LEGISLATIVE COUNCIL.

Wednesday, October 14, 1964.

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

QUESTION.

BERRI FERRY.

The Hon. M. B. DAWKINS: Can the Minister of Roads indicate a definite date for the commencement of operations of the second ferry at Berri?

The Hon. N. L. JUDE: I am not quite certain on it, but the matter is being reviewed from week to week. There have been one or two delays. I shall obtain a reply for the honourable member and let him have it.

CAMPBELLTOWN BY-LAW: TRAFFIC.

The Hon. F. J. POTTER (Central No. 2): I move:

That by-law No. 7 of the Corporation of the City of Campbelltown in respect of traffic, made on July 13, 1964, and laid on the table of this House on September 22, 1964, be disallowed.

This matter came before the Subordinate Legislation Committee earlier this month and I can explain to the Council that the by-law, which is made in respect of traffic, includes a number of provisions, but the clause that was the subject matter of inquiry by the committee was clause No. 8, which reads as follows:

Any person who without the consent of the council allows any motor vehicle or motor vehicle and trailer whether connected or not which is, or measured together, is longer than 18ft. to remain stationary for more than one hour on any street or road shall be guilty of an offence and liable to a penalty not exceeding £20.

The only matter to which the committee directed its attention was that the by-law trespassed unduly upon the rights of people because the length of the vehicle, as set out in the by-law, must not exceed 18ft. in length. In other words, the by-law prohibits any vehicle of any description and of more than 18ft. in length from remaining stationary for more than one hour. In the committee's opinion the by-law should be disallowed on the grounds that many motor vehicles, particularly the later type American motor cars, exceed 18ft. in length. Also, many hearses are longer than that measurement. The committee considered that the question of the length of the vehicle should be looked at more carefully by the council concerned.

This point arose when considering a similar by-law made recently by the Corporation of the City of Unley. That by-law was disallowed in another place for precisely the reason I have set out, together with another reason. The only matter that should concern this Council is the length of the motor vehicle and the committee feels that the proposal is too restrictive.

The Hon. G. J. GILFILLAN (Northern): I have pleasure in seconding the motion and supporting the Hon. Mr. Potter. I will not go into the matter further because he has covered it fully. The by-law is all-embracing and covers any street. It was considered that to have a limit of 18ft. was too restrictive.

The Hon. N. L. JUDE secured the adjournment of the debate.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL.

Read a third time and passed.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL.

Read a third time and passed.

BRANDING OF PIGS BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 1377.)

The Hon. C. R. STORY (Midland): I rise to speak on this Bill mainly because yesterday the Hon. Mr. Dawkins, whom I must compliment on the work he has put into this Bill and on the big part he played in convincing the Minister that it was necessary, raised a point on an amendment inserted in another place. He thought that this clause should be tightened up. I secured the adjournment yesterday to enable the honourable member to discuss this matter with the Parliamentary Draftsman.

My mind goes back some eight years to when this matter of the branding of pigs was canvassed extensively in this State. The late member for Light (Mr. Hambour) and his successor (Mr. Nicholson) did much ground work with the department on this matter. As has been pointed out already by several speakers, the various societies of pig breeders, both pedigree and commercial pig breeders, favour this Bill. After following this matter for at least eight years, I was pleased to note that the Minister was sufficiently impressed to introduce this Bill. The point raised by the Hon.

Mr. Dawkins merits our consideration because, if one had three breeding pigs today, one could have 30 tomorrow. Parliament should look at this point, although I am not oblivious of the fact that the department has the right to issue permits. If this is the case, I do not think that a responsible person in the department would issue a permit if he thought that somebody was trying to circumvent the provisions of this Act. What Mr. Dawkins is attempting to do will put it beyond doubt. There is nothing wrong with that. After all, an important duty of members of Parliament is to try to clarify legislation.

The Hon. A. F. Kneebone: If a man had 30 pigs tomorrow, would not that bring him within the provisions of the Act?

The Hon. C. R. STORY: I do not think so. Having been given an exemption for breeding pigs and these others having arrived by natural causes, if I may put it that way, he will then have 36 pigs and he may dispose of those before the inspector has been informed of the fact that he has 36 pigs. The whole object of the Bill is to have a means of identifying the particular area from which a diseased pig came. I think Mr. Dawkins has a point. The Hon. Mr. Hart, too, raised an interesting point yesterday. I hope that in the Committee stages he will press that point further, because the Hon. Mr. Dawkins, who is an expert on pigs—

The Hon. M. B. Dawkins: Not at all!

The Hon. C. R. STORY:—and is closely related in some respects through a long line of breeding family, does not keep a pet for his own use; but he has had great experience in the pig business and I do not think he answered the Hon. Mr. Hart adequately yesterday. Perhaps the Minister will reply if Mr. Hart addresses a question to him about the sort of ink to be used on a black pig! The general provisions of this Bill are in complete conformity with what the producers want—and, after all, they must be considered because they are the people who will lose if we do not do something about it. I have much pleasure in supporting the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Duty to brand pigs before sale."

The Hon. M. B. DAWKINS: I move:

In subclause (3) after "pigs" to insert "(excluding sows of breeding age)".

I understand that subclause (3) is the amendment that was inserted in another place. The Hon. Mr. Story gave me the credit for picking up this point, but I must say that he preceded me by picking up the point by interjecting when the Hon. Mr. Kneebone was speaking. The only reason for this amendment is to tighten up the clause slightly. It may well be, as I think the Hon. Mr. Kneebone interjected just now, that, immediately a man has a sow that has a litter, he becomes liable to brand his pigs. On the other hand, as Mr. Story said, that may not be so. In any event, this amendment will tighten up the clause and make the policing of the Act much easier. As the clause stands, it is good but is open to some abuse. This amendment would strengthen the hands of the Chief Inspector of Stock when he was specifically directed under the provisions of this clause not to give a permit in respect of three pigs which included sows of breeding age.

The Hon. Sir LYELL McEWIN (Chief Secretary): I am afraid I am not *au fait* with the amendment. I have had no opportunity of studying it and am not sure that it is one that I can accept without some investigation as to where it could lead us and how much it could stray from the objects of the Bill. In those circumstances, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

In Committee.

The Hon. M. B. DAWKINS: Since progress was reported I have had discussions with the Chief Secretary and the Minister of Agriculture, and as a result I am satisfied to leave the clause as it stands. I therefore ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 6 to 11 passed.

Clause 12—"Regulations."

The Hon. L. R. HART: An interjection I made while the Hon. Mr. Dawkins was speaking during the second reading debate has been taken somewhat facetiously by some honourable members; I refer to the fact that I said consideration should be given to the colour of ink used for tatooing black pigs. I made this interjection as a result of having some knowledge of the tattooing of animals. Some stud sheep are tattooed in the ear with a black ink, and where sheep have black ears it is difficult to read the tattoo. Clause 12 (1) (*c*)

provides that regulations may be made regarding the minimum and maximum sizes of brands and the position and use of brands. I trust that consideration will be given to having brands on black pigs of a sufficient size so that they can be read easily and to using an ink other than black ink on such pigs.

The Hon. M. B. Dawkins: What colour would you suggest?

