LEGISLATIVE COUNCIL

Thursday, December 2, 1965.

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

ASSENT TO BILLS.

His Excellency the Governor, by message, intimated his assent to the following Bills:

Harbors Act Amendment,
Housing Improvement Act Amendment,
Land Tax Act Amendment.

PETITION: TRANSPORT CONTROL.

The Hon. Sir NORMAN JUDE presented a petition signed by 34 electors residing in the Victoria District in the Southern District of the Legislative Council. It urged that no legislation to effect any further control, restriction or discrimination in the use of road transport be passed by the Legislative Council.

Received and read.

PETITION: TRANSPORT CONTROL.

The Hon. G. J. GILFILLAN presented a petition signed by 763 electors residing in the Burra, Light, Gouger and Rocky River Districts in the Northern and Midland Districts of the Legislative Council. It urged that no legislation to effect any further control, restriction or discrimination in the use of road transport be passed by the Legislative Council.

Received and read.

QUESTIONS

The Hon. S. C. BEVAN: I desire to ask a question of the Hon. Mr. Gilfillan. I do not desire to make a statement in relation to the question. Is it a fact that the question has been asked, "Are you in favour of your cost of living being increased by 10s. a week?" as an inducement to people to sign petitions that have been presented in this Council?

The Hon. G. J. GILFILLAN: To the best of my knowledge, no inducement has been needed to get people to sign these petitions, which were all, particularly the ones I have referred to, signed at public protest meetings that people attended voluntarily. I have not heard this figure of cost of living increase mentioned at the meetings that I have attended. It is obvious to any person who lives in the country and attends these meetings that the transport control Bill must result in an increase in the cost of living but, to the best of my knowledge, this figure has not been used as an inducement to get the people to sign.

CAVAN CROSSING.

The Hon. M. B. DAWKINS: Has the Minister administering the Railways Department an answer to my question of October 7 with reference to the Cavan railway crossing? About two months have passed since I asked the question and I understand that some action has been taken. I should like to think that whatever pressure I have been able to exert over a considerable period of time has had some influence in the matter.

The PRESIDENT: I shall call on the Minister of Railways. I think it is desirable that copies of a statement setting out the various portfolios held by Ministers in this Council and the portfolios they represent in the other place be distributed amongst members.

The Hon. A. J. Shard: They have been. We shall bring them up-to-date in the new year, Mr. President.

The Hon. A. F. KNEEBONE: The statement of portfolios available in the Chamber has not been amended since early in the year, and there have been a few changes in portfolios since then. If I have hurt the honourable member's feelings in regard to this, I regret it.

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

The PRESIDENT: I hope I did not hurt the feelings of the Minister of Transport by calling on the Minister of Railways.

The Hon. A. F. KNEEBONE: No. Regarding the Cavan railway crossing, I have this report:

Signs have been erected prohibiting entry into the diagonal road, so that there is no waiting by vehicles at the railway crossing to turn right. Traffic, however, may travel along this road in a westerly direction, and join the Yorke Peninsula Main Road traffic at the railway crossing. This, however, does not cause congestion on the main road. The Railways Commissioner has informed me that, in consequence of trains shunting into and from the Abattoirs area, no alteration can be made to the wing fences at the crossing unless prior action is taken to provide increased protection by duplicating some of the warning equipment. Proposals related to the widening of the crossing have been discussed between officers of the Railways and Highways Departments, and the matter is still under consideration.

UNIVERSITY DEGREES.

The Hon. M. B. DAWKINS: Last week I asked the Minister representing the Minister of Education a question with reference to the desirability of more uniformity throughout Australia in requirements before obtaining degrees and diplomas. I instanced a few

anomalies, one being the fact that Roseworthy Agricultural College diplomas count in Sydney but not in Adelaide, and that seems out of order. Has the Minister a reply to that question?

The Hon. A. F. KNEEBONE: The reply that I received does not refer specifically to Roseworthy college. However, if the reply does not answer the question asked by the honourable member I suggest that at a later date he proceed with a further question to clarify the position with regard specifically to Roseworthy college. My colleague the Minister of Education has informed me that he consulted the Vice-Chancellor of the University of Adelaide concerning this matter and states that the actual contents of the degree and diploma courses offered by different Australian universities in the same subjects are similar in standard and in kind, but not in detail. The similarities are pointed out by the fact that the different Australian universities now accept each others' matriculation examinations as qualifying students to undertake their own courses. The detail differs because it depends to some extent on laboratory facilities available, the holdings of their libraries and the aptitudes of the teaching staff. For example, not all Australian universities are equipped to offer geology in their B.Sc. courses. However, the Australian universities and, to the best of the Vice-Chancellor's knowledge, employers in Australia, give similar recognition to degrees and diplomas obtained in given subjects in any Australain university.

ROAD AND RAILWAY TRANSPORT ACT.

The Hon. D. H. L. BANFIELD (on notice):

1. Can the Hon. Mr. Octoman inform this House how many of the people who attended the recent meeting held at Port Lincoln regarding the Road and Railway Transport Bill, also attended:—

(*a*) The meeting which was held earlier this year by the Public Works Standing Committee to take evidence regarding the proposed closing of the Yeelanna-Mount Hope railway line, and,

(*b*) The meeting held last year by the Transport Control Board to take similar evidence when, I believe, there was unanimous opposition to the closing of this line?

2. Did the honourable member attend the meetings of the Public Works Standing Committee and the Transport Control Board, and, if so, did he oppose the closing of all or part of this line?

The Hon. C. C. D. OCTOMAN: The replies are:

1. (*a*) and (*b*). No.

2. I did not attend the meeting held by the Transport Control Board in that area but I did attend the meeting held by the Public Works Committee and I supported the case for the retention of the Yeelanna to Mt. Hope line as I believe that both rail and road transport are necessary in that area.

PARLIAMENTARY SALARIES AND ALLOWANCES BILL.

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It has been agreed that, because this is the last day before the adjournment and because the Bill is not yet available, the second reading explanation of this Bill shall be given, and the debate adjourned on motion and when the Bill has arrived and the Leader is ready to debate it, that procedure will be followed. The same comments apply to the next Order of the Day on the Notice Paper, and I appreciate the co-operation that exists in trying to get through the business in a reasonable time today.

The purpose of this Bill, as the long title shows, is to make provisions with regard to the establishment of a tribunal to determine the remuneration to be paid to Ministers of the Crown, to officers of Parliament (as defined by clause 2 of the Bill) and members of Parliament, to repeal the Payment of Members of Parliament Act, 1948-1963, and to repeal subsections (3) and (4) of section 65 of the Constitution Act. It may be of assistance to honourable members if I mention that the law with regard to the remuneration to be paid to Ministers of the Crown, officers, and members of Parliament is at present to be found in the Payment of Members of Parliament Act and in section 65 of the Constitution Act. The effect of this legislation is to repeal subsections (3) and (4) of section 65 of the Constitution and the whole of the Payment of Members of Parliament Act and to substitute therefor the provisions of this Bill.

Honourable members will be aware that when in the past any question of revision of Ministerial or members' salaries has arisen it has been found necessary to appoint *ad hoc* committees to determine from time to time whether increases in remuneration were justified or not.

The Government considers that this system is not entirely satisfactory and that it is desirable therefore for a permanent tribunal to be established. The tribunal will be known as the Parliamentary Salaries Tribunal, and will consist of three members appointed by the Governor, who will also appoint one of the members to be Chairman. Each member of the tribunal will be a person who is or has at any date before the date of his appointment been—

(*a*) a judge of the Supreme Court of this State or of any other State or of any Territory of the Commonwealth;

(*b*) a judge of a county court or district court established or constituted under the law of any State other than this State or of any Territory of the Commonwealth;

(*c*) a presidential member of the Commonwealth Conciliation and Arbitration Commission established by the Conciliation and Arbitration Act, 1904-1961, of the Commonwealth;

(*d*) a judicial member of an industrial court or court of industrial arbitration established or constituted under the law of any State or Territory of the Commonwealth;

(*e*) Chairman of the Public Service Board; or

(*f*) Auditor-General.

It will be seen from the constitution of this tribunal that the members will be persons who either have had extensive judicial experience or hold high office in the Public Service of the State. The members will be paid such remuneration as the Governor may determine. Clause 3 provides accordingly. I shall now refer to the objects of other clauses in the Bill.

Clause 1: Since it is essential that sufficient time be given to the Government to select members of this tribunal, it will be noted that the clauses in the Bill dealing with the setting up of the tribunal and the functions, purposes and procedure of the tribunal (clauses 3 to 11 inclusive) will not come into force until a day to be fixed by proclamation. The remaining clauses and schedules will, however, come into force as soon as the Act is assented to by the Governor. This is a necessary provision because these clauses and schedules ensure that until a determination is made the remuneration of Ministers, officers and members of Parliament will continue as provided for under the Payment of Members of Parliament Act and section 65 of the Constitution Act.

Clause 2 (1) defines "remuneration" as including salaries, allowances, fees and other emoluments, and "Ministerial office" as being an office specified in the First Schedule. Subclause (2) defines the persons who, for the purposes of this legislation, are officers of Parliament. They are as follows:

A person is an officer of Parliament—

(*a*) if he is elected to hold one of the following offices—

- President of the Legislative Council;
- Speaker of the House of Assembly;
- Chairman of Committees in the House of Assembly; or

(*b*) if he is a person who is for the time being—

- Leader of the Opposition in the House of Assembly;
- Deputy Leader of the Opposition in the House of Assembly;
- Government Whip in the House of Assembly;
- Opposition Whip in the House of Assembly;
- Leader of the Opposition in the Legislative Council.

