage might I also go on record as being one who is full of praise for the Minister in control of native affairs for the great deal of enthusiasm and knowledge that he has displayed on this particular problem. I take a great deal of pride in the fact that this Government has introduced this enlightened legislation. Many of us heard whispers and rumours in the past that many people were interested in introducing this type of legislation. We hear many rumours in this realm of politics, but might I repeat that I take great pleasure in the fact that this Government has introduced this particular measure, which I regard as the turning point in the lives of the Aboriginal people in this State.

The point that really interests me in this legislation at this stage is not one that is fully covered in terms of the Bill, and I think that is understandable. I refer to the future, both the near future and the far-distant future, of reserves fairly close to the metropolitan area. I shall leave the most intricate problems relating to the Northern areas to people who fully understand them, but I would like to say a word or two about various reserves that lie close to Adelaide, because they are the ones I am more conversant with. May I say at the outset that I have great admiration for the Superintendents on these reserves, and I do not quite know where to apportion the blame in terms of

the remarks I am about to make. I believe that the present Aboriginal reserves are fulfilling far from a useful function in the amount of good they can do for those who reside on them. There is no incentive whatever for an Aboriginal person to become integrated in society in general when on the reserve he has total security. After all, security, to most people who are perhaps not educated to the stage where they can compete under the difficulties of living in a certain society, is uppermost in their minds. May I carry the argument a stage further by saying that this attitude is too prevalent on reserves and I refer to the amenities they enjoy. Apart from security they have as much tucker as they want and the department looks after most of their worries, even to the extent of giving free travel passes in certain cases. In other words, every facet of their lives encourages the attitude of remaining, and no matter how we legislate to give them full citizenship rights that is a difficulty that we still have to overcome.

May I say also—and this is not a generalization against the Aboriginal race—that there are a great many who frankly laugh at the authority existing on the reserves. One instance to prove my contention comes to mind. It was in relation to an outbreak of venereal disease on one of the northern Aboriginal reserves some time ago. A general inspection was ordered and the doctor arrived with his voluminous case of instruments and set it up opposite a long line of waiting Aborigines. No. 1 in the line was called forward and he pointed out to the doctor that he could do something else with his equipment and said that they were not interested in being inspected, and then with one accord the whole line turned and walked off. The point is that the law could not be enforced. These people feel they have security and they are not terribly anxious—and I do not know that I can blame them altogether—to enter another type of society. Obviously, these regulations must be policed to a greater extent. A great number of people who know far more about Aboriginal reserves than I do believe strongly that discipline should be stricter, almost to the stage of regimentation. They use the argument that by making the reserves slightly less attractive to the Aboriginal people they would assimilate in our society by leaving the reserves. I do not go quite that far, but it will be interesting to see in what way these reserves are used in future.

We have illustrations from other States of co-operative efforts organized for Aboriginal welfare. One is the Cabbage Tree Island reserve in New South Wales where the Producers and Consumers Co-operative was started in 1960. It seems to be one facet of the make-up of Aboriginal people that they work fairly well in a co-operative organization. I hope this idea will be examined very carefully and, in fact, I gather that it is already being considered. The other way of looking at it is to try to integrate particular people straight into our form of society, first giving them a certain amount of education. Some of these reserves have no agricultural or industrial potential, so let us hope that fewer and fewer people will live on them and that more and more will be properly assimilated into our society. I saw an article in *Current Affairs Bulletin,* dated December 25, 1961, entitled "The Dark People". It was as follows:

> It is an accident of history that so many aborigines today live apart from the white community and depend to a large extent on government support from institutions which were established to provide protection for a people displaced and impoverished by European settlement. With a gradual change in policy from protection to welfare, they are required to perform a quite different function—that of creating a self-dependent, self confident and socially acceptable coloured minority. It is not remarkable that they do not succeed in doing this.

Therefore we have on the one hand problems revolving about the attitude of mind of the Aboriginal person, and on the other hand the problem of proper assimilation when they do come to live among us as full citizens, as undoubtedly they will.