The Hon. L. R. HART: Any colour but black would be suitable; possibly a purple ink would be best. It would also be necessary to have the brand large enough so that the tattoo was not obliterated. I trust that the department will consider these matters when the regulations are made.

Clause passed.

Clause 13 and title passed.

Bill read a third time and passed.

MENTAL HEALTH ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 1375.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): I rise to speak to the second reading of this Bill. The Hon. Mr. Shard during another debate, if I remember rightly, said I had praised the Government to such an extent (which, of course, I did, because I thought it was appropriate) that he rather expected that this year I might even support the Prices Bill. He displayed a rare degree of prescience in saying that, and he might have had some facts to back him, because, using the word not in a technical sense but in its general sense, the Bill has now become a hybrid Bill. It relates not only to price fixation but to certain unfair trading practices, and, while I support the latter provisions in general, I continue, of course, to oppose the former, so I think the Hon. Mr. Shard was trying to make an intelligent guess when he said I might support the Bill this year. Unfortunately, I have to prove him wrong.

The Hon. S. C. Bevan: You mean it was only wishful thinking on his part?

The Hon. Sir ARTHUR RYMILL: Frankly, I do not think he cares very much, because he knows he is on the side of the big battalions in this matter. I must say, frankly that I did carefully deliberate whether I should not support the second reading on this occasion, but I was persuaded by the attitude of the Hon. Mr. Potter yesterday when he said that the Bill could easily be divided and that very easily at the will of the Government we could have a separate Bill on the question of unfair trading practices. Therefore, I have decided that, although I support the clauses relating to unfair trading practices, I shall still oppose the second reading of the Bill, although I know that the number of opponents of the Bill in this Chamber is dwindling and that we have not the faintest hope of defeating it.

Before I commence to debate the contents of the Bill itself I wish to refer to a matter that has disturbed me considerably—that is, the question of certain utterances by the Prices Commissioner in relation to statements made by a member of another place. I have not spoken on this before, Mr. President, for two reasons: first, because there has not been a suitable occasion available previously to me, and, secondly, because I have wanted to discuss it on the principles concerned. I wanted to get away from the facts of the case, which are no particular concern of mine, and discuss the principles involved. I must say that I am extremely disappointed that the Government has not seen fit to offer protection to the honourable member in the attack that was made upon him by the Prices Commissioner. Apparently some differentiation has been made in the minds possibly of Ministers and possibly also of other members between a statement made in one of the Houses of Parliament and a statement made outside Parliament. In my opinion, provided the honourable member was acting in the course of his duty as a member, which he undoubtedly was, there is not a vestige of difference whether he made the statement within the House or outside the House. That is my deliberate opinion on the matter. I cannot see that there can be any possible differentiation provided that he was acting as a member and not as a private citizen; and he undoubtedly was acting as a member on this occasion. I have newspaper cuttings before me; I tore them out at the time. I have read through them again, and I am confident that this is correct. I should like briefly to examine what was said by the Prices Commissioner relating to this member of Parliament. He started by saying:

> The member does not know the facts and is talking a lot of rubbish.

I do not think that is a very dignified statement to make. Secondly, and I am merely selecting matters that I regard as being necessary to comment upon, he said:

I am not aware that the member is a member of that responsible body of his colleagues whom he indirectly attacks and who had access to my report and who acted on it.

There are two interpretations to that. The first is that this member of Parliament is not a member of that responsible body which is an allegation, of course, that he is irresponsible, (the responsible body referred to obviously being the Ministry or Cabinet), and the other interpretation is that private members do not count and that if their opinion disagrees with that of the Ministry it is not a worthwhile opinion. Surely this is bureaucracy at its highest degree. The other thing I want to comment on is the Commissioner's statement:

The honourable member's statement that the Government's action is unreasonable is to be condemned. His own statements on this matter are unreasonable and some of them are not only irresponsible but wide of the mark by far.

That is a direct allegation of irresponsibility by a public servant against a member of Parliament. It might be that in law this was not libellous; it might be labelled, as legal members of this Chamber would know, merely as vulgar abuse. That may be, but personally I think that it has been almost fringing on the libellous. At its worst, it savours of an attempt to intimidate members of Parliament or to curb their free speech, and this, in my opinion, is to be deplored. For this principle one can go right back to *Magna Charta*, and that is why I consider that it was my duty today to say something on a subject that I felt so strongly about. If I had suffered similar treatment, whether as a member of the Government Party or as a member of the Opposition, I would have expected the Government to defend me. At best, the statements made by this Government servant are not in that high tradition that we have come to expect from our State Public Service.

I turn now to the Bill. I shall be brief, as I have said everything I possibly could have said about the matter in the past in the hearing of practically every member of this Chamber, and I certainly do not want to weary honourable members by tedious repetition. I said before that I propose to oppose the second reading because the parts of the Bill that I consider virtuous could well be included in another Bill. I said before that the Bill could, in the general application of the term, be called a hybrid Bill, because it refers to unfair trading as well as to prices. I could go further, in the light of what the Hon. Mr. Potter very properly told us yesterday, and say that it is becoming a hydra-headed monster, because not only does it now deal with prices and unfair trading, but it sets out to make a very vast difference to what has been the common law of British countries for centuries.

I do not want to go deeply into this question, because Mr. Potter dealt with it very capably yesterday and I am sure the Council can be very thankful to him for the very clear explanation he gave of the principles contained in clause 6 of the Bill. This is a very good example, in my opinion, of a legislative attempt to counteract one evil—because, undoubtedly, it does aim at an evil, and I have no quarrel with that—by raising a great number of others, and if this Bill is passed in its present form, I think that traders will be tremendously hampered in their operations to the extent that they could readily lose control of their own affairs. Mr. Potter gave examples yesterday of how this could happen, of how, at a sale, priced objects could get into the wrong places. It would be very easy for someone, in collusion with someone else, to change the price ticket on an article and then have his friend go along and demand the article at that price. I think that the honourable member to whom I have referred made it so clear that there is no need for me to further enlarge on it and I shall certainly support the amendment that he has foreshadowed.

Apart from that, I think I can say that I am still just as irrevocably opposed to price control and all its socialistic outlook and applications as I have even been, and thus, although I know that there are certain parts of the Bill that are virtuous in the unfair trading sense, I cannot bring myself to support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Repeal and re-enactment of section 33a of principal Act."

The Hon. Sir LYELL McEWIN (Chief Secretary): I rose to speak, Mr. Chairman, before you put clause 3. I desired to speak and after I rose, Sir, you put the clause. Unfortunately, I have a number of Bills for which I am responsible this afternoon and I also intended to reply to the second reading

debate. Unfortunately, I seem to have missed the call and you put the clause, Mr. Chairman.

The Hon. A. J. Shard: Which clause is it?

The Hon. Sir LYELL McEWIN: Clause 3.

The CHAIRMAN: We are now in Committee, and I have put clauses 1 and 2.

The Hon. Sir LYELL McEWIN: That is exactly so.

The CHAIRMAN: I have not put clause 3.

The Hon. Sir LYELL McEWIN: I am sorry, I thought that you had put it. I apologize. At the moment, I am not quite ready to proceed and I would ask that progress be reported.

Progress reported; Committee to sit again.