Clause 4 provides that the Governor may appoint a secretary of the tribunal, who may be an officer of the Public Service. Clause 5 is an important provision, since it lays down the general powers and functions of the tribunal, which are to make such determinations and submit to the Treasurer such recommendations as it is authorized to make. It is considered that the Treasurer is the appropriate Minister to whom recommendations of the tribunal should be made in this proposed legislation. Provision is made in subclause (2) for the tribunal at intervals of not more than three years to determine what remuneration should be paid to Ministers of the Crown, officers and members of Parliament and also enables recommendations to be made with regard to the Joint Committee on Subordinate Legislation, the Public Works Standing Committee, the Land Settlement Committee, the Industries Development Committee and Select Committees of either or both Houses of Parliament. Salaries of Ministers are at present provided for in subsections (3) and (4) of section 65 of the Constitution Act, 1934-1965, which lays down that the total salaries and allowances of Ministers shall not exceed a certain figure per annum (at present £19,950). These salaries and allowances are in addition to the salaries and allowances they are entitled

to under the Payment of Members of Parliament Act. The actual distribution of this sum of money among Ministers is at present determined by Cabinet. This Bill, since it provides for a determination to be made on the remuneration payable to Ministers of the Crown, makes these provisions unnecessary, and accordingly, by clause 13, subsections (3) and (4) of section 65 are repealed.

Clause 5 (3) deals with specific powers of the tribunal, which includes power to determine that remuneration of Ministers of the Crown, officers and members of Parliament should not be altered, or should cease to be payable or replaced by remuneration of some other kind or should be increased or that any part of such remuneration shall be geared to the cost of living. The tribunal may also fix the duration of a determination and vary a determination at any time during the continuance of that determination. Subclause (4) provides that a determination may be made to come into force on a date either before or after the date on which it is made and may vary either in whole or in part or revoke a previous determination, and shall continue in force until varied or revoked by a subsequent determination.

Clause 6 provides for the Treasurer to call the tribunal together to commence an enquiry. Clause 7 lays down that the tribunal shall have all the powers and authority of a Royal Commission. Clause 8 provides that upon the making of a determination the Chairman of the tribunal shall notify the Treasurer of that determination and forward to him a signed copy of that determination and publish immediately thereafter a copy of that determination in the *Government Gazette*. The determination shall take effect as from the date specified in the determination.

Clause 9 provides in subclause (1) that the tribunal shall prepare a report by way of an explanation of a determination or of any recommendation and forward the same to the Treasurer who shall within 14 days of receipt of such report lay the same before Parliament if it is then sitting or within 14 days after the next meeting of Parliament. Clause 10 provides that a determination shall be binding upon the Crown and all officers and members of Parliament. Clause 11 lays down that a determination shall not be challenged in any court and shall be final.

Clause 12 is an important clause because it provides that Ministers of the Crown, members and officers are entitled to be paid such remuneration and calculated in such manner as may be determined by the tribunal but until a determination is made the remuneration payable to them shall be the remuneration payable in accordance with the Second, Third and Fourth Schedules.

Clause 15 is the usual appropriation provision that provides that all remuneration payable under this legislation is payable out of the general revenue of the State and is duly appropriated. Clause 16 repeals the Acts set forth in the Fifth Schedule of this Act. The First Schedule sets out Ministerial offices and takes into account the recent appointment of a ninth Minister. The Second Schedule in effect continues in force the relevant provisions of the Payment of Members of Parliament Act with regard to the remuneration of members generally. The Third Schedule describes the present position with regard to the remuneration of Ministers of the Crown. The Fourth Schedule deals with the remuneration of officers of Parliament on the basis of the rates of remuneration at present payable. I submit the Bill for the consideration of honourable members.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): It is unfortunate that always immediately before a long adjournment we are confronted with measures that have far-reaching effects and we have little time to consider them. This Bill was introduced today, and the second reading explanation was given this afternoon. This Bill provides for a permanent tribunal to establish the salaries of members and officers of Parliament and Ministers of the Crown. About the object of that tribunal I have no complaint. Its members are all competent men in whom we can have complete confidence that they will act as a tribunal to determine matters of salary; but I am in difficulties when I discover that it is to be given arbitrary powers: it not only establishes salaries but also becomes the final word in that matter. It overrides the Crown and whatever it decides automatically comes into operation. I have spoken in similar vein about other measures. I maintain that Parliament should be supreme in all such matters and should not delegate its powers to any committee or tribunal, however impressive its qualifications may be. I can imagine embarrassment resulting from recommendations of this tribunal.

A few days ago we read in the press what happened in Western Australia, where a big rise in salaries was recommended. I do not know whether that was an arbitrary decision

that had to be accepted by that State Parliament but at least it was not very well received, when Parliamentarians were granted an increase in salary of about £700 a year while on the same day a court award gave a rise to other people of about 1s. 6d. a week. However good and competent a committee or tribunal may be, Parliament is, after all, the best judge of what goes on in Parliament. We know the prevailing conditions and are well able to judge them. We all know of one of our Parliamentary committees that has been over-burdened with work: nobody knows better than its members the vast amount of work entailed and the great responsibility put upon them. Whilst we are getting away from the appointment from time to time of *ad hoc* committees, I think that even this permanent tribunal should make recommendations, which should then be given effect to by Act of Parliament, when they can be discussed. If the tribunal made a good recommendation, nobody would object to Parliament's giving effect to it.

We have what looks like a formidable list of amendments before us. I thank the Hon. Mr. Potter who, while he was criticized for not being in the Chamber this afternoon, was fully occupied in trying to get the necessary drafting done to enable what I desire in this Bill to be put into effect. All that these amendments do is to make this a tribunal of recommendation rather than of determination, vested with the powers of a Royal Commission enabling it to do things that even Parliament cannot undo. That position should not be tolerated. Therefore, these amendments will be submitted when we get into Committee. I hope that the tribunal can be made one of recommendation rather than one of determination.

Several clauses in the Bill lay down who the officers of Parliament are. It is suggested by inference (and certainly in section 58 of the Constitution) that there is equality between the officers of the respective Houses. It is stated in the Constitution Act that the President of the Legislative Council, the Speaker of the House of Assembly and the officers and Clerks of Parliament shall be on an equal basis between the two Houses. It has been the practice over the years that that principle should apply also to the members of Parliament. Whether under this Bill that can be altered I do not know. I cannot see anything in it that would prevent it happening. If that should happen, that would create a nasty feeling among members of Parliament. In the list of officers in this Bill, although there is a disparity between the two Houses, I draw the attention of honourable members to the Fourth Schedule of the Bill, which departs considerably from the position of equality between officers in both Houses.

At this late hour I do not want to delay the Council. I could comment on the various clauses but, in general, am prepared to accept what has been put before us, with the qualification I have made about the powers of the tribunal. It is not proper that we should give away the powers of Parliament to any appointed tribunal that can virtually dictate its decisions. Clause 10 states:

A determination shall be binding upon the Crown and all officers and members of Parliament and shall have effect in relation to the remuneration of Ministers of the Crown and officers and members of Parliament notwithstanding anything to the contrary in any Act passed before the date on which the determination comes into force.

They are extensive powers to give to a tribunal. Clause 11 emphasizes it. This tribunal will decide the position of Ministers. This legislation will take the pool of Ministers' salaries out of the Constitution Act and put it entirely into the hands of this tribunal, and Cabinet no longer will decide how it shall distribute the portfolios and salaries.

The Hon. A. J. Shard: I think the Leader may have made a mistake. Cabinet will retain the right to allocate the portfolios but not the amounts of payments.

The Hon. Sir LYELL McEWIN: I am not talking about portfolios; I do not worry about that. Cabinet should have power to decide what it wants to do with the pool that is established. It has always worked in the past. If this is the way the Government wants it, I do not agree that the tribunal should have the final word. I hope that the Government and the Committee will be prepared to accept the amendments that the Hon. Mr. Potter has prepared for me, because they will not alter the tribunal's power to make recommendations. It means only that we accept the normal procedure that, having got the recommendations, we pass the legislation. There is no question of our not being able to do that. It may be said that Parliament is out of session, but there is machinery that will cover the position if anyone is seriously wronged.

The Hon. R. C. DeGaris: Does the Leader think that this is rather a reversal of form compared with legislation dealt with previously in this session?

The Hon. Sir LYELL McEWIN: I think it is. Up to date, all the powers have been vested in the Minister but here we hand authority to a body completely outside Parliament. I presume that there would be a proclamation, but there is no question that whatever the committee says will go, regardless of conditions. I remember that, when I first came to this Parliament, we received the munificent salary of £400 a year. Because Parliament had to economize before other people, the salary was reduced by 10 per cent, and we then received £360 a year. In looking back, I wonder how we existed on that. However, we did it to give a lead to other sections of the community.

If this committee fixes a certain amount I suppose people will be told, "You take what is necessary to assist the economy, but we cannot make any sacrifices, because this committee says that that is the amount we are to have." I do not want that, and hope that the amendments will rectify the position.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

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

To strike out "'determination' means a determination made by the Tribunal pursuant to this Act:"

As the Leader has mentioned, I have certain amendments. They are drastic in one respect, because their total effect is to make this tribunal a recommending body in every respect. It will be empowered only to make a report and recommendation (or recommendations, dealing with several aspects) to Parliament. When the report and recommendations have been received, it will be for Parliament to determine whether the recommendations are to be implemented. Of course, in order to implement them, it will be necessary to introduce a Bill.

Although these amendments appear to be lengthy, that is the sum total of what they do, except in the case of the one that has been circulated to members on a separate sheet. It introduces a new clause 15a. I do not need to explain the first amendment, because it is one of a series designed to effect the same purpose. However, I suppose I shall have to take the amendments *seriatim*.

The Hon. A. J. SHARD (Chief Secretary): I ask the Council not to accept this first amendment, the vote on which will be a test vote. The principle behind the Government's move was to take the fixing of salaries and remuneration of members of Parliament right away from Parliament and to place it with a tribunal. I was glad that the Hon. Sir Lyell McEwin had nothing but praise for the members of the tribunal who have been selected. They are men of standing, of complete impartiality, and would do the job honestly, fairly and justly. The principle behind the Bill is that the tribunal shall do exactly what it did last time, when it made an inquiry and submitted a report to the Treasurer, with Parliament taking the responsibility of either implementing the recommendation or otherwise.