I have only one or two other remarks to make of a minor nature. The first relates to a relic from the original archaic Aborigines Act and is the only one that upset me to see it in the new Bill. This is clause 17 relating to the Register of Aborigines. Having attempted to follow the debate in another place on this point I know that the Minister vigorously defended the right to maintain the register in the new Bill, but he did that before certain amendments were accepted to clause 30 dealing with the Licensing Act. Immediately that clause was amended the register became far less important. In fact, I feel that it is only important insofar as it is needed for inspection for infectious diseases. On the other hand, if we accept the Aboriginal as a full citizen surely an amendment of the Health Act could make inspections for social diseases equally compulsory for everybody, black or white. I suggest that this view is worthy of the Government's attention at a later stage. If we accept Aborigines as full

citizens we should be subject to the same conditions as they.

There are certain complications as regards evidence. I refer to clause 35 and the need to have a register of Aborigines. This is not a difficult matter to overcome. I believe, after having had a conversation with the Minister, that although the register is not absolutely necessary as regards the clauses I have mentioned, nevertheless the Minister feels that it will be desirable from a racial point of view. For instance, Dr. Duguid considers that such a record of pure-blood Aborigines will be a source of great pride to them in the future.

It would be an interesting racial study if one could ascertain the genetical lines of one tribe and compare them with another, and a number of benefits might accrue from studying the diseases caused on genetical grounds. This would be possible if this register were kept. My original attitude, after having seen the register clause, was that it was another unfortunate relic of the old Act, but on second thoughts I intend to do nothing to alter this state of affairs because I believe that over the years it could serve a useful function.

This is a very fine piece of legislation, I think the best that mere Parliaments can achieve to help overcome this problem. I suggest that the success of the principles underlying this Bill are probably far from assured, and I have mentioned some of my fears in this regard. It is most necessary that all of us in all our associations should discuss the problem and always try to help these people when they become assimilated by ensuring that they are not allowed to become lonely. This is a serious problem, because one of the great advantages of life on a reserve is the gregariousness of the existence. The wives and families of the Aborigines can sit around and discuss mundane things of life with great pleasure. This is one aspect that might well limit the useful stay of such families in society as we know it today, as it encourages them to go walkabout and return to their tribal state. I support the Bill.

The Hon. R. R. WILSON (Northern): This Bill has created much debate in both Houses of Parliament. I congratulate the Minister of Works on the great interest he has taken in the Aborigines, not only while this Bill has been before Parliament, but at other times when he has visited many places where Aborigines live and seen for himself the conditions under which these people exist. He has visited Central Australian reserves, those in the Northern Territory, Western Australia, Yalata Reserve, Koonibba Mission and other reserves. In this Chamber the Attorney-General is in charge of the Bill and I know that he, too, has a great interest in Aborigines because he, like myself, lived close to the Point Pearce mission station in his early years. We heard a most interesting and informative speech from the Hon. Mr. Story, who spoke of the work of Mrs. Pearson at the Gerard mission station and of her teachings at the kindergarten. For a long time many people have given much money to improve the conditions of the Aboriginal people.

I refer to a person who, in my opinion, was the greatest of all welfare workers amongst the Aborigines, and that was Mrs. Daisy Bates. In 1884 she migrated to Australia from Ireland and in 1894 returned to England. In 1899 she heard stories about the cruelty and ill-treatment of natives in Western Australia. She returned to that State to investigate and found that natives were not ill-treated, but were unwisely managed. After spending some time with the natives she purchased a property of 183,000 acres in the north-west of Western Australia for cattle raising. The Western Australian Government commissioned her to study the ancient tribal natives in the southern part of Western Australia. Between 1912 and 1914 she was at Eucla, and at the outbreak of the First World War the South Australian Government retained her services in the same way as the Western Australian Government had done previously. In 1935 she came to Adelaide to write an account of her life and experiences amongst the native people. When she reached 80 years of age she returned to live with the natives at Wynbring, 110 miles east of Ooldea.

Wherever Mrs. Bates camped, the natives came to her from long distances as she fed and clothed them, tended their illnesses, and arbitrated in their disputes. She sold the 183,000 acres in Western Australia where she had been raising cattle, and all the money was spent by her for the welfare of the natives. Her concern was mostly for the very old, the very young and the sick, because the healthy could fend for themselves. She was very critical of attempts to convert Aborigines to Christianity too quickly, and believed that tribes should not be tainted by the influence of modern civilization because of their lack of education and understanding. In 1953 a memorial committee was formed in Adelaide with the object of publishing her writings. She was awarded the C.B.E. for her services.