Later:

In Committee.

Clauses 3 to 5 passed.

Clause 6—"Price tickets."

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

In new section 33e (1) to strike out "upon demand and tender of that cash price".

I made my position clear on this matter during the second reading debate and further explanation is not required. It is undesirable that there should be any suggestion in this Bill that the established process of the common law in regard to the law of contracts should be reversed in any way or attempted to be reversed. If those words are struck out such a suggestion will be removed from the Bill and, substantially, the aims of the Government, as explained by the Minister, will be achieved. It will leave the well-known concepts of buying and selling to be interpreted by any court of law.

The Hon. Sir LYELL McEWIN: The acceptance of the amendment would be one way of pulling the teeth out of the Bill, which provides, in effect, that if a particular label is attached to, or is exhibited on, any goods it must set out the cash price at which those goods may be bought by anybody upon demand. The honourable member desires to remove this, but it would mean that the Bill would not provide for anybody entering a shop and demanding goods at the price indicated. The seller could indicate the price of the goods, but still refuse to sell. The customer would make an offer, and the shopkeeper could accept it or not. I cannot imagine anybody going into one of our large emporiums and, seeing a pair of nylon stockings marked for, say 3s. 11d., being told that he was not able to get them at that price. To accept the amendment would defeat the purpose of the Bill. I ask the Committee to accept the clause as it stands because it is there in the interests of the public

The Hon. S. C. BEVAN: I oppose Mr. Potter's amendment. The Chief Secretary said it is another way of drawing the teeth from the Bill, and I subscribe to that view. If the words are struck out a person will not have the right to demand any goods at the price indicated on them.

The Hon. F. J. Potter: Do you think that they should?

The Hon. S. C. BEVAN: Of course. As an example, a person may enter a store and say, "I will take one or two of those articles", and the seller may say, "Very well" and proceed to wrap them. He will have indicated the price he wants for the goods, but perhaps, whilst wrapping he may suddenly say, "Wait a minute, I will not sell."

The Hon. Sir Arthur Rymill: What if somebody shifted a price ticket from a secondhand article to another article?

The Hon. S. C. BEVAN: We have heard that often. This clause deals with the exhibition of the price asked for the goods. What is the practice today? I had an experience, which this provision will prevent. I desired to buy a refrigerator and made enquiries. The price asked for one refrigerator was 280 guineas, but on the placard exhibited in big type were the words "£100 less on a trade-in for a unit not more than seven years old". Don't tell me the £100 is not put on in the first place! I finished up buying the machine for 150 guineas cash. That sort of thing is going on all the time. It should be stopped and this clause will stop it. If goods are advertised at a certain price by a seller, not by a buyer, and a buyer demands those goods at that price, why should not the seller be compelled to sell them at the advertised price?

If we delete the words "upon demand", the seller can refuse to sell the goods at the price that he is asking for them. I am dealing with the whole clause now. If my honourable friend opposite reads it carefully he will understand it better. In the clause appear the words "including trade-in allowances", which means that the total cash price has to be exhibited including trade-in allowances: the whole price has to be included. If this is done, it will stop the current racket, especially in electrical goods generally—not only in refrigerators but also in washing machines, lawnmowers, etc.

We have only to read the advertisements in the newspapers to see what is going on. Generally, the traded-in machine is useless to the seller of an article but it is a means of inducing into his store potential customers who think that they will get big trade-in allowances if they purchase certain articles. Many people are taken in by this. If we delete these words "upon demand and tender of that cash price", we shall be giving the trade a let-out for further exploitation of the public. I hope the amendment will not be carried.

The Hon. C. R. STORY: I think what my friend has just said is that all people in business are crooks. That is not what I believe. What he is worried about, and wisely worried about, is that in some cases some people will find a way around any law we like to make. The Hon. Mr. Bevan is virtually saying this—and let us take the case of a big firm in Rundle Street. A girl at the desk in the jewellery section happens to make a mistake of £100 in putting a ticket on a ring. A customer goes in and demands the ring for £50 instead of its real price of £150. He says it is right and proper that, because a customer tenders £50, the seller should be compelled to sell at that price. Nothing could be more foolish. Surely there must be some protection for honest traders, just as there must be penalties for dishonest traders. I cannot subscribe to any provision that will allow that sort of thing to happen. I do not mind how this clause is amended as long as that sort of thing is not allowed to happen. It is wrong that, if a seller inadvertently puts a wrong price ticket on an article, he should be compelled to sell at that price.

The Hon. A. J. Shard: Are you implying that employees are dishonest and suggesting that they would do that?

The Hon. C. R. STORY: No. I am trying in some way to make the law work properly.

The Hon. A. J. Shard: It is shifting the onus from one side to the other.

The Hon. C. R. STORY: No, never. I am glad this discussion has arisen because it shows the attitude of honourable members who have this feeling about people in commerce. Do they think that the only honest people are those who work for them?

The Hon. A. J. Shard: You made it quite clear that you thought the mistakes were always on the employees' side.

The Hon. C. R. STORY: Not at all. In the first place, I said that there were some people who would find their way around the law no matter how tight we made it. We ought to block up the holes in the law if we can, but there are also many honest people who will be badly victimized if something is not done about this, if I understand the position—as I think I do.

The Hon. F. J. POTTER: I have listened with interest to what the Minister and the Hon. Mr. Bevan have said. In the first place, I am grateful to the Minister for his remarks this afternoon when he accurately put to the Committee what the law is. He supported me entirely and agreed with me that the common law provides that it is the customer who makes the offer and it is the storekeeper or the vendor of the goods who in law accepts it, and the price ticket has never been an indication that that is the price at which the goods can be bought upon demand. I thank the Minister for being good enough to make that perfectly clear. This is where we start and this is where we finish. According to the Hon. Mr. Bevan, this law that we have had with us for centuries is all wrong. He says the person passing by in the street should be able to go in and, in effect, hold a gun at the shopkeeper's head and say, "I want that. You have marked it at that price. Here's the money." This is just so absurd and so near to highway robbery that it is hard to understand it.

The Hon. S. C. Bevan: It isn't highway robbery.

The Hon. F. J. POTTER: As the Minister has said, the intention of the clause is that there should be a label on the goods showing the cash price.

The Hon. A. J. Shard: That's it.

The Hon. F. J. POTTER: That is right, and my amendment will not affect that. It shows the cash price at which the goods can be bought under the normal concept of what the law understands as buying and selling.

The Hon. S. C. Bevan: You go in and demand it and the shopkeeper says, "I won't sell it to you at that price"?

The Hon. F. J. POTTER: Yes, that is right.

The Hon. S. C. Bevan: You have said that the ticket doesn't mean a thing?

The Hon. F. J. POTTER: Of course it doesn't mean a thing. It is only an indication of the price at which the shopkeeper is prepared to bargain with the person. In fact, we all know that in 99.9 cases out of 100 the price tag on a particular article is always

accepted by the vendor as being the amount for which he will sell his article. But in the .1 per cent of cases where a wrong price ticket has been put on or a genuine error has been made, it is his inalienable right to say, "No; I won't sell you that article at that price because an error has been made." That is all my amendment is designed to achieve.