In this particular case, the Government considered that it would be better to take the matter right away from Parliament. While I admit that it seems to be wrong and contrary to what has been done in relation to other bodies to do that, I think there is a complete difference between our views on this tribunal and our views on boards being under the control of a Minister. I agree that any board that works for and on behalf of the State and the Government should have a Minister who can approach it and, likewise, the board should be able to approach the Minister.

However, on this subject, I consider it totally wrong for members of Parliament to fix their own salaries. I felt much happier on the last occasion when a committee outside Parliament was appointed. We were able to place our cases before the committee fairly and to the best of our ability. Although I met with some success, I was only three-fifths successful. I think I know the reason why I received only that amount; I think the committee took another point into consideration. However, I accepted the decision and have not complained about it since. I have never been backward in asking for what I think I am entitled to since I have been in Parliament. I have accepted the increases as they have come along.

If we appoint a body to determine these things, with every person having a right to give evidence, we should be big enough to accept the decisions of that tribunal. I know that this is a departure from what has been said and done over the years, but I think that we should sometimes get out of the rut. It may be that we would be embarrassed by a committee that over-rated our jobs and our pay.

On the other hand, we could be embarrassed more seriously by a committee that under-rated and under-paid us, but that risk must be taken. The tribunal will have the powers of a Royal Commission. What has been suggested in the *Advertiser* would be laughable if it were not so serious for us. The suggestion was that the Public Service Commissioner should assess the

salary, and I think this is the funniest thing I have every read. It is just a joke. A Royal Commission can gather all the evidence it needs, and the last person in the world who should have been suggested is the Public Service Commissioner. I just could not understand why that should be published, but perhaps it had news value.

I have been in the trade union movement for 25 years and during that time made many visits to wages boards. Incidentally, that system is one of the best that I know. I always accepted the umpire's decision and never once in that 25 years did I appeal against such a decision.

The Hon. Sir Lyell McEwin: You admit you were not happy at times.

The Hon. A. J. SHARD: When that happened we went back again but I never appealed against a decision of the wages board. I accepted the verdict, but would return within a few months, ask for a little more and quite often finish up with a reasonably good result. If we are to have a tribunal to inquire into salaries, the determination of such a tribunal should be accepted for good or ill. I hope that this Committee will refuse to accept the amendment.

The Hon. G. J. GILFILLAN: I support the amendment and I believe that the position of a member of Parliament is somewhat different from that of other people who receive salaries. This is because we are in a position where we make laws that significantly affect the incomes of other people. We are in a position to alter Acts that increase taxation and this has been done extensively. Therefore, if we accept this responsibility, we should, particularly in a time of shortage of revenue, take the responsibility of whether we accept or do not accept a recommendation for a salary increase. The Chief Secretary has made the point that it is suggested these determinations will come from a tribunal with the powers of a Royal Commission. If the amendments are carried, the decisions of the tribunal will become recommendations. The tribunal will still have the same powers of investigation but the final decision should be the responsibility of members themselves. Because of our peculiar position we should show responsibility towards the economy of the State.

The Hon. C. D. ROWE: I support the amendment because I think it is desirable that we should be the final arbiters in this matter. Two considerations must be examined by a salary-fixing tribunal: one is the capacity of the industry to pay and the other is the value of the work done. I do not know how decisions will be made by a tribunal between these two principles, but it may well be because of the circumstances existing in the State at the time —an economic depression, drought or some other reason—it would be advisable for us, as a matter of example, to take something less than what may be our just entitlement. On the other hand, it sometimes happens that people outside do not understand the work and responsibility involved in a Parliamentary job, and may not appreciate the amount to which we are entitled. My own experience in talking to people outside Parliament is that invariably they think we are paid more than that to which we are entitled.

The Hon. A. J. Shard: And which we receive as well!

The Hon. C. D. ROWE: I agree. People think that for two reasons: first, because they think that because Parliament does not sit all the time the members have nothing to do in the interim and, secondly, and most important, a salary paid to any person is paid on the basis more or less of his life's work. Usless such a person does something stupid, his job is there for him for the whole of his working life. That does not apply in politics because we must go to our masters every three or six years and we may find ourselves devoid of a job at any time. In the meantime, other avenues of employment for which we may be skilled may have closed. Therefore, these matters need careful consideration. I think the answer is to have an independent and competent tribunal, as this Bill suggests.

The Hon. A. J. Shard: They would be responsible and competent.

The Hon. C. D. ROWE: I agree. I make no comment on what appeared on the front page of the *Advertiser*, but I do wholeheartedly support other matters that appeared on other pages on the *Advertiser* Be that as it may, I think that after this body has examined the situation, made a determination and arrived at a figure it should come back and Parliament should accept the responsibility of deciding what the answer should be.

The Hon. S. C. Bevan: You will have to shake it up to get your remarks in the country edition of the newspaper.

The Hon. C. D. ROWE: I am not worrying about the country edition. What I am worrying about is our responsibility in this matter. We are not arguing about who shall fix the salaries, or the principles on which they shall

act, or whether the offices in Parliament are correct or not, even though I have certain views on that matter. All we are arguing about is whether the tribunal should make the final decision and we should take the backwash or whether we should bring the matter back to ourselves and accept what the Minister is happy to accept in other matters—Ministerial responsibility. The Minister says we may have been in a rut for a long time and that perhaps it is a good thing to get out of it. Perhaps we have not been in a rut but we are now getting into one from the things that have emanated in Parliament in the last few months.

The Hon. S. C. BEVAN (Minister of Local Government): If honourable members agree with this and other amendments, and particularly the last, they should defeat the Bill and be done with it. The previous Government said it believed in arbitration.

The Hon. R. C. DeGaris: Is this arbitration?

The Hon. S. C. BEVAN: It is on the same basis, because it proposes to set up a tribunal to inquire into all the ramifications of Parliamentary salaries and fix what it considers to be a fair and just remuneration, and that would be accepted. For years we have heard much about Parliamentarians fixing their own salaries. Every time members' salaries are increased there has been criticism about our voting ourselves increases when others cannot do so. However, now that we are providing for a tribunal to be set up we are told that that is wrong.

The Hon. Sir Lyell McEwin: No.

The Hon. S. C. BEVAN: Apparently some chickens are already flying back to the roost, because members opposite are doing exactly that. They are saying they will agree to set up the tribunal, but they want in the final analysis to determine their own salaries. The amendment defeats the whole purpose of the Bill, which seeks to take this controversial matter out of the hands of Parliament, as has been done successfully in other States by an independent tribunal. What members opposite are suggesting is already in operation. Before the last increase was made an inquiry was held and evidence was tendered before the Public Service Arbitrator, who made a recommendation that was adopted by Parliament after debate. Members opposite are suggesting by this amendment that this is the best way to do it. If the majority of them think that, they should immediately vote against the Bill. If they do, Parliament can still refer the matter to the arbitrator, who is independent and impartial.

The Hon. Sir Lyell McEwin: I thought that was the idea of the permanent committee.

The Hon. S. C. BEVAN: But the committee will fix the salaries. The responsibility of a Minister has been mentioned, but that is not what we are discussing. A Minister's responsibilities are governed by Parliament and he is answerable to Parliament. However, he does not fix his own salary. The Bill takes the matter away from Parliament and puts it in the hands of a permanent committee, which will periodically review salaries.

The Hon. F. J. Potter: That, at least, is different from the present system.

The Hon. S. C. BEVAN: But the honourable member does not want that. He does not want anyone but Parliament to fix salaries.

The Hon. F. J. Potter: But a three-yearly inquiry is different from the present system.

The Hon. S. C. BEVAN: The tribunal, after hearing expert evidence, will come to a decision in the same way as an industrial tribunal does. One goes before the court where a case can be presented and an independent tribunal decides whether the salary shall be this, that or the other. Apparently, in this case, honourable members are not prepared to accept that as the umpire's decision.

The Hon. F. J. Potter: Supposing the tribunal made a determination that Parliament would not accept?

The Hon. S. C. BEVAN: That is the very point. If the tribunal had the power to make a determination, the only decent thing for Parliament to do would be to accept it—but that is just what honourable members do not want. The Leader of the Opposition has spoken of what has happened in Western Australia. Naturally, the public there would cry out.

The Hon. F. J. Potter: What eventually happened in Western Australia?

The Hon. S. C. BEVAN: The members of Parliament got a £700 increase.

The Hon. M. B. Dawkins: They had no chance of taking less.

The Hon. S. C. BEVAN: Why? A member of Parliament does not have to take it; he can easily give his increase to a charitable institution if he protests against it. Some years ago a member of this Parliament refused to accept a Parliamentary salary increase; he did not agree with it. Shortly afterwards he was defeated at an election and put in a claim to the Government for payment of back salary! If we want an independent tribunal to go into these matters, let us have it. If we do not

want it, why not say so straightaway and continue with the present procedure whereby Parliament fixes its own salaries? Let us stop playing around with this.

The Hon. R. A. GEDDES: Personally, I am not particularly in favour of these amendments, although I realize the reasons for putting them before us at this hour. We all agree that arbitration is good no matter which Party we belong to. If we agree on that one principle, we must also agree that over-award payments are sometimes not all that good; and, if not over-award payments, then payments that are made under-hand, caused by a shortage of labour and skills needed in various directions. That happens on occasion.

The Hon. S. C. Bevan: That is the law of supply and demand.

The Hon. R. A. GEDDES: But it breaks down the authority of the arbitration system.

The Hon. S. C. Bevan: We do not want to be worried about over-award payments here.