It requires experience with these native people to understand their ways of living, and this particularly refers to the tribal type. I have vivid memories of the many trips that I made to Western Australia in the days when steam trains operated. Many native people came to the sidings and it was pathetic to see the conditions under which they lived. Not long ago they were transferred to Yalata where they have much better conditions than they had at Ooldea. These people are natives of Australia, and naturally knew nothing about the white man's way of life until he came. The country really belongs to them, but their assimilation is a problem. In South Australia we have 2,000 primitive and semi-primitive Aborigines, and that population is increasing. We have over 4,000 people of Aboriginal blood in this State. Their education is a great problem, and it has its effect in the assimilation process.

New Zealand had a similar problem with Maoris. Many years ago New Zealand decided to assimilate the Maoris, who have proved to be intelligent people, and now they have their own representatives in Parliament. In recent years thousands of immigrants have come to South Australia and many of them are as dark-skinned as our Aboriginal people. We have assimilated them and given them education. When this Bill is passed we shall be able to do the same for our native people.

Clause 31 refers to the consumption of intoxicating liquors by Aborigines. This is the most serious problem to be dealt with in the future. I do not think our native people can consume alcohol in the same way as white people. They seem to go berserk when drinking certain wines. It is intended to proclaim certain districts in this matter. It has been said that there should be a trial and error programme. Many Aborigines are teetotallers like some members in this place. Time alone will provide the answer to the problem that is expected through the consumption of alcohol by natives. I have pleasure in supporting the Bill. I agree with those people who say that this is one of the best pieces of legislation ever to come before Parliament.

Bill read a second time.

In Committee.

Clauses 1 to 15 passed.

Clause 16—''Department of Aboriginal Affairs.''

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

After ''Aborigines'' in subclause (4) to insert ''Protection''.

This drafting amendment makes it clear that the Aborigines Protection Board is concerned.

Amendment carried.

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

In subclause (4) before ''1939'' to insert ''1934-''.

This makes it clear that the board is instituted under the Aborigines Act, 1934-1939.

Amendment carried; clause as amended passed.

Clauses 17 to 28 passed.

Clause 29—''Power of Minister as curator of Aborigines' estates.''

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

In subclause (1) (*b*) to strike out ''its'' and insert ''his''.

Because of the reference to the Minister in the early part of subclause (1), it is considered more appropriate to use the word ''his'' in paragraph (*b*) instead of ''its''.

Amendment carried.

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

In subclause (2) to strike out ''the board'' and insert ''him''.

This is another amendment made for the same reason as the previous amendment I moved.

Amendment carried.

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

In subclause (2) to strike out all words after ''section''.

I understand that this provision is unnecessary as all the Minister's accounts are subject to audit, and it would be superfluous and confusing to have this provision in the Bill. What is suggested in the subclause is already the responsibility of the Minister and consequently it is not necessary.

Amendment carried; clause as amended passed.

Clause 30—''Amendment of sections 172 and 173 and 179 of the Licensing Act.''

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

After ''Aborigines Act'' in subclause (6) to insert ''1934-''.

This is for the same reason as I previously mentioned.

The Hon. C. R. STORY: Clause 30 is the kernel of the nut for many reasons. Under the provisions of the clause the Governor may proclaim certain areas. Subclause (3) provides:

The Governor may by proclamation declare that the provisions of sections 172 and 173 of the Licensing Act, 1932-1960, shall not apply in any area or space specified in such proclamation and may from time to time by further proclamation add to any area or place so specified.

I believe that, when this proclamation is made, most of the State will be proclaimed an area where Aborigines may obtain liquor and that certain specified areas will be excluded. Can the Attorney-General say what the proclaimed areas are likely to be? I understand that it will still be an offence for an Aboriginal living on a reserve to take liquor to that reserve wherever it may be. My point is that it would be all right for Aborigines to go from the reserve to a hotel and consume liquor there provided that no liquor was taken back to the reserve.

The Hon. C. D. ROWE: I cannot answer as to the areas that will be the subject of a proclamation, because I do not think the details have been worked out, but I think the guiding principle in determining the areas will be whether the Aborigines living there have advanced to the stage where we think they should be entitled to the right to obtain liquor and that the granting of such right will not be to their detriment. As to whether Aborigines will be able to obtain liquor, it is not intended that they should be able to take it on to reserves. I have a further amendment which has been brought to my notice, which is not on members files, but which I think is self-explanatory. It is of a drafting nature. I move:

In subclause (6) to strike out ''Aborigine'' and insert ''Aboriginal or person of Aboriginal blood''.