The Hon. A. J. SHARD: I think most honourable members have overlooked one of the things the Bill intends to do, and that is to make merchants put an honest straightforward ticket on an article they wish to sell.

The Hon. F. J. Potter: What is an honest straightforward ticket?

The Hon. A. J. SHARD: I will tell the honourable member what a dishonest ticket is, and there are plenty about! A dishonest ticket is one that is misleading. Often, in relation to used cars, the ticket shows in large letters, "This car, £250", but when one gets closer one sees in quarter-inch letters the word "deposit".

The Hon. F. J. Potter: That is what this amendment is hitting at, isn't it?

The Hon. A. J. SHARD: Yes, and that is a dishonest practice engaged in by most of the used car dealers.

The Hon. Sir Arthur Rymill: I do not think you have studied the amendment.

The Hon. A. J. SHARD: The clause provides that a ticket showing the cash price, not the deposit, must be placed on the article.

The Hon. F. J. Potter: My amendment leaves that in.

The Hon. A. J. SHARD: What I have said applies not only to the used car business but also to merchandising. This clause brings us back to honest trading. I detest some of the practices that are going on. If an article is worth £150 cash, let the price be stated as £150 and not some misleading lower price. This practice gets young inexperienced people into difficulty because they believe they are getting a bargain, whereas they are possibly paying more than the article is worth. Genuine mistakes would not average 1 per cent of these incorrect figures. If mistakes are made negotiations generally take place between the buyer and seller. For some years my Party has been concerned about dishonest advertisements. They will be stopped by this clause, and I hope the Committee will accept it as it stands.

The Hon. C. D. ROWE: I come into the matter only because of the legal question involved. As I understand it, the Hon. Mr. Potter is providing for the case where, through a mistake, a price ticket showing the incorrect price is placed on goods. He envisages a case where a ticket is placed on the goods showing a price very much less than the actual value, and he is disturbed that someone may come into the shop and demand the article at a price that represents a great loss to the shopkeeper. As I understand the legal position, two mistakes can be made—a mistake of fact and a mistake of law. If I pay a certain amount of money under a mistake of law, I have no right to recover it, but if I pay a certain amount under a mistake of fact I can recover it. I think that we get back to the common law principle in this case and that if a wrong price ticket were put on an article it would be equivalent to a mistake of fact and the storekeeper would be entitled to say, "A mistake has been made; the correct price is such and such."

The Hon. F. J. POTTER: I agree that there are mistakes of fact and of law, but this is not a question of a mistake at all. I am not concerned about the possibility that a mistake could be made and consequently a shopkeeper might be compelled to sell a particular item at a much lower price. However, I am concerned with the compulsion of sale. There is no question of a mistake here.

The Hon. C. D. Rowe: I thought you raised that.

The Hon. F. J. POTTER: I did as an example, but what I am raising is that the whole principle of our law of contract is that the shopkeeper is not compelled to sell to any person who demands an article at the marked price. I object to the fact that we are now trying to turn back the tide and alter something we have had with us for a long time. This principle of the law of contract was laid down many years ago, so why should we be attempting to introduce an entirely different principle by providing that the shopkeeper is compelled to sell at the marked price, irrespective of whether he has made a mistake or not? Whether or not he makes a mistake is vital for him. Accordingly, I think the amendment should be carried. I cannot see the relevancy of the Hon. Mr. Shard's remarks, as the rest of the clause provides what he wants, which is to have displayed on the goods the cash price at which they can be bought. I think he is trying to draw a red herring across the trail.

The Hon. Sir ARTHUR RYMILL: Since the Attorney-General has raised questions of law, I should like him to guide me on this matter: under the Sale of Goods Act a contract

for the sale of goods to the value of £10 and over has to be in writing or there has to be a part performance. In the case of goods over a value of £10, has this amendment to the Prices Act the effect of altering the Sale of Goods Act so as to make a contract of this nature enforceable without either a written contract or a part performance? If it does, it alters the Sale of Goods Act as well as the common law, and if it does not it will not be of very much value.

The Hon. C. D. ROWE: I do not think this alters the Sale of Goods Act at all. We get back to the simple proposition that there has to be something in writing or there must be a part performance. If there is neither of these things, there is no contract.

The Hon. Sir ARTHUR RYMILL: But this clause provides that, where there is a ticket showing the price, the goods can be bought by any person upon demand and tender of the cash price. I would ask whether that is effectual or not in the case of goods priced at over £10.

The Committee divided on the amendment:

Ayes (10).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, H. K. Kemp, Sir Frank Perry, F. J. Potter (teller), Sir Arthur Rymill, and C. R. Story.

Noes (8).—The Hons. S. C. Bevan, N. L. Jude, A. F. Kneebone, Sir Lyell McEwin (teller), W. W. Robinson, C. D. Rowe, A. J. Shard, and R. R. Wilson.

Majority of 2 for the Ayes.

Amendment thus carried.

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

In new subsection (2) after "which" first occurring to insert "with his knowledge".

This amendment is in many respects linked with the matter that has already been before the Committee and provides, in effect, that no-one will commit an offence under the Act unless he knowingly offends and that by no mistake or error could he be guilty of selling or having in his custody goods which, in effect, have the wrong price ticket upon them. We could paraphrase the proposed subsection as follows: any person who sells any goods to which is attached or on which is exhibited a wrong price ticket is guilty of an offence. I am moving my amendment to make this an offence only if a person does it "to his knowledge" and "with his knowledge". This would also overcome the rather farcical situation where a person would commit an offence for selling goods at less than their true price or vice versa.

The Hon. Sir LYELL McEWIN: What the honourable member has moved would not be successful unless it was proved that the shopkeeper or trader did not know that the ticket displaying the goods did not set out the correct price. In other words, the honourable member is suggesting that in trade and commerce we are so inefficient that no-one knows what is going on within his business and it is necessary to prove whether he knows or does not know his business. It seems to me to be something suggested to prop up inefficiency and to defeat the whole object of price control, which, as honourable members should be aware, has become an important part of our economy. If any members think that they have any ground for saying that price control is not justified, I think that the figures of the Government Statistician will prove sufficiently that such is not the case.

During this debate I have heard reflections cast on the Prices Commissioner and I regret that for the second time reference has been made to an episode which I thought was amply dealt with in another place and in relation to which ample publicity had been given. I regret that we have come to the stage where members of Parliament endeavour to justify an attempt to vilify a public servant who is honestly and conscientiously carrying out the duties assigned to him. We have the institution of Parliament and responsible Ministers in the Parliament who are in a position to answer any criticism that is made in the proper place. It is the responsibility of the Minister and not that of a public servant when an attack is made in a public place outside Parliament, as in the case referred to by an honourable member today. It is the responsibility of Parliament to support its officers in carrying out the duties assigned to them, especially when there is criticism to which they do not have the right of reply. We hear much about British justice in this Chamber. Is any member prepared to say that that is the sort of treatment to which an executive member of the Public Service should be subjected? I venture to suggest if that were so we would not have the present high standard that exists in our Public Service.

I want to refer now to the prosperity that exists in this State. I have a table covering the census period from June 30, 1954, to June 30, 1961, and setting out the percentage change of work force in various States. I ask for leave to have it included in *Hansard* without my reading it.