The Hon. R. A. GEDDES: That interjection is the reason for the thinking behind these amendments. Drought, depression and less likeable things of that nature have a great bearing upon the financial structure of Australia generally and of this State in particular. An authority said that members of Parliament in Queensland should get an increase in their salaries but many members said that, because there was such a severe drought in Queensland, they would not accept it. There is nothing in this Bill to provide that, if a Parliamentary salary increase is recommended, the recommendation of the tribunal may not be accepted. That is our fear and worry.

The Hon. S. C. Bevan: What are you worried about?

The Hon. R. A. GEDDES: We worry a lot about what comes before Parliament and when there are suggestions that something cannot come before Parliament. Surely Parliament must have some say in these things.

The Hon. D. H. L. Banfield: Would you give the same right to the worker outside and let him decide whether or not he would accept a decision?

The Hon. R. A. GEDDES: The worker outside has, first, his representation in arbitration to have his case presented. The problem with arbitration is that the answers are not always the way they like them.

The Hon. D. H. L. Banfield: That could be so here, but they still have to accept it.

The Hon. R. A. GEDDES: Sir Lyell McEwin can tell honourable members the story of how he came into Parliament on a salary of about £400 a year. Shortly afterwards the Treasury was in such a state that members were asked to accept even less. Those were bad days and all of us know, by memory or otherwise, the problem of depression. We pray that we do not have those conditions again. Yet, we shall always have this new-fangled word "recession" with us in some form or other.

The D. H. L. Banfield: The tribunal's recommendation comes back, in terms of the Bill.

The Hon. R. A. GEDDES: The recommendation could come back at a time when our seasonal conditions were similar to those that have operated this year. Assume that no rain is received until July next year and the agricultural part of the State is in an extremely difficult condition, with no fodder for the sheep, and poor crops. If crops do not go in by August, an exceptional finish is required to give a good yield. Our State is the driest in the driest continent in the world. It has had extremely lean seasons from an agricultural and financial point of view in the past and, I predict, it will have them in the future.

The tribunal may make a recommendation this year for a £100 increase and we, looking at the prospects in relation to the Commonwealth and State economies and the agricultural economy, may well wish that we had an opportunity to say, "We do not think this is wise." Would it not be better if we, as a Parliament, not as a Government, could say, "As things look at the moment, we think a £50 increase would be wisest"? It might even be better to ask the tribunal to look at this again next year.

The Hon. D. H. L. Banfield: You can do that now. The tribunal can consider the matter every six weeks. Read the Bill.

The Hon. R. A. GEDDES: I have said that I am not extremely happy with the Bill. We, as members of Parliament, should have the privilege of reviewing just as much as people who appear before arbitration have the opportunity of arguing the case for and against.

The Hon. M. B. DAWKINS: It has been suggested that I am opposed to this measure and, to some extent, I agree. I oppose the provisions that take the matter completely away from Parliament and set up this autonomous body that will be able to tell us what to do. The Minister has said that we may as well vote the Bill right out and go on as we are. As we are, an arbitrator may

be appointed at irregular intervals. There is no regularity and no rhyme or reason about it. I have previously said that I hope that, when the Government brings in good legislation, I shall always say that it is good. So far as the people named to be members of the tribunal are concerned, I consider that this is good legislation, and the proposal that the tribunal should consider salaries at least every three years certainly has some rhyme and reason. To that extent, the Bill is good, but I do not agree when it comes to taking the whole matter out of the hands of Parliament and not referring it back.

I do not think that any responsible Parliament is likely to vary the findings of such a tribunal in an upward way, because members, regardless of Party, would get their just reward in due course. As the Hon. Mr. Geddes has suggested, we ought to have the right to take less if the occasion demands. I claim the right to register my disapproval and vote against a recommendation from the tribunal that the salary be increased by an amount that may be in my opinion excessive. I am not impressed about the Minister's reference to handing back salaries. I know that there have been odd occasions when one member of Parliament has handed his salary increase back, or refused to take it. I also know that it is the law of the land that the Government cannot do anything else with the money; it is left in what may be called a dead fund and is payable to that member if and when he wants it. There is no sense in that. Any increase granted must be taken by all members.

We should not be anxious to take what may appear to be an excessive increase. I am not generally in favour of increases in direct salaries for members of Parliament. However, if the tribunal thinks that a small increase is warranted, I shall not oppose it. I consider there is a case for an increase in the expenses allowance provided for most members, particularly for country members representing large districts. I know from personal experience and the experience of some of my colleagues who have large areas and longer distances to travel than I have just how high the expenses are.

We should have the right to look at what the tribunal recommends, and we should have the responsibility of saying, "This is a good recommendation", or, "We ought to take less than is recommended." While I support the Bill in that it recommends a tribunal and some regularity in this matter, I also intend to vote for the amendments that will give Parliament the responsibility that I believe it should have.

The Hon. D. H. L. BANFIELD: When I left my previous job I thought that I had finished hearing poppycock but I have heard a lot of it here tonight.

The Hon. M. B. Dawkins: And we have heard a bit of it from the honourable member from time to time, too.

The Hon. D. H. L. BANFIELD: I do not doubt that. I have listened to members speaking tonight in favour of arbitration and everything connected with it. They agree to have an inquiry and come back every three years, but they do not want anything to do with the findings and will have nothing to do with them. Why don't these members, when working people refuse to accept arbitration, get up and say, "Good luck to them", instead of asking the responsible Minister why he does not do something about it? When a matter is brought before an arbitrator, the first thing he says to each of the parties is, "Are you prepared to accept my ruling?" If either party does not agree to this, he simply refuses to hear the matter. What a lot of boloney we have heard tonight! They know they will be sure of an increase when the tribunal's decision comes up, but because this is a Government Bill they are talking a lot of nonsense and are not genuine. We all believe in arbitration and honourable members have seen arbitration put into practice in other fields. Therefore, let it be put into practice here.

In reply to one comment made, I say there is nothing in this Bill that would stop an arbitrator or a tribunal from meeting every month, if necessary, to consider any changes in the economy. Let us get away from making this Bill a political football. Let us accept arbitration as we tell others to accept it. Let us show people that we are prepared to accept it also. Then members will be able to earn the money they are now receiving.

The Hon. C. R. STORY: I will not be able to speak at the same speed as the last speaker because I was vaccinated in the normal way and not with a gramophone needle. The reason given by the Government for introducing this matter is that salaries are to be fixed by a tribunal. The Government is happy about a tribunal and equally happy about getting behind anything that will take its members away from the spotlight. I do not think this Bill will have that result because of the time taken up on debating this matter. If the press is consistent, there will be enough material

from this debate to keep it before the public from now until we meet again in January.

The Government has given reasons in the second reading explanation for its actions. I do not see what it sets out to do, because I cannot see that the Government would be so naive that it would have a tribunal set up of people whose salaries are twice or three times the salary of a member of Parliament. Such a tribunal would fix, in most cases, fairly high salaries.

The Hon. A. F. Kneebone: Some of them with high salaries, 100 times as high as others, do not fix high salaries for people working in industry, either. The analogy is not a correct one.

The Hon. C. R. STORY: The Minister is usually a tolerant man, but I see that if he is hit in the right place he will bellow. I again make the point—

The Hon. A. J. SHARD: I have been tolerant all day, but I think that Standing Orders have been stretched too far. We are in Committee and dealing with line 15. Great latitude has been allowed in this debate, and many other matters have been mentioned. I think we should confine ourselves to the clause under consideration rather than have second reading speeches.

The CHAIRMAN: I rather agree with the Chief Secretary but his colleague also spoke for a long time, with much repetition.

The Hon. C. R. STORY: I respect the wishes of the Chief Secretary, but I must make some comments on the determination.

The Hon. A. J. Shard: On the determination?

The Hon. C. R. STORY: Yes, but before that can be done—

The Hon. A. J. Shard: The honourable member cannot deal with it under Standing Orders.

The Hon. C. R. STORY: Why not?

The Hon. A. J. Shard: Because you should be speaking about a determination, and a determination only.

The Hon. C. R. STORY: I fail to see the logic of that argument. There cannot be a determination without a tribunal, and I am speaking of the determination on line 15 and I hope that the Chief Secretary will give me a fair deal.

The Hon. A. J. Shard: We have a lot of work to do, and it is a quarter to 12.

The Hon. C. R. STORY: Time has never worried me unduly in these matters. Tomorrow is another day, and I am not the least bit worried if I am brought back here tomorrow.

The Hon. D. H. L. Banfield: There is no overtime.

The CHAIRMAN: Honourable members will realize that if they do not interject it will cut speeches down considerably.

The Hon. C. R. STORY: Thank you Mr. Chairman. I do not reflect on people who are likely to be appointed to a tribunal, nor do I wish to indulge in personalities, but the people mentioned for the tribunal are paid a much higher salary than members of Parliament. This appears to be a form of blackmail, because I doubt whether any tribunal, having received the evidence and considered it, would ever decrease the salary of a member of Parliament. I believe any movement would be substantially upward. A tribunal brought in the 40-hour week without referring the matter to Parliament and without, I believe, studying conditions, and this had to be accepted all over Australia. That determination was not related to the economy of South Australia, as it was made in New South Wales. A determination was made in Queensland in relation to salaries, but there was an Opposition move to reduce the salaries recommended; they "ratted" on their mates. I believe it is necessary to have someone who can take evidence, consider the matter and make a recommendation, but I do not think that ought to be the alpha and omega. We are responsible to our electors, so we should put the seal on what we pay ourselves.

The Committee divided on the amendment:

Ayes (13).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), C. D. Rowe, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 9 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 3 and 4 passed.

Clause 5—"General powers and functions of the tribunal."

The CHAIRMAN: I suggest that we take the next amendments *en bloc*. They will necessarily be suggested amendments.

The Hon. A. J. SHARD: All these suggested amendments are consequential, and I do not object to their being moved as a whole.

The Hon. F. J. POTTER moved the following suggested amendments:

Page 4:

Line 13—Strike out all words in this line.

Line 14—Strike out "(*b*)".