''Aboriginal or person of Aboriginal blood'' is the term used throughout the Bill instead of ''Aborigine'' and the amendment achieves uniformity.

Amendment carried; clause as amended passed.

Remaining clauses (31 to 40) and title passed.

Bill read a third time and passed.

[*Sitting suspended from* 5.45 *to* 7.45 *p.m.*]

SEWERAGE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 30. Page 1777.)

The Hon. G. J. GILFILLAN (Northern): I support this Bill in part, but there are one or two matters that I wish to query. There were several references in the Minister's second reading speech which seemed to me to have been written before the Bill was redrafted in its present form. He said, when dealing with clauses 4 and 5, that section 53 of the Sewerage Act requires any person, which includes, of course, councils, to give the Minister 14 days' written notice, together with appropriate plans, before beginning to lay or re-lay the pavement or hard surface of a street, upon which the Minister may within seven days require alterations to be made, but in the Waterworks Act Amendment Bill this is not included.

The Hon. C. D. Rowe: Section 53 refers to that section in the principal Act.

The Hon. G. J. GILFILLAN: Yes, but later the Minister stated that clause 5 repeals section 53 of the Sewerage Act and inserts a new section, and this requires 14 days' notice plus the necessary plans. I can see no reference to plans in the proposed new section, and they would be quite beyond the scope of many country councils who do not employ people with qualifications to draw proper plans such as would be required; I believe that even the Highways Department has some difficulty in obtaining qualified persons for work of this nature. At the end of his speech the Minister said the effect of clauses 4 and 5 would be to place upon councils a liability for any necessary alterations to sewerage works which are necessitated by roadworks on the part of local authorities. Liability will be for one-half actual cost if notice has been given, but in the case of certain costs which are readily ascertainable these will be fixed by regulation. A Bill making similar amendments to the Waterworks Act is already before the Council. It has been said that both Bills are acceptable to local government bodies. I understand that this refers to the Municipal Association, but a number of councils contacted have various views about this amendment and, generally, I believe they agree that it is an improvement on what was originally proposed, but there are still some points that they are not particularly in favour of. I have no objection to clause 5 (1) and 5 (2), but 5 (3) reads:

Should any work referred to in subsection (1) . . . involve any alterations to the undertaking the person doing such work shall . . . pay to the Minister one-half of the actual cost of such alteration and of any damage resultant upon such work: provided that in respect of any alteration for which a cost or charge is specifically provided by regulation such cost or charge shall be deemed to be the actual cost thereof.

Sewers are mainly the concern of the metropolitan area, but there are many proposed schemes for country areas which we hope will come to fruition in due course in local municipalities whose duty it is to provide

roads and footpaths. By and large municipalities have to paddle their own canoe in respect of finance; they get assistance through the Highways Department for main roads, and some minor grants, but generally, as distinct from district councils, they have to find most of their own finance. I feel that the principle involved in making a charge under this clause could be very far reaching because, in addition to the Engineering and Water Supply Department, the Postmaster-General's Department lays cables and the Electricity Trust lays quite a lot of mains underground, and if these three public utilities were affected by a municipality's works it could mean, in some cases, an excessive charge upon the council when it wanted to alter or lay a road in order to provide a service. If the Engineering Department's works were properly planned and carried out with modern trenching machines, which can dig a little deeper without much additional cost, and inspection holes and fire plugs and other service fittings were of such a nature that they could be readily adjusted—and I have seen this done with fire plugs—the work involved would not be very great. I feel that this cost should be the responsibility of the utilities concerned and that it would be an unfair charge upon councils to meet the cost, especially when there are other utilities which lay their own cables and pipes underground.

In some cases there is a gentleman's agreement where the local employees move a fire plug and the council perhaps seals a trench that was taken up to lay a pipe. Altering mains could be a very expensive job, but in principle I believe these utilities should bear their own costs in these instances. The position could snowball until all Government departments were asking local councils to meet the cost of any alterations which were necessary, whereas forward planning would solve this problem.

The Hon. C. D. Rowe: The Bill deals with alterations made by councils to the paving, as a result of which the Minister has to do certain works.

The Hon. G. J. GILFILLAN: I understand that, but consider that with proper planning the Engineering and Water Supply Department may, by laying pipes more deeply, make it unnecessary for normal alterations.