Leave granted.

Percentage Change of Work Force Between Census 30/6/54 *and Census* 30/6/61.
Source: Comstats, Census Bulletins, Nos. 10, 11, 14, 20 and 21. Table 8.

Occupation.	% total work force.	Change in Work Force. S.A. %	Vic. %	N.S.W. %	Q. %	W.A. %
Manufacturing	27.0	+13.6	+11.2	+13.1	+2.4	+3.3
Commerce	16.3	+22.5	+17.7	+17.4	+20.8	+16.7
Primary Production	10.9	—5.3	—5.8	—10.3	—6.0	—0.9
Community and Business Service	9.7	+51.0	+43.2	+34.5	+32.5	+42.1
Building and Construction	8.8	+12.1	+18.9	+22.0	+12.8	+10.1
Transport, Storage, Communication	8.6	+5.9	+10.4	+7.0	+5.0	+9.4
Amusement, Hotels, etc.	5.9	+7.2	+12.5	+11.6	+8.2	+2.3
Public Authority	4.0	+21.3	+0.8	+5.6	+12.3	+0.9
Finance and Property	3.3	+60.0	+53.0	+49.5	+40.6	+39.8
Electrcity, Gas, Water	2.2	+65.0	+29.6	+26.5	+24.5	+12.8
Other Miscellaneous	2.0	+168.0	+158.0	+114.0	+114.0	+114.0
Mining and Quarrying	1.3	+24.2	+6.6	—24.6	+13.4	—1.6
Total Work Force	100.0	+17.3	+15.8	+13.9	+10.4	+8.3
Grand Total Population	—	+21.6	+19.4	+14.4	+15.2	+15.1

The Hon. Sir LYELL McEWIN: I think these figures answer any suggestion that price fixation has in any way interfered detrimentally with the prosperity of South Australia. The figures in the table are interesting and answer many of the objections made to price control. I hope the amendment will not be carried, because it will interfere with the operation of the legislation in the interests of the community.

On the motion being put:

The CHAIRMAN: I heard only one call for the Ayes.

The Hon Sir ARTHUR RYMILL: I called too, Sir.

The CHAIRMAN: Very well. Ring the bells.

The Committee divided on the amendment:

Ayes (10).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, H. K. Kemp, Sir Frank Perry, F. J. Potter (teller), Sir Arthur Rymill, and C. R. Story.

Noes (8).—The Hons. S. C. Bevan, N. L. Jude, A. F. Kneebone, Sir Lyell McEwin (teller), W. W. Robinson, C. D. Rowe, A. J. Shard, and R. R. Wilson.

Majority of 2 for the Ayes.

Amendment thus carried.

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

In new subsection (2) after "which" second occurring to insert "to his knowledge".

This is consequential on the previous amendment.

The Committee divided on the amendment:

Ayes (10).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, H. K. Kemp, Sir Frank Perry, F. J. Potter (teller), Sir Arthur Rymill, and C. R. Story.

Noes (8).—The Hons. S. C. Bevan, N. L. Jude, A. F. Kneebone, Sir Lyell McEwin (teller), W. W. Robinson, C. D. Rowe, A. J. Shard, and R. R. Wilson.

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

The CHAIRMAN: I should like honourable members to call when I put the question. If no-one calls, I have to assume that the Ayes have it.

Clause 7 and title passed.

Bill reported with amendments; Committee's report adopted.

METROPOLITAN AND EXPORT ABATTOIRS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 1379.)

The Hon. W. W. ROBINSON (Northern): I rise to support the Bill, which provides for the transfer to the Commonwealth of the inspectors employed by the Abattoirs Board and by the Department of Agriculture. This Bill has been well covered by previous speakers in the persons of the Hon. Mr. Shard and the Hon. Mr. Bevan but I took the adjournment yesterday for the purpose of obtaining the views of meat exporters and those in the trade and, having consulted those interested parties, I am sure that it has the whole-hearted support of the industry. They support it without any reservations whatsoever.

I believe that the measure will promote a more economic working of the abattoirs. It will also eliminate the overlapping which is taking place by having three sets of officers and, also, I think it will provide for a higher standard of inspection, because once we establish the standard which is set down by America for the export of meat products to that country I think it will have the effect of improving the standard for home consumption also. I can say that the very high standards set for the export of dairy production to Japan have tended to improve the standard of production in those industries in this State. It is highly pleasing to note the favourable reports that we are receiving from Eastern countries on our dairy products, such as cheese. I believe that if we maintain a very high standard of meat production in this State, our meat will be more readily acceptable in America as well. It is highly important that we secure this trade to America, which is taking boneless beef for the production of hamburgers and so on, and that is a trade that we want to encourage in South Australia, because very often, with our precarious climatic conditions, we have many animals in a condition most suitable for that trade, while they would not be suitable for the home trade.

I believe that this Bill will increase the efficiency of the department, cut out overlapping and reduce costs in the industry. I have great pleasure in supporting the measure.

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

BULK HANDLING OF GRAIN ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 1382.)

The Hon. M. B. DAWKINS (Midland): I support the Bill, which will make possible the more general handling of barley in bulk. South Australian Co-operative Bulk Handling Limited has a splendid record in the bulk handling of wheat over the last eight years. It has been bulk handling barley in about five different places, which were mentioned yesterday by the Hon. Mr. Wilson. The provisions in the Bill will make it possible for the bulk handling of barley to be more effective. I was pleased to see the introduction of this Bill, as I consider that the bulk handling of barley will be another step forward in the advancement of the primary industries in this State. Over the years many farmers have secured costly equipment for the bulk handling of grain, but have not been able to use it to full advantage because in many areas barley still has to be handled in bags. However, those areas are becoming progressively smaller as time goes by because the bulk handling authority is able to erect more silos to contain barley in store.

The Hon. Mr. Wilson yesterday commended the bulk handling company and mentioned the General Manager, Mr. Sanders. I endorse those remarks and also compliment the board of management of the co-operative upon the work it has done and the advance made over the last few years. I am sure that we have full confidence that the record achieved by this organization with regard to wheat will be repeated as far as barley is concerned.

I was interested to hear my colleague, the Hon. Mr. Hart, mention the more modern methods that would be needed. He also mentioned the simplification of the grading or classification system and the fact that it must be done at the receival point. I agree with him on the points he made, particularly about barley still being handled in bags. He said that a member of the company may, under present conditions, have to deliver his barley in bags to an agent in some cases. I believe that the Act could be amended in due course to enable the member of the company to deliver his barley to the company, even if it is in bags.

The Hon. C. R. Story: Do you think that eventually it will enable barley to be accepted at the silos with a higher moisture content than at present?

The Hon. M. B. DAWKINS: I am not an authority on that, but I understand that investigations are proceeding and it may well be possible in due course. Mr. Hart also mentioned that the Bill allows the company to receive oats in bulk but is not given the sole right to do this. I could not agree with him when he suggested, if I remember correctly, that it would be a good thing if the company were given the sole right to receive oats in bulk. Possibly this may eventuate in the future, but at present I consider it is probably premature and I cannot support his contention.

The Hon. L. R. Hart: You have not read my speech properly.