Line 18—Strike out the word "determine" and insert in lieu thereof the word "recommend".
Line 21—Strike out the word "determine" and insert in lieu thereof the word "recommend".
Line 24—Strike out the words "make such recommendations to the Treasurer" and insert in lieu thereof the word "recommend".
Line 36—Strike out the word "determine" and insert in lieu thereof the word "recommend".
Line 40—Strike out the word "determination" and insert in lieu thereof the word "recommendation".

Page 5:
Line 1—Strike out the word "determine" and insert in lieu thereof the word "recommend".
Lines 2 and 3—Strike out the word "determination" and insert in lieu thereof the word "recommendation".
Line 8—Strike out the word "determine" and insert in lieu thereof the word "recommend".
Line 9—Strike out the word "determination" and insert in lieu thereof the word "recommendation".
Line 12—Strike out the word "determine" and insert in lieu thereof the word "recommend".
Line 16—Strike out the word "determined" and insert in lieu thereof the word "recommended".
Line 17—Strike out the word "determination" and insert in lieu thereof the word "recommendation".
Lines 18, 19 and 20—Strike out the whole of paragraph (*e*).
Lines 21-31—Strike out the whole of subclause (4).

The Hon. A. J. SHARD: I oppose the suggested amendments.

Amendments carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—"Treasurer to be notified of determination and determination to be published in the *Gazette*."

The Hon. F. J. POTTER: I do not intend to move an amendment to this clause but ask honourable members to vote against it.

Clause negatived.

Clause 9—"Tribunal may prepare report on a determination and Treasurer shall cause such report to be laid before Parliament."

The Hon. F. J. POTTER moved:

That it be suggested to the House of Assembly that subclause (1) be struck out and there be inserted the following new subclause: "(1) The tribunal shall prepare a report with its recommendations."

Suggested amendment carried.

The Hon. F. J. POTTER moved:

That it be suggested to the House of Assembly that in subclause (2) "on a determination or recommendation" be struck out and there be inserted "with the recommendations".

That it be suggested to the House of Assembly that in subclause (2) after "report" second occurring there be inserted "and reccommendations".

Suggested amendments carried; clause as amended passed.

Clause 10—"On whom determination to be binding."

The Hon. F. J. POTTER: I do not move an amendment to this clause but ask honourable members to vote against it.

Clause negatived.

Clause 11—"Determination to be final."

The Hon. F. J. POTTER: Again, I move no amendment, but ask honourable members to vote against the clause.

Clause negatived.

Clause 12—"Remuneration of members."

The Hon. F. J. POTTER moved:

That it be suggested to the House of Assembly that subclause (1) be struck out.

Suggested amendment carried; clause as amended passed.

Clauses 13 and 14 passed.

Clause 15—"Appropriation."

The Hon. F. J. POTTER moved:

That it be suggested to the House of Assembly that the clause be struck out.

Suggested amendment carried; clause negatived.

New clause 15a.

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

That it be suggested to the House of Assembly that the following new clause 15a be inserted:

> Notwithstanding anything contained in this Act, no recommendation made by the Tribunal under the provisions of this Act shall provide for different rates of basic salary as between members.

This is an important clause, because the Constitution Act provides that the payments made to the Speaker of the House of Assembly and the President of the Legislative Council shall be equal, and that salaries and allowances paid to the officers of Parliament shall be equal. The officers of Parliament there referred to are the Clerks of Parliament. It is important that we should have included in this Bill a provision that, whatever recommendation may be made be this tribunal, it cannot depart from the principle that there should be equality of basic salary between all members, whether of this Council or of another place.

The Hon. A. J. Shard: Has it ever been suggested that there should not be?

The Hon. F. J. POTTER: We do not know in what form this Bill will finish up. It is important that we should have it enshrined in the Act that the basic salary (referred to in Part I of the Second Schedule) is something that remains equal between all members of both Houses.

Suggested new clause inserted.

Clause 16 passed.

First, Second and Third Schedules passed.

Fourth Schedule.

The Hon. C. R. STORY: I wish to deal with paragraph (*d*). I understand that these schedules indicate the remuneration that the people mentioned receive, and that there is nothing I can do at present to change this position. However, I wish to state and have recorded that, in my opinion, the Leader of the Opposition in this Council is justly entitled to the same remuneration as the Leader of the Opposition in another place receives.

The Hon. D. H. L. Banfield: Leave it to the tribunal.

The Hon. C. R. STORY: No. I am going to have a bit of a spiff on it now. At present, the Leader of the Opposition in this place is carrying a fairly heavy load. He is not a second-class citizen, and I do not ever want to see a member of this Chamber in that position. That is why the Opposition is taking action over the whole Bill. I want to make sure that the Legislative Council is preserved (and it will still be here in 100 years' time, irrespective of what the Government says) and I want to ensure that the Leader of the Oppsitoion is put on the same basis as the Leader in another place.

The Hon. S. C. Bevan: I thought you always said there was no Opposition in this Chamber.

The CHAIRMAN: That was decided by the Council some time ago.

The Hon. C. R. STORY: It was never the desire of my Party for this to be a Party House, but the Leader of the Labor Party (and I consider he was quite right) asked for some suitable reward for his services, and my Party leaned over backwards. In order to enable him to get that remuneration we accepted, perhaps against our better judgment, the term of Leader of the Opposition.

The Hon. Sir Arthur Rymill: I do not think we ever accepted it.

The Hon. C. R. STORY: We did not vote against it.

The Hon. Sir Arthur Rymill: I do not think we had the opportunity.

The Hon. C. R. STORY: Yes, we had the opportunity to do this. This was put to us by a tribunal to enable the Leader of the Opposition to get some small emoluments for his services to meet out-of-pocket expenses. That is about all it amounts to. We accepted in principle, and had it written into the Statute, that there be a person known as the Leader of the Opposition.

The Hon. Sir Arthur Rymill: I think you are making a mistake, because that was when the Labor Party was in Opposition.

The Hon. C. R. STORY: At the moment, a gentleman is occupying a seat and the office that he holds, for all practical purposes, is that of Leader of the Opposition in this place. I consider that the gentleman occupying the seat is entitled to an emolument equal to that received by the Leader of the Opposition in another place, and I strongly recommend that honourable members give due consideration to it so that, whether we have a tribunal or not after a conference that may take place, this office will be properly recognized.

The Hon. S. C. BEVAN: What is really important—

The CHAIRMAN: All we have before the Chair is a suggestion that it be considered.

Fourth Schedule passed.

Fifth Schedule passed.

Clause 1 reconsidered.

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

In subclause (2) to strike out "15". In drafting the amendments, I overlooked this.

Amendment carried.

Title.

The Hon. F. J. POTTER moved:

To strike out the whole of the long title and insert:

> An Act to make provision for the remuneration of Ministers of the Crown and officers and members of Parliament and for the establishment of a tribunal to make recommendations with regard to such remuneration of Ministers of the Crown and officers and members of Parliament, to repeal the Payment of Members of Parliament Act, 1948-1963, and to amend the Constitution Act, 1934-1965.

Amendment carried; title as amended passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

The Hon. S. C. BEVAN (Minister of Local Government): I move:

That the Legislative Council's amendments be not insisted upon.

The amendments which were moved in this Council and which are not acceptable to the other place are well known to honourable members and, apparently, they were reviewed in the other place.

Motion negatived.

A message was sent to the House of Assembly requesting a conference at which the Council would be represented by the Hons. S. C. Bevan, R. C. DeGaris, A. F. Kneebone, F. J. Potter and C. R. Story.

Later:

The House of Assembly granted a conference to be held in the Legislative Council conference room at 1.45 a.m.

At 1.40 a.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 5.15 a.m. The recommendations were:

That the House of Assembly insist on its disagreement to suggested amendments Nos. 1 to 27 and No. 29 and that the Legislative Council do not further insist upon those suggested amendments.

That the Legislative Council amend its suggested amendment No. 28 by inserting after "Act" first occurring "the Tribunal may vary the basic salary of members but" and by leaving out "recommendation" and inserting "determination" and that the House of Assembly amend the Bill accordingly.

The Hon. S. C. BEVAN (Minister of Local Government): The last amendment has been distributed to honourable members. It will not be 15a; it has been decided to renumber it 16, and 16 becomes 17.

The House of Assembly intimated that it had agreed to the recommendations of the conference.

Consideration in Committee.

The Hon. S. C. BEVAN: I move:

That the recommendations of the conference be agreed to.

The managers from this Chamber met the managers from the House of Assembly in relation to this question. After lengthy consideration of the matters that had been raised in the Council, the managers from this Chamber made a further examination of the attitude of the Assembly managers and it was found that one of the objections had been that Parliament would not have the opportunity of examining a determination that would be made by the tribunal proposed to be set up under the Bill. After careful consideration by the managers, it was found that, if a determination is made, it will still be open to any honourable member to move expressing disapproval of the determination and seeking action to vary it.

It is provided in the Bill before us that a report of the reasons for a determination must be laid upon the tables of both Houses. That being so, honourable members will be able to examine the report fully and, as I say, it will then be competent for any member to raise a question in regard to the report, if he so desires. It is open to the Government of the day to bring in amending legislation to vary a determination of the tribunal, even in these circumstances. After examining all these matters, the managers from the Legislative Council found that there were adequate safeguards in the proposed legislation and decided that they would inform the managers of another place that they would recommend that the Council would not persist in the amendments, as has been stated.

With respect to the dispute in relation to the basic salary, it was obvious on examination of the Bill, although it could be assumed the tribunal would have full authority to alter the basic salary, this was not clear. It was not clear that the tribunal would make a determination applicable to all members of both Houses, and exception had been taken to this point here.