The Hon. C. D. Rowe: These are not new pipes; it is work being done to pipes which are already there.

The Hon. G. J. GILFILLAN: I understand that. Subclauses (4) and (5) of clause 5 are satisfactory, but I consider that subclause (6) is unfair in that if it is necessary to replace pipes or to put in enlarged mains or do any work of that description, which is purely done as a result of a decision by the department, then it is most unfair to ask councils to meet half the cost of labour and machinery.

The Hon. S. C. Bevan: That would only apply in the remaking of the road or where the level of the road was altered.

The Hon. G. J. GILFILLAN: Certainly it would but if public utilities need to have their services replaced or enlarged it is unfair to put an undue burden on the council by making it pay half the cost of the labour. A number of clauses in this Bill are good and will make for a better liaison between councils and the department, which is something that is most desirable and something which should be carried further with all public utilities. Forward planning to obviate duplications of work is most desirable. The authority of local government should be preserved as much as possible, as over a period of years that authority tends to lessen as the Highways Department assumes the responsibility for more work. I consider that those provisions which I have spoken against do to some extent further undermine the authority of councils. The principle involved is far-reaching, because I cannot see why a public utility should not assume the responsibility of making its own provisions for alterations, as has been done by other undertakings in the past. I support the Bill in the main, but shall query these points in Committee.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I, like the Hon. Mr. Gilfillan, am interested in this Bill. First of all I would like to refer to clause 3 which, as the Hon. Mr. Bevan said, is a piece of retrospective legislation which we should consider carefully. I have no information to suggest to me that I should do other than support this clause. If I had any representation made to me I would have gone further into the matter. I think it proper that the Government should accept the notice to treat which was the subject of proceedings. In all the circumstances at the moment, I propose to support this clause. It may be necessary for me to make further mention of clause 4 in Committee.

Clause 5 is the one concerning me most. I think the new section 53 (1) is sensible, logical and good. People remaking streets

should give proper notice. A good example of that is in Pirie Street at the moment, where almost every public utility has had a pretty good go at the expense—at the moment—of the adjoining building occupiers, which includes me. A number of services will have been put into the street before the Adelaide City Council remakes it and that is right and proper, but at present the street is in a bit of a turmoil which is necessary in the name of progress.

Subclause (2) is satisfactory, but I propose to vote against subclause (3). The position, as I understand it, is that a number of councils have for a number of years thought that they were obliged to pay for the re-laying of the sewerage and water and other services when they remade a road, and have done so. I am informed that the Corporation of the City of Marion was not satisfied with this and took action accordingly, won their case, and the court declared that councils were not obliged to make these contributions at all. As so often happens in those cases, there is an immediate amendment to the Statute attempting, as it were, not to alter the decision in the case, but to alter the law so that in future councils will be obliged to pay. That is the way it appeals to me. The councils only remake streets in the interests of the public. They do it not for fun, but because it is proper to do it in the public interest. It is done at their own expense to improve facilities not only for the ratepayers but for the general public.

The Hon. K. E. J. Bardolph: Not at their expense, but at the expense of the ratepayers.

The Hon. Sir ARTHUR RYMILL: I thank the honourable member for the correction. It is the first time he has helped me today. I emphasize that the councils do their work in the public weal, but when water and sewerage services have to be attended to it means a lowering of the road. A typical case is where there is an old-fashioned drainage system and the camber of the road has to be taken down and underground drains put in. In general, the level of the road has to be lowered. The Bill provides, wrongly in my opinion, that in these circumstances the council, doing the work in the interests of all people using the road (and the road is used by people other than those in the council area), has to pay half the cost of altering the sewerage services. Another Bill says that the council must pay half the cost of altering the water services. The council has already paid the cost of making the road, which is generally far more expensive than other work.

Why should the council, when it is doing these things in the public interest, also have to pay for the alterations to the services? I cannot see the logic, justice or fairness of it, and I oppose the provision. Where the council pays the total cost of making the road it asks for no contribution from the electricity, water and sewerage authorities. They use the road, the fee simple of which is owned by the council, and pay nothing, yet when it is considered advisable to alter the services for the benefit of the public the council is mulcted in paying half the cost of the alterations. I cannot see why, if these authorities are entitled to take from the council half the cost of the alterations to their services, the converse should not apply, and the water and sewerage people pay to the council half the cost of the road they use.