The Hon. M. B. DAWKINS: I am sorry if I did not do so, but that is the way I took it. I am pleased to see the introduction of this Bill and consider it to be a step in the right direction. It will be an aid to the general welfare of the State.

The Hon. C. R. Story: The position will be improved when Point Giles is established.

The Hon. M. B. DAWKINS: Yes. I agree with that contention.

The Hon. G. J. GILFILLAN (Northern): I support the Bill, because I believe that it is another step in the effective handling of our three major grain products. The guarantee of the loan is a sound move. It has been done before from time to time in order to extend the operations of the company. Another point of great importance is that while the company is financed by a guarantee loan it is subject to the direction of the Minister of Agriculture in many ways, and his authority is far reaching. The Treasury is well protected, not only by the powers vested in the Minister but also by the fine record that the company has in the efficient running of the undertaking.

I was pleased to see that different approaches had been made to the problems of handling wheat, barley and oats. Wheat is, of course, handled by the Commonwealth wheat authority, which is the Wheat Board, and the problems there are probably not quite as complex as they are in the case of the other two grains. Barley presents some difficulties in handling it in bulk but I am sure there are no difficulties that cannot be overcome by the progressive attitude of the bulk handling company with the co-operation of the growers themselves, who are vitally interested in the overall and final quality of their product.

But with the bulk handling of oats we are in a different field because oats are, to a large extent, consumed in Australia itself, and mainly in the States in which they are produced. The provisions of this Bill to allow more flexibility in the handling of oats are good, because merchants handle oats, manufacturers use them for pellet production and stock feed, and then there is the farm to farm trading in the grain itself. I should like here to comment on what the Hon. Mr. Hart has said. A number of the points he raised are covered by regulations specifically referring to oats. In the case of wheat, the member growers of the bulk handling company are members because they have signed an agreement to provide a rotating capital by means of a toll. The position is different with oats, where certain growers have agreed, by a straight-out agreement that they have signed, that they will deliver oats to the company either in bulk or in bags for a charge of 4d. a bushel. This is not a rotating capital but a straight-out charge of 4d. a bushel. The merchants are authorized to collect that 4d. from the growers and to reimburse the company. The word "merchant" is clearly defined in the regulation, but it excludes farm to farm trading and direct sales, such as those to poultry farmers. This regulation covers several of the points raised by the Hon. Mr. Hart, and there is no advantage to any merchant in that he is able to buy oats at a cheaper rate because of this charge; in fact, merchants are obliged to collect this charge from the growers and they are on the same footing as any other purchasing authority.

The Hon. L. R. Hart: But he is a member of Co-operative Bulk Handling Limited.

The Hon. G. J. GILFILLAN: If a grower has signed an agreement to deliver oats for a charge of 4d. a bushel to C.B.H., that 4d. must be deducted wherever the sale is made, except if it is to another farmer or to a poultry farmer, in the case of a direct sale; but in the case of any wholesale transaction that 4d. must be deducted. Therefore, the merchants and the others in the grain trade can stand on an absolutely equal footing. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 14 passed.

Clause 15—"Consequential amendments to principal Act."

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

In the Schedule to strike out "Section 19—Subsection (3) . . . By striking out 'wheat' wherever occurring and inserting 'grain' in lieu thereof in each case."

These two lines should have been omitted in the final printing of the Schedule; they were left in by error.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

LICENSING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 1372.)

The Hon. A. J. SHARD (Leader of the Opposition): I support the Bill, the object of which is to validate certain storekeepers' licences which, for many years, have been issued to companies not incorporated under State law although registered in the State as foreign companies. The firms concerned are Penfolds Wines Pty. Ltd., Gollin and Co. Ltd., and Distillers' Agency Ltd., which I understand are respectable firms that have been dealing under storekeepers' licences for over 30 years. No complaint has been made about

them, and this amending Bill just puts their legal position beyond doubt and enables them to continue in this business. I think this is a desirable correction, and I have no objection to the provisions of the measure.

The Hon. C. R. STORY (Midland): I likewise support the second reading of this Bill, which, as the Hon. Mr. Shard has just said, relates to something which has been going on for 30 years but which has not been strictly in accordance with the law. I am pleased to see the way this matter has been handled, because at one stage I had some doubts about whether one company might have been favoured compared with others. All these firms are old established firms, although they have their genesis in another State. However, they have been recognized firms in this State for a long time, and I am pleased that the matter is being cleared up and that the amendment is being made to the principal Act. I cannot see that anyone can object to the measure in its present form.

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

FESTIVAL HALL (CITY OF ADELAIDE) BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 1390.)

The Hon. C. R. STORY (Midland): I support the second reading of this Bill, with which I entirely agree. I am pleased that it has reached the stage of coming before Parliament. We have heard from other honourable members the importance they attach to giving Adelaide a suitable festival hall. In this city, where the Festival of Arts has caught on so well and has become a world-renowned function, it seems appropriate that we should have an adequate and suitable hall in which to hold some of the functions decided upon by the council responsible for running the festival. I believe most thinking people will welcome the fact that the Government is prepared to assist the City of Adelaide in building the hall. Sir Arthur Rymill said yesterday that he originally thought the Government might have met the full cost. No doubt after due consideration the Government thought the City of Adelaide should make some contribution—and it is a sizable contribution—towards the hall. This position is not unlike that which one finds in so many places in South Australia, where large numbers of people use the facilities of a particular council area but make little contribution towards them. I imagine that all the metropolitan area will benefit immensely as a result of the festival hall, but the Adelaide City Council is the council making a large contribution towards it.

This problem exists in many parts of the State in different ways, including the erection of halls in country areas. Sometimes three outlying councils have one large council in their midst, and it always seems that the central council has to pay for the amenities of the people in the outside areas. This applies, too, to a large degree in relation to country hospitals. The position has been accepted by the Adelaide City Council, which I think is to be congratulated on giving a lead to the rest of the State by showing that it considers that a festival hall is necessary and that it is prepared to levy its ratepayers to accomplish something that will be of infinite benefit to the whole State and not just to the City of Adelaide. The arrangement under the Bill is that the State Government shall contribute £400,000 towards the construction and £100,000 towards the purchase price of the site to be selected and that the City Council should pay an amount of £600,000. The Hon. Sir Arthur Rymill has drawn the attention of the Council to two very important provisions in this Bill. The first concerns clause 3(2), which reads:

> The Festival Hall shall be deemed to be a permanent work or undertaking for the purposes of the Local Government Act, 1934-1963.

He has pointed out that this may involve compulsory acquisition. The second point raised by the honourable member dealt with the borrowing powers of the council. He pointed out that, in another place, the original Bill had set out that the City Council would have to conform to the provisions of the Local Government Act, whereas, after due consideration, the Select Committee considered that it would be advisable to give the City Council some latitude by allowing it to go ahead and expend the amount of £600,000 without reference to the ratepayers by a poll. I have not any grizzle at all about that. I think that the City Council is a responsible body and, no doubt, the Select Committee felt the same way, but Sir Arthur Rymill raised another matter that I think is worthy of the consideration of honourable members. It is that if, for some unforseen circumstance, the amount of £600,000 is to be exceeded by borrowings on behalf of the ratepayers of the City of Adelaide, provision should be made for them to have the right to demand a poll to enable this money to be borrowed.