The managers of this Council insisted upon their amendment to clarify the position and make it clear in the Bill that the tribunal appointed would have full authority to amend the basic salary, because the Second Schedule lays down the present basic salary and any authority being embodied in the Bill affecting that salary could be altered. With nothing in the Bill to assume that the basic salary could be altered, it was probable that there could have been discrimination between both Houses of Parliament. This was not desirable, and to safeguard the possibility of that occurring, and so that it would be clear in the Bill that the tribunal would have full authority to examine and alter at any time the basic salary, the managers of this Council insisted on the amendment that has been distributed to honourable members. The conference was held in a friendly manner and the wisdom of the amendment insisted upon by the managers of this Council was acknowledged by the managers of the other place, so it was adopted.

Motion carried.

SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT BILL.

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

Its object, in amending the South Australian Housing Trust Act, 1936-1952, is to bring the South Australian Housing Trust under closer Ministerial control, thus making the Housing Trust more directly answerable to Parliament. Clause 3 amends section 3 of the principal Act and provides that in administering the Act the trust shall be subject to the directions of the Minister. Clause 4 inserts a new section 3a in the principal Act. Subsection (1) provides that in the exercise of the powers, functions, duties, etc., conferred upon the trust under this or any other Act the trust shall be subject to the direction and control of the Minister. Subsection (2) provides that, where any direction given in pursuance of this section adversely affects the accounts of the trust, the Chairman shall notify the Minister and the amount of any loss occasioned by any such direction shall, if certified by the Auditor-General, be paid to the trust out of moneys to be provided by Parliament.

The Hon. C. R. STORY (Midland): I have examined this Bill which, although it is not long, no doubt is important. I have told the Chief Secretary that I do not wish to delay this measure. Its purpose is to bring the South Australian Housing Trust under the control of the Minister, and we do not oppose that. However, if we were the Government I do not think we would do this, because the trust has a good record. However, I am not going to interfere with Government policy, and this is Government policy. Clause 4 deals with Ministerial control, and inserts new section 3a in the principal Act. It reads:

(1) In the exercise of the powers, functions, authorities and duties conferred upon the trust by or under this or any other Act the trust shall be subject to the direction and control of the Minister.

(2) Where any direction given in pursuance of subsection (1) of this section adversely affects the accounts of the trust the Chairman shall notify the Minister and the amount of any loss occasioned by any such direction shall, if certified by the Auditor-General be paid to the Chairman out of moneys to be provided by Parliament.

That is some safeguard as far as Parliament is concerned. The trust has done a wonderful job in this State under the chairmanship of Mr. Cartledge, the guidance of the board, and the fine work of the general manager (Mr. Ramsay) and officers of the trust.

I know there was an incident in recent times resulting in this measure being placed before Parliament. I think this was given sufficient publicity at that time, so there is no need for me to hack at it at this hour. I support the second reading.

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

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL.

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

Its design is to bring the provisions relating to superannuation for members of Parliament more into line with the provisions available to members elsewhere in Australia and superannuation provisions for public servants and others. For present and future members it provides for a 14 per cent increase in contributions and increases in benefits rising from 12 per cent after nine years' service to about 20 per cent or 21 per cent after 18 years' service. Hitherto, the provisions of the Act have given increases in benefits for each year of service in excess of 18 years at only one-third the rate of the increases for each year of service up to 18 years. This has been reasonable, as contributions by members commenced only 17 years ago, and thus for the additional service in question members will have made no contribution. In effect, the full cost of such benefits for service before contributions began is borne from Government contributions. Within a few years a number of members will have had more than 18 years of contributory service, and provision is now made that, for contributory service beyond 18 years and up to 24 years, the rate of pension shall increase at the full rate as for the earlier years rather than at one-third of that rate.

It is proposed that the limitation of pension to that applicable to 30 years of service shall remain until the stage is approached when the fund has been operating for 30 years on a contributory basis, when a review will be made. In line with most other schemes, it is proposed that a retiring member shall qualify for pension after eight years instead of nine years, and may retire voluntarily after 15 years instead of 18 years, or at the age of 60 instead of the age of 65. There will no longer be a qualifying period of service for either an invalidity or a widow's pension. The reduction of pension through holding an office of profit under the Crown is to be removed. It is also proposed hereafter not to give members the choice of several rates of contribution with corresponding benefits but to require all new members to contribute at the full rate.

At the present time only two of 59 members are actually contributing at less than the full rate.

For pensioners, whether ex-members or widows, who have been on pension since before the commencement of the 1960 Amendment Act, it is proposed to increase the rate of benefit by one-third. This will make available to all those for whom contributions were made at the maximum available rate from time to time pensions at the rate applicable under the 1962 Amendment Act for those members contributing at £150 per annum. This was the maximum rate of contribution available at the time of the 1962 Act. With the amendments proposed, it is anticipated that the fund will operate on a basis of the contributors covering about 30 per cent of costs and the Government about 70 per cent. This is in line with the basic subsidy rates proposed in the proposed amendments to the superannuation provisions for Government officers and employees.

Clause 3 of the Bill makes the necessary amendments to section 9 of the principal Act relating to contributions by members. Clauses 4 and 6 make the necessary provision to reduce the qualifying period from nine to eight years, to remove the necessity of a qualifying period in case of invalidity and to enable voluntary retirement after 15 years' service or at the age of 60. Clause 5 provides for the new rates of pension. For members contributing at the full rate the pension will be £728 plus £78 for each year's service in excess of eight and up to 18, plus £26 per annum for each year in excess of 18, with a maximum of £1,820. Where a member has been a contributor for over 18 years there is a further increase of £52 for each year beyond 18 up to a maximum addition of £312. For members contributing at the lower rates there is a correspondingly lower entitlement. Clause 7 removes the qualifying period of service for a widow's pension, while clause 8 removes the provision for reduction of pension where a pensioner holds an office of profit under the Crown.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I am afraid that any idea I may have had to speak to this Bill has been overcome by exhaustion, so I am rather glad that it occupies only one page. The Bill indicates that the Parliamentary Superannuation Fund has developed over the years; it has existed for about 17 years, and has been changed only as the position of the fund has improved. Perhaps we have been fortunate in not having too many changes to or claims on the fund, because it has improved with the accumulation of members' contributions that have been increased from time to time, and adjustments have been made to the benefits in accordance with the general change in money values.

The main feature of the Bill is that the qualification period has been shortened from nine to eight years. Clause 5 is what one may call the "humane" clause, inasmuch as it raises the sum payable to certain widows, as set out in the clause. This is the second time that sum has been increased; from three-fifths of the pension it was raised to three-quarters, and now it is raised to four-fifths. Also, an alteration in increments has taken place. Members' contributions have been increased to £288 a year, and the relevant clause in the Bill makes it compulsory for every member to contribute to the fund. Although contributions were previously optional, a majority of members were subscribers to the fund, only two members not having taken the advantage of joining. This is a sound measure, and is fully justified in every way.

The Hon. C. R. STORY (Midland): One clause has not perhaps been given adequate consideration, and that is the clause dealing with the age limit. Changes have been made in respect of the age limit of 65. A group of people that has been contributing for a long time can easily be penalized under this provision. Some members have already been paying in for 14 or 15 years and are still in their early forties. If, by defeat at an election or through sickness, they leave Parliament, they have to wait for a period of five or six years before they can qualify for a pension. I cannot do anything about it at this stage; I merely raise it now for consideration. When the time comes to consider amendments, this angle should be considered. I know we have to proceed reasonably slowly with these things, but we should first deal with the older members in the scheme, who have been paying in for a long time. This Bill is an improvement on the present scheme and, as time goes on and the fund builds up, greater benefits will be derived from it. I support the second reading.

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

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 3329.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): One often hears a muttering, especially on a certain side of this Chamber, about people

being born with silver spoons in their mouths. Be that as it may (to borrow a phrase from a well-known statesman) I claim to have been reasonably endowed with some of the milk of human kindness. Therefore, I certainly do not oppose any reasonable compensation to anyone who is injured at his work—or elsewhere, as far as that is concerned, in appropriate places. I am sure that applies to all honourable members.

The Hon. A. J. Shard: I hope so.

The Hon. Sir ARTHUR RYMILL: So, this question really boils down to what is reasonable and what is properly relevant to this particular type of compensation loosely known as workmen's compensation and, particularly, as to what industry can afford for the purpose of compensating people as adequately as possible. This Bill widens the scope of workmen's compensation to a considerable degree. In my opinion, it goes too far in certain places. It goes further than what I regard as being relevant to what is called workmen's compensation.

It is probably a weakness in the argument I propose to develop that similar Acts have been passed in other States of the Commonwealth, and we are certainly seeing an increasing tendency in these days to copy the Acts of other States. We are getting a certain amount of uniformity for the sake of uniformity, and I have always said that this is not a good thing. We have seen many measures copied from other States that raise taxation brought before us in the early part of this session and at the present time. All these things have been done in the name of the fact that the same things have happened somewhere else. To me, this is not the be-all and end-all of the matter. I think we have to bring to bear our independent views and to use whatever powers of intelligence we have at our command, and so do what is reasonable in the interests of the State.

This is a short Bill but there are several important features to it. Simply by such amendments as the alteration of "and" to "or", the clauses in question are dramatically affected. The question of journeys to and from work has been widened considerably and also the matter of recesses, and I propose to deal with them later. If one can contrast another matter with this particular question, we all know that Commonwealth Governments of both political Parties have fairly steadfastly refused to allow taxation deductions in respect of the cost of getting to and from work. Apparently, these Governments, both Labor Party and Liberal and Country Party, certainly do not seem to consider going to or coming from work in this context.

The Hon. D. H. L. Banfield: What does the Commonwealth Workers Compensation Act provide?

The Hon. Sir ARTHUR RYMILL: Yes, that provides for it, but I say that this is not consistent. In developing the information that I propose to present on this matter, I should like to deal with the first amendment, which removes the words "by accident" from the principal Act and also changes the word "and" to "or" in the next clause. I shall deal with these *seriatim*. Section 4 of the principal Act at present provides that if in any employment personal injury by accident arising out of and in the course of the employment is caused, then compensation is payable. This Bill sets out to delete the words "by accident" and to change the word "and" to "or", which dramatically affects the meaning. Instead of providing that in any employment personal injury by accident renders an employer liable for compensation, the clause will provide that if in any employment personal injury arising out of or in the course of employment is caused to a workman, the employer shall be liable for compensation. The result of the deletion of the words "by accident" and the insertion of "or" must be to include all injuries that are not related to any particular incident, and which may not be relevant to the employment at all.