For years some councils have been paying for the total cost of the alterations to services under the erroneous impression that they were obliged to do so by law. The Marion council thought otherwise, and took the matter to court which found as I have said. I imagine it may be said that the councils should continue to pay, but that does not appeal to me. The fact that they paid wrongly in the past does not alter the principle. It is a matter of whether the public utilities should not alter their services in the public interest at their own expense in the same way as councils pay for alterations to roads in the public interest. If the provision is deleted consequential amendments will be necessary, and in those circumstances it will be necessary to report progress in Committee so that the Parliamentary Draftsman can sort out the matter.

Bill read a second time.

In Committee.

Clause 1—''Short title.''

The Hon. C. D. ROWE (Attorney-General): I ask that progress be reported.

Progress reported; Committee to sit again.

DEATH OF HON. A. C. HOOKINGS.

The Hon. Sir LYELL McEWIN (Chief Secretary: I have just received the sad news that another member of this Parliament, the Hon. A. C. Hookings, passed away tonight. He was with us yesterday fit and well, but today returned home at lunch time as he felt off colour. He was taken to hospital and later passed away. I do not remember a period when we had two deaths of members of Parliament so close together, yesterday and today. The late Mr. Hookings had a brief association with this Council. He was young in years and whilst here earned the respect

and affection of all his fellow members. All of us, and the members of his family, have received a great shock. On behalf of this Council I express our sympathy to Mrs. Hookings and the members of her family. I move:

That the sitting of the Council be suspended until the ringing of the bells as a token of respect to the late honourable member.

The Hon. A. J. SHARD (Leader of the Opposition): I second the motion. To say that one is shocked would be putting it mildly. To think that less than 24 hours ago the late honourable member was speaking in this Chamber and we were interjecting rather light-heartedly, and then to learn tonight that he has passed away is a shock that would upset any person. I did not know Mr. Hookings until he came to this Parliament, but he quickly established himself as a really good member and as a really good friend. He showed that he was prepared to take his share of responsibility by interesting himself in the life and the work of this Parliament. Only this year he was paid a compliment by other members of Parliament and went overseas as the representative of South Australia at a Parliamentary conference held in England. He then came back and that he should so suddenly be taken from us is indeed tragic. I wish to couple my colleagues in particular with other members of the Council in extending to Mrs. Hookings and her family our heartfelt sympathy at the untimely death of her husband.

The Hon. C. R. STORY (Midland): I, too, rise to support the motion of the Chief Secretary. I am extremely moved to think that Allan Hookings, who was with us at lunch time, has gone on to the Great Creator. I believe that I am expressing the feelings of every member in this Council when I say that our affection for Allan Hookings was, to say the least, great. He came to us three years ago and very few of us knew him prior to that. He made a mark in his own light as an extremely successful farmer and as a person in his own district who was well respected and loved by the community. As a family man he left nothing to be desired. The blow suffered by this Parliament and the State by his passing at this early age is indeed a harsh blow. To his wife, Jean, and her family we express our deepest sympathy. I was talking with her on the telephone a few minutes before he died and I know this will be a shattering blow to her and the family as it is to his colleagues in Parliament and to his very many business colleagues and friends. It is with the deepest regret that I associate my Party with this motion.

The Hon. G. O'H. GILES (Southern): Very briefly I wish to associate myself with the remarks made by previous members. I contested a plebiscite with Allan Hookings and 11 other people and I can honestly say that as a result I could not have had a better colleague than Mr. Hookings in that plebiscite. I am afraid it is a little too early for me to gather my senses now and properly do justice to Allan at this stage, but I hope my sentiments will nevertheless sound sincere enough to meet the occasion.

The PRESIDENT: I join with other honourable members in their expressions of sadness on the passing of one whom I have known for very many years and who was a dear colleague. Allan was a member of the council at Tantanoola for about 20 years and rendered wonderful service in that district. I express to his wife and family our very sincerest sympathy in the tremendous loss they have suffered and I hope they will be given strength to bear this loss. Allan Hookings was an excellent member of Parliament. Nothing was too much trouble for him and I do indeed greatly regret his passing. I ask honourable members to stand in silence as a mark of respect to him.

Motion carried by members standing in their places in silence.

[*Sitting suspended from* 8.22 *to* 8.57 *p.m.*]

ADJOURNMENT.

At 8.58 p.m. the Council adjourned until Thursday, November 1, at 2.15 p.m.