In a nutshell, the position would be that if, after the expenditure of £1,100,000, the project was not completed and more money was needed and the City Council decided that it should obtain the balance of this money, then the ratepayers should have the right to demand a poll to decide the issue. I think that that is a very wise precaution because, as some people know, a sister State has an opera house that has been under construction for some considerable time and, each time one hears a report about it, the cost has jumped by another £5,000,000 or £10,000,000. I think the Hon. Sir Arthur is providing the ratepayers of the City of Adelaide with some protection against financial embarrassment that could arise through excessive borrowing if things went completely wrong. I endorse the remarks of other honourable members that this is a very good and wise project and I have the greatest pleasure in supporting the second reading of this Bill. I also commend the suggested amendments foreshadowed by Sir Arthur Rymill dealing with the borrowing powers of the City Council.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

The Hon. M. B. DAWKINS: I move:

Before "fittings" to insert "instruments".

I believe the words "furniture, fittings and equipment" would not necessarily give to the City Council the power to put a musical instrument in the hall. While we are spending £1,000,000 or more in providing a splendid festival hall, it is absolutely necessary that the City Council should have the power to install an adequate instrument or instruments.

Amendment carried; clause as amended passed.

Clause 3—"Power to construct Festival Hall."

The Hon. M. B. DAWKINS: I move:

Before "fittings" to insert "instruments" and after "thereof" to insert "or therefor".

I move this amendment for the same reasons that I gave for moving my previous amendment.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

After "(2)" to insert "subject to subsection (3) of this section".

I take it that this will be the test case as to whether my amendments will or will not be accepted. The amendment is designed to give to this Parliament some control over a compulsory acquisition; not over the site as such, but over the site if a compulsory acquisition is to be levied. This is a matter between the Parliament, the State, and the Adelaide City Council, and I feel that if a site is to be compulsorily acquired, at least the Parliament should have some say in the matter. This is linked with the exemption in the borrowing power given to the Adelaide City Council, because, as I explained yesterday during the second reading debate, under the normal procedure in these matters, the council is subject to the possibility of a poll being demanded by the ratepayers. Subclause (5) of clause 3 limits that power, even if my amendment to that particular subclause is carried, to the amount foreshadowed in the Bill and thus it means that, in the case of a compulsory acquisition, no-one would have any say at all on the site. This amendment does not apply to a site that is contracted to be purchased by agreement with the owner; it merely applies to a compulsory acquisition. I said yesterday that surely this Council stands for the minimum of compulsory acquisition and that if we were to authorize it in this Bill, particularly as we are providing a substantial sum of money, we should have the power to see that the acquisition does not trespass unnecessarily on the established rights of the people, to use a phrase that I often hear.

The Hon. C. D. ROWE (Attorney-General): I am indebted to the honourable member for placing the amendment on the file and for giving members some foreknowledge of what he proposed. The Bill, as it now stands, gives the council power to compulsorily acquire land for the purpose of establishing a site. The amendment says, in effect, that if it becomes necessary to compulsorily acquire land, and we all hope that the site will be obtained without such action, Parliament shall approve it by resolution. I consider that to be unnecessarily cumbersome. Section 383 of the Local Government Act sets out the works and undertakings that the council is empowered to carry out. There is power to compulsorily acquire land for any or all of the purposes mentioned, which include swimming pools, town or district halls, hospitals, termini for motor omnibuses, and for parking areas. I mention them because they are in some respects analogous to a site for a festival hall.

The Hon. Sir Arthur Rymill: I quoted those yesterday.

The Hon. C. D. ROWE: I am indebted to the honourable member for doing that. One of the reasons why councils are given the power in these instances is because the work can be

done only in certain specified places. This applies to a swimming pool or to a festival hall. They can be built only where land can be bought. There is a good case for allowing the City Council, which is a responsible body and responsible to its ratepayers, to have power, if it feels that a site is necessary, to enable it to get suitable land for a hall. Experience shows that the council has been judicious in the use of the power and has exercised it only when necessary and in the interests of most people. I hope that any site decided upon will be obtained without resorting to compulsory acquisition, but I consider that the power should be there in case it should be finally necessary to resort to it.

The Hon. Sir ARTHUR RYMILL: I thank the Attorney-General for his remarks. I have not sought to cut out the suggestion of compulsory acquisition altogether, but rather have I drawn the amendment so that there will still be the implications of the compulsory acquisition to facilitate a bargain being entered into. I deliberately put it in that form so that compulsory acquisition would not be altogether out of the question, and so that Parliament would have some supervision over any compulsory acquisition that might be necessary.

A division on the amendment was called for.

After the division bells had ceased ringing:

The CHAIRMAN: The Hon. Mr. Hart cannot leave the Chamber now. The door is locked.

The Committee divided on the amendment:

Ayes (8).—The Hons. Jessie Cooper, M. B. Dawkins, G. J. Gilfillan, L. R. Hart, H. K. Kemp, Sir Frank Perry, F. J. Potter and Sir Arthur Rymill (teller).

Noes (10).—The Hons. S. C. Bevan, R. C. DeGaris, N. L. Jude, A. F. Kneebone, Sir Lyell McEwin, W. W. Robinson, C. D. Rowe (teller), A. J. Shard, C. R. Story and R. R. Wilson.

Majority of 2 for the Noes.

Amendment thus negatived.

The Hon. Sir ARTHUR RYMILL: In the event, I shall not move my next proposed amendment. I now move:

In subclause (5) to strike out "Notwithstanding any provisions of the Local Government Act, 1934-1963, to the contrary" and insert "In addition to its other borrowing powers".

I explained this amendment carefully yesterday. Its history is that, when the Government presented the Bill in another place, the clause read to the effect that the council had to go through the ordinary procedures relative to loans so that it had to be subject to the requirement that a ratepayers' poll could be demanded. The Select Committee altered that but, in my opinion, took it too far the other way. It said, "No. This shall not be subject to a poll at all." But it went further and said that any moneys that the council might want to raise would not be subject to any request for a poll by the ratepayers. That goes considerably too far.

The Hon. Mr. Story this afternoon aptly instanced the sort of thing that could happen, although one would not expect it to. Of course, it is our duty here to consider things that may happen, not only things that we think will happen. The idea of my amendment is to permit the City Council to borrow the moneys mentioned in this Bill without having to run the gauntlet of a poll but, if it wants anything in addition, the ordinary requirements of the Local Government Act will apply, namely, it will have to advertise that it wishes to borrow extra money, and then it will be open for a poll of the ratepayers to be demanded if the ratepayers feel it is desirable. It is not a compulsory poll; it is a voluntary request for a poll that is envisaged. This amendment is completely reasonable and I hope honourable members will support it.

The Hon. C. D. ROWE: I have had an opportunity of looking at the amendment. I agree with the Hon. Sir Arthur Rymill that it appears fair and reasonable that, if it transpires that the council wants to spend more than the total amount of £1,100,000, it must comply with the ordinary provisions of the Local Government Act and give the ratepayers an opportunity, if they so desire, to express an opinion. I can accept this amendment.