I propose to give some examples. I would have thought that this was taking it a bit far, because surely, if it is workmen's compensation, it ought to relate to the work, not to something totally unrelated. The classic example is a back injury that develops over a period. I think many of us have suffered from those. I have, and know that they can be very painful and harmful to one's capacity to work. There is no question of that, but such an injury, although totally unrelated to the employment, can—

The Hon. A. F. Kneebone: Not necessarily.

The Hon. Sir ARTHUR RYMILL: I used the word "can" deliberately. It can be brought under the legislation. If a sudden manifestation of this occurred at work, although the person concerned was predisposed

to it, then it would doubtless come within the scope of the principal Act, as amended. The same applies to heart attacks. The Chief Secretary and I had an exchange of views across the Chamber a month or two ago on this, and it so happened that we agreed that that applied, because we found that we ourselves had been engaged in cases of this nature.

I can speak with authority on this matter, because I have handled a case of this nature in the court. The position regarding heart attacks was that one had to prove that some incident actually happened at work during the course of employment that triggered off the heart attack. That did not mean that the heart attack had necessarily been caused by the employment, but that the actual coronary accident must have happened not only at the employment but because of it. The case I had was one where a very heavy truck being driven near Whyalla got bogged. The driver carried huge sacks of stones to put under the wheels, and that night he had a coronary attack. It was held that the tremendous exertion which had gone on that day caused the heart attack, even though it was proved that he was predisposed.

The Hon. A. F. Kneebone: Was he successful?

The Hon. Sir ARTHUR RYMILL: Yes.

The Hon. R. C. DeGaris: Do you know why?

The Hon. Sir ARTHUR RYMILL: No; I think he was a fortunate man in that, despite his representation, he won through. I think these are good general examples of the things that can happen. I should like to quote some specific examples from the Victorian Chamber of Manufactures *Parliamentary Review* No. 9, of October 3, 1957, regarding cases under the Victorian Act, because our Act is being brought almost precisely, I think, into line with that legislation. These cases where compensation has been awarded are somewhat extravagant, and some of them are rather amusing. The first is that of a lad worker who attempted to embrace a girl worker. Her girl friend protested and the lad knocked her down, injuring her, and workmen's compensation was available. A worker went to shake hands with another workman who responded by jabbing him with a pair of scissors; compensation was awarded. A worker was eating a walnut when a piece became lodged in his nostril, and compensation was awarded. A worker attempted to clear wax from his ear by using a match (and that is a perilous habit at any time) and he hurt his ear. Compensation was awarded. Also mentioned is a person swallowing a fishbone, and another swallowing a foreign substance whilst partaking of a meal during rest periods. Workmen's compensation was awarded.

The Hon. R. A. Geddes: Was it a fish factory?

The Hon. Sir ARTHUR RYMILL: It was not, but if it were it might have been relevant. Another case instanced was that of a man crossing a road from his place of employment. He failed to take notice of an approaching bus and he was injured. That often happens if a person is silly enough to ignore an approaching bus.

The Hon. A. F. Kneebone: He would be entitled to third party insurance there.

The Hon. Sir ARTHUR RYMILL: I believe that all cases I mentioned were authentic, although I had merely an extract from the review handed to me. I have not seen the actual review, but I think I am correct in this. Even if that should not be so, I think the examples will serve to illustrate the type of things that can happen under the Act that are not covered in it now.

The Hon. F. J. Potter: In the case just mentioned I think there would be third party insurance.

The Hon. Sir ARTHUR RYMILL: Yes, but surely it is not relevant to workmen's compensation, and that is the point I am trying to make. The final case I mention mainly because it is rather amusing. A girl worker during a lunch rest period went to a shop outside and bought an ice cream. A drop of ice cream fell on her shoe, a dog was running beside her, she shook her foot to dislodge the drop, and the dog "apparently misunderstood" her action and bit her leg.

The Hon. R. C. DeGaris: Who was compensated in that case, the dog?

The Hon. Sir ARTHUR RYMILL: I think I have made my point clear as to the sort of things that this Act is being widened to embrace. These examples may be extreme ones and fairly extravagant, but one has to have regard to them. There are plenty of other examples that could be given.

The next question I want to debate is whether the word "injury" should be defined. I understand that this has been done in Victoria

and New South Wales and, although I have not seen the Victorian definition, I have read the New South Wales one and considered it. Although representations have been made to me that "injury" should be defined, having read the New South Wales definition I have come to the conclusion that it does not add much or help much and I do not propose to pursue that topic.

I wish to return to the question of what is called "journey cover", that is, cover under workmen's compensation insurance for travelling to and from work, during luncheon recess and so on. I believe that this cover, although it has been included in the legislation of other States for a long time, has always been vigorously opposed by employers in this State and up to the present time it has not been conceded. The employers' argument is, I think, that they oppose the full journey risk becauses it includes, in many instances, journeys not connected with the workman's employment and the point also arises that I raised before as to whose obligation it is for a workman to get to and from work. The Hon. Mr. Banfield interjected on this matter, and I am rather hoping he does so again today because, as I understand it, in the normal case (I say "the normal case" because I know there are some cases where this does not apply) the employee is not paid for his time of getting to and from work. If that is the case, surely it indicates that that period is not a fundamental part of his employment? However, apparently he is covered by compensation for this time.

The Hon. D. H. L. Banfield: It is fundamental to the industry. If he is not there he does not produce anything.

The Hon. Sir ARTHUR RYMILL: But he is not paid for the time involved. I think there are a few cases where he is, but they are exceptions and, in general, he is not paid for the time getting to and from work. He is certainly not paid for his lunch hour as that does not form part of his working hours. This Bill is not consistent because it states that he be compensated as though he were actually doing his work during the time he is going to and coming from such work. There are certain qualifications to this journey cover that I propose to deal with, but perhaps I should deal with the words first before discussing them. Section 4 (2) reads:

An accident shall be deemed to arise out of and in the course of the employment of a workman if it occurs—

(*a*) while the workman in the course of a daily or other periodical journey of the workman between his place of abode and his place of employment (where the such journey is to or from work) is being conveyed by a means of transport provided either by the employer or by some other person pursuant to arrangements made with the employer;

(*b*) on a journey taken by the workman between his place of employment and a trade or other training school which he is required to attend . . .

(*c*) while the workman is in attendance at any such school for such purpose;

I point out to honourable members that I will not read the whole of the extracts. The subsection continues:

(*d*) while the workman on any working day on which he has attended at his place of employment pursuant to his contract of employment is with the express consent of the employer temporarily absent therefrom on that day during any authorized meal. . .

(*e*) while the workman is travelling between his place of residence or place of employment . . . in connection with any such injury for which he has received compensation.

The Hon. F. J. Potter: There is a qualification to (*d*) under the Act, that states:

during such absence is not guilty of any misconduct . . .

The Hon. Sir ARTHUR RYMILL: Yes, I had not read the whole of the subsection.

The Hon. F. J. Potter: I think it is an important qualification.

The Hon. Sir ARTHUR RYMILL: Yes, and I thank the honourable member. It is qualified by the fact that "during such absence is not guilty of any misconduct". That is important, as the honourable member has said. It is one of the things that I intended to read, as it is part of this argument. Subsection 3 of that section provides similar action. Section 5 of the principal Act is relevant and it reads:

No compensation shall be payable in respect of any injury if the injury is consequent on or attributable to the serious and wilful misconduct of the workman unless the injury results in the death or permanent total incapacity of the workman.

The Hon. A. F. Kneebone: This does not cover some of the matters that the honourable member referred to just now regarding various cases in Victoria. Would not some of them be cases of serious misconduct?

The Hon. Sir ARTHUR RYMILL: I was just going to deal with that point. "Serious and wilful misconduct" has a vastly different meaning from "negligence". "Wilful" means roughly that the person does something

deliberately, and "serious misconduct" means something that is a very important breach of duty. A far higher degree is set by these words than by mere "negligence". As far as I can remember, none of the cases I have read out has been wilful. For instance, the man who had the piece of walnut in his throat did not put it there on purpose, so I do not think that comes within this definition. If "negligence" were the word used, that could be negligence, but a much higher degree of negligence is involved in these particular words. Section 5 of the principal Act has a new subsection (2) added by clause 4 as follows:

No compensation shall be payable . . during or after any substantial interruption of or substantial deviation from the journey made for a reason unconnected with the employment or unconnected with the attendance at the place or school . . . unless in the circumstances of the particular case the risk of injury was not materially increased by reason only of such substantial interruption or deviation or other break.

All these things are proper to be in the Bill, and I think this is a good provision. I think again this is modelled on the New South Wales Act. However, there have been certain legal decisions in New South Wales that leave the interpretation of this new subsection rather at large. It seems that in New South Wales the degree of interruption or deviation has been decided to be a question of fact that the court has to decide on the individual circumstances of each case. If this clause is passed, that will apply here, too. I do not know if there is any remedy for this; I prefer to see these matters properly defined so that a court does not have to go into the particular circumstances. However, it seems to me that it may well be incapable of any precise definition, so it may therefore be the best we can do. The clause with which I particularly want to deal is clause 9, which sets out to enact new section 28a. This clause was amended in another place and was certainly improved. It originally provided:

Notwithstanding anything in this or any other Act contained, the amount of compensation payable to a workman pursuant to this Part shall be computed and based upon the rates of compensation in force at the time of the death or incapacity as the case may be of the workman, whether the injury occurred before or after the day upon which such rates came into force.