The Hon. A. J. SHARD (Leader of the Opposition): In principle, I agree with the amendment, but will somebody tell me what will happen if the position arises that the building is commenced, involving the expenditure of about £1,000,000 (and I have never yet been associated with a building the cost of which has been kept within the estimate), and the City Council has to raise, say, £50,000 over and above the amount it thought it would need to complete the building? As the Hon. Sir Arthur Rymill has said, the ratepayers can demand a poll and refuse the City Council the right to borrow any further money to complete the building. What will happen if that position arises?

The Hon. Sir ARTHUR RYMILL: Several things could happen. In the first place, the council under subclause (4) is entitled to make up the additional amount out of its revenue. That is quite clear. If its estimates are somewhere near the mark, then of course it can comfortably do that but, if the estimates are a long way off the mark, it has got itself into a situation that it should not have got itself into. If the ratepayers demanded a poll in those circumstances, either the hall would languish for a while or the Government might even, in its generosity and wisdom, intervene and cough up, as the saying goes, the balance. But I think this question is more academic than otherwise although I think it is proper that the Hon. Mr. Shard should have raised it.

Amendment carried.

The Hon. Sir ARTHUR RYMILL moved:

In subclause (5) to strike out "is by this Act authorized to" and insert "may, from time to time, without further or other authority or consent than this section"; and after "money" to insert "not exceeding £600,000".

Amendment carried; clause as amended passed.

Remaining clauses (4 and 5) and title passed.

Bill reported with amendments; Committee's report adopted.

PUBLIC SERVICE ARBITRATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 8. Page 1349.)

The Hon. A. F. KNEEBONE (Central No. 1): The principal Act, which this Bill seeks to amend, is of comparatively recent origin, having been introduced in 1961. When the Premier introduced the 1961 Bill, he said that it provided for an Act that would be similar to that which operated in relation to the Commonwealth Public Service. The similarity between the two extends only to jurisdiction over salaries. The South Australian Public Service Arbitrator is restricted in his decisions to salaries, whereas the Commonwealth Public Service Arbitrator deals with all conditions of employment. Under the Commonwealth Act he deals with salaries, wages, rates of pay and other conditions or terms of employment. Other conditions of employment for classified officers of the South Australian Public Service are regulated by the Public Service Act and by regulations made under that Act. Other Government employees in this State have their conditions of employment regulated partly under the provisions of the Act and partly under the provisions of the Industrial Code. Determinations of industrial boards and industrial agreements between the Minister of Industry and the organizations concerned are the regulating instruments in the latter case.

Another section of the Public Service—the Police Force—has its salaries regulated by the Industrial Court and its conditions of employment and service governed by the Police Regulation Act. The circumstances create a confused picture compared with the picture in the Commonwealth Public Service, where one authority regulates both salaries and working conditions. When the principal Act was passing through Parliament in 1961, speakers on both sides of the House in another place expressed the opinion that it would not be long before the legislation was before us for amendment. That forecast was proved correct by the Bill we now have, which is designed to improve the Act, mainly in regard to the extensions of its scope. This is accomplished by clause 3, which provides that the provisions of the Act can by proclamation be made to apply to any employee of the Government or of any State authority or instrumentality. I think that this new provision will apply to most public servants, other than those who have their salaries fixed by statute. People in the latter category were dealt with today in another Bill which passed through the Council, increasing the salaries by £52 per annum, the amount of the recent basic wage increase.

Clause 4 amends section 4 of the principal Act by introducing a maximum functions payment principle. This type of clause is common in most industrial awards and it provides that where persons are carrying out work for which different rates of remuneration are prescribed, they are to be paid the higher rate or highest rate, as the case may be. The mixed function principle in industrial legislation is a principle with which I agree and I am pleased to see it incorporated in this Bill.

Clause 5 recognizes the principle of conciliation and makes provision for negotiations to take place between the time of lodging a claim and its reference to the arbitrator. The Act ignores that principle and requires the claim to be forwarded to the arbitrator if the Commissioner or Public Service Board does not agree to it. I think that this is a good amendment and I support it. I do not intend to speak further, as the Bill has been amply dealt with in another place. I support the second reading.

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill. As the Hon. Mr. Kneebone said, it is an Act which

has not been with us for very long, having been introduced in 1961, and I think that all honourable members can assume that it has worked well. Along with other members of this Council, I regularly receive a copy of the *Public Service Review*, which is the magazine issued by the Public Service Association of South Australia. Judging by what I read from time to time in that magazine, the association has been very pleased with the appointment of the arbitrator and with his work. It appears to me that the Public Service Arbitrator has largely taken over the salary-fixing functions of the existing Public Service Board and that now the Public Service Board is doing very little in that particular aspect of its activities. Of course, the Public Service Board has an overall function, administrative as well as salary-fixing, and I think that perhaps it is a pity in some respects that the two tribunals are still able to exist and function in their respective present forms side by side. Indeed, we had the rather unusual situation fairly recently where the Public Service Arbitrator was dealing with a log of claims submitted in respect of a group of officers and the Public Service Board published a new salary range for the same group of officers. I should think that, if this process is going to occur in the future, it will prove embarrassing to the arbitrator.

However, the fact that the Government now seeks, by this Bill, the power to extend the functions of the arbitrator to other groups in Government employment speaks for itself. The officers are happy and satisfied with the work that has been done and some of that work done by the arbitrator has involved a great deal of time; indeed, I think it has occupied the major portion of Judge Williams's time during the last 12 months. He has had some very difficult decisions to make and it seems to me that to a large extent his hands have been tied, in that he has only been passing on to members of the service decisions on salary increases that have been made in other spheres, particularly in the Commonwealth. I suppose it is a cause for regret that we seem to be overshadowed in the arbitration field by the Commonwealth authority.

Clause 4 of the Bill allows the arbitrator to hold a position in the Public Service at a higher salary than attaches to the position of arbitrator and, indeed, he also may have part-time employment with extra remuneration. In his second reading speech, the Chief Secretary referred to the fact that Judge Williams was also Deputy President of the Industrial Court and Chairman of the Teachers Salaries Board. The fact that the provision to which I have referred is made in the Bill seems to me to be an indication that there is a strong possibility that at least for the time being Judge Williams will continue to be the arbitrator. I only raise the point that as arbitration work has taken up so much of his time over the last two years, it would be a very heavy burden upon that judge if he had to continue to do this work and also undertake higher duties than the office he now holds.

There is only one other matter to which I want to refer and that is the amendment to section 8, provided for by clause 5 of the Bill. When this matter came before this Chamber in 1961, I pointed out to honourable members that the definitions in the Bill were not very satisfactory and on that occasion I moved amendments to clear up one or two of those matters. I regret that my amendments were not understood by members at that time and, indeed, the Minister subjected me to the rebuke that perhaps I was trying to out-do the Parliamentary Draftsman. The amendments now proposed, although not exactly the same as those I put to the Council on that occasion, are substantially moving in the same direction. I am glad that the seed sown on that occasion did not fall on barren ground. I have pleasure in supporting the Bill.

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

POULTRY INDUSTRY (COMMONWEALTH LEVIES) BILL.

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

ADJOURNMENT.

At 5.15 p.m. the Council adjourned until Thursday, October 15, at 2.15 p.m.