My interpretation of the clause as it was then is that it would have meant that the new rates applied to every claim that had already been made and not decided, and to every injury in respect of which a claim had not been made but which was available to be made. There is a time limit of six months for taking action under the Workmen's Compensation Act, so there is a certain limitation, but the retrospectivity of that clause as originally presented was very wide indeed. These words were added:

In respect of any claim for compensation made after the commencement of the Workmen's Compensation Act Amendment Act, 1965.

The position in which those words were placed certainly cut down the retrospectivity of the new section considerably, but there is still a retrospective aspect in the existing new subsection. I am indebted to legal friends for pointing out to me that every time the Act is amended and new rates are brought in, if the clause is left as it is at the moment, the same retrospectivity will occur on every occasion, but I do not think that is the intention. I believe this matter was thrashed out in another place, but I cannot refer to the words used, as you know, Mr. President; however, I can say that, having the knowledge of what was said in another place, I think the amendment that I propose to move may well clarify this point and meet the wishes of the Government in this regard in a more precise manner. I am having the amendment printed at the moment, and it will be on honourable members' files as soon as possible. It is not my fault that members will not have much time to consider this, because we received this Bill only yesterday. In the limited time available to me since then I have done a certain amount of work on it, and I have received a certain amount of help from people outside this Chamber for which I am grateful. I should like to see this Bill stood over until after the adjournment, as it is an important measure that should have full consideration. I do not want to see people go without their increased compensation in the meantime, but no doubt that can be adjusted by a very small amendment to have the Bill come into effect from this date if it is stood over. However, no doubt we shall see what the attitude of the Government is to this suggestion. I now raise the same point as I raised last night on the Stamp Duties Act Amendment Bill relative to the monetary consequences of this Bill. By the widening of workmen's compensation the cost of insurance cover will increase substantially. I have a table that gives a few examples, and I ask leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Comparison of some Workmen's Compensation Premium Rates.
(Expressed as Percentage of Wages.)

Manufacturers:	South Australia. Per cent.	Victoria. Per cent.	New South Wales. Per cent.
Agricultural implement manufacturers ..	48/6	167/8	75/6
Builders	73/9	236/6	118/6
Electrical engineers	38/6	100/9	71/–
Engineers	76/3	105/2	119/–
Foundries	92/6	177/3	121/6
Quarries (width blasting)	115/6	384/5	160/–
Others:			
Clerical	2/6	11/6	3/6
Commercial travellers	7/9	20/5	11/–
Farmers	48/6	114/9	101/–
Fruitgrowers	34/–	73/4	87/–
Pastoralists	52/–	114/9	101/–
Retail stores	8/3	28/8	16/–
Wholesale stores and warehouses	18/9	51/–	35/6

The Hon. Sir ARTHUR RYMILL: The table shows percentages of total wages, and the figures for South Australia are those applying under the Act as at present. The rates are probably based on the difference between the State Acts and also on the claims made from time to time. The table shows that the relevant figures for builders' employees are: in South Australia, 73s. 9d.; Victoria, 236s. 6d.; and New South Wales, 118s. 6d.; and for electrical workers they are for South Australia, 38s. 6d.; Victoria, 100s. 9d.; and New South Wales, 71s. I need say no more on that. Those are typical examples. I am told by the people who furnished me with this information that the effect of this widening of workmen's compensation will be to put up the employers' payrolls by 1½ per cent, or in other words it will mean an additional 6s. a week on the average weekly wage.

The Hon. D. H. L. Banfield: Does that apply to the people at present not receiving any benefit?

The Hon. Sir ARTHUR RYMILL: I know that people not receiving benefit will receive benefit. Money does not come out of the air and, when they receive these benefits, somebody has to pay for them. Of course, it is the employers who have to pay for them.

The Hon. D. H. L. Banfield: They have to pay for them out of the result of what is achieved by the employees.

The Hon. Sir ARTHUR RYMILL: The employer pays their insurance company charges; the employer pays for the cover for all of them. One can look at the matter raised by the Hon. Mr. Banfield in the opposite way—that the employees are benefiting from the wonderful skills, abilities and vision of the employers. We can look at these things both ways. It is not just the employees.

The Hon. D. H. L. Banfield: But the employees are skilled, too.

The Hon. Sir ARTHUR RYMILL: I am not denying that but my honourable friend is putting just one side of the question. The employers are affected in a big way in this matter. I give these figures because I think honourable members should have them before them when considering this Bill. I started by saying that I am not averse to reasonable compensation (in fact, I am all for it) but the Council has to consider whether this is reasonable or whether in certain instances this Bill goes too far. The Playford Government set out to hold down costs in South Australia so that our manufacturers with the disadvantage of being away from the great centres of population in this country were able to compete, despite freight rates. I know that members opposite do not altogether agree with that policy and have shown their disagreement by substantially increasing the costs to the employers by many Bills presented to Parliament during this session. However, all these things are relevant to this matter. I hope we have a reasonable time in which to consider this Bill. I shall debate the detail of these matters more specifically and more particularly during the Committee stage. In the meantime, I support the second reading.

The Hon. L. R. HART (Midland): This Chamber is indebted to Sir Arthur Rymill for the clear explanation he has given. I do not think honourable members here have any particular quarrel with the motives of the Bill: in fact, the Liberal and Country League Party agrees that adequate compensation should be payable to people who are injured at or in the

course of their employment. They may also believe that there should be some coverage for a worker who is travelling to and from his employment, but the aspect that worries us is that the Bill in its present form could lay itself open to abuses. This is the angle from which this Council must view this Bill; it must see that the Workmen's Compensation Act as amended by this Bill is not one in respect of which the workman can claim compensation for injuries he did not incur in the course of his employment or in actually travelling to or from his employment.

The concept of workmen's compensation has been with us a long while. The liability of an employer to his employees existed long before any insurance policies were issued to cover the employer against such a responsibility. The first Workmen's Compensation Act was introduced in South Australia in 1900. It was of limited scope and applied only to those jobs that were particularly hazardous. Since 1900 there have been many amendments to the Act, each one of which has increased the scope and application of its provisions and the scale of benefits. Its most important feature is that there is no need to prove negligence before a claim can arise. If an accident arises out of and in the course of employment, with few exceptions the workman is entitled to receive compensation from his employer according to the scale laid down in the Act. One of the principal features of workmen's compensation is that it covers a workman for injuries he receives because of his own negligence. An injured workman and his dependants receive liberal weekly compensation payments, together with medical, hospital and similar expenses, during the period of disablement, and a substantial sum is payable for death or total or partial incapacity.

There is an ancient rule of law that imposes on everyone the duty to regulate his afiairs in such a way that he shall not occasion injury to others. An employer is under the same obligation to his employees in this respect as he is to all other persons and, when an employer is personally guilty of an act of negligence that causes injury to his employee, such employee then has a claim against his master at common law, in which case the amount recoverable is unlimited. It is rare for proceedings to be brought under any other Act than the Workmen's Compensation Act, principally because of the liberal benefits and the ease with which a claim can be made.

The Hon. D. H. L. Banfield: Or the cost of litigation.

The Hon. L. R. HART: There is the cost of litigation, admittedly, but when the claim can be unlimited it can absorb a fair bit of the costs. If a man believes that his case is justified, it is the same under common law; it is the same with claims made under the Wrongs Act. So this amending Bill sets out to amend the Workmen's Compensation Act just as all other amendments have in recent years: to extend it to cover a workman not only in the course of his employment but also during the time that he is journeying from his place of abode to his place of employment. This particular aspect is open to much abuse. Sir Arthur Rymill has given examples of where these particular abuses have occurred in other States and I desire to give an example of what could possibly happen. A person employed in harvesting operations, which is a dirty job, may live about six miles from his place of employment and on his way home, in a dirty, filthy condition, he may decide to have a swim in a dam that does not involve a great deviation from his route home. Dam water is notoriously cold, as you may well know, Mr. Acting President, and he may contract pneumonia when he goes home and may be dead within two days. Under these amendments, such a person will be entitled to compensation. It could easily be proved that, because of the conditions under which he worked, he was entitled to go to the dam.

I point out these instances to emphasize that the inevitable result of this Bill must be an increase in costs. The costs incurred under this Bill alone do not concern us so much as the cost increases that it will cause together with those caused by other Bills that have been introduced in the last few months. The effect on the economy will be serious. We see on the Notice Paper that we shall be asked to extend the period of operation of the Prices Act. I would ask whether any consideration has been given to how the costs that will be incurred by industry, which is under price control, will be met and whether adjustments will be made. I think the Prices Department should look at the effect this Bill will have on the price structure. The increased cost arising from this legislation, together with other increased costs, should keep the Prices Department active for a considerable time.

However, I have no particular quarrel with the motives of this Bill. A workman is entitled to benefits if he is injured while he is employed and while he is journeying to or from his employment, but I think we ought

to see that the Bill does not lay itself open to abuse. I support the second reading.

The Hon. H. K. KEMP (Southern): I do not think it is for me to go into the technical details of the Bill. That has been covered ably by Sir Arthur Rymill. I think most honourable members have looked at the debates in another place. However, it is my duty to point out to the Government just what it is doing to the many lines of agriculture that have a high labour component. When Sir Arthur Rymill was speaking, the Hon. Mr. Banfield made a remark to the effect of, "Who pays the cost?" In all this, one person, the consumer, pays the cost. These things increase the cost of production and whether the employer can carry on depends on the margin between the cost at which he can grow and the price at which he can sell his production.

In the horticultural hills district and the River Murray district there is a huge labour component in all our full-scale field production. I do not think the extent of that labour component is appreciated. In many cases, half of the fruitgrower's costs are represented by the labour component. In some of the more intensive lines, the labour cost is higher. In order to grow brussel sprouts, a farmer needs only 1 lb. of seed, half a ton of fertilizer, water and labour. A large amount of the cost of production is taken up by labour costs, and that determines the profitability to the grower. Probably about 45 per cent of the cost of production of apples represents the labour component.

Bills that increase the cost of labour must inevitably have dire effects on industry, and we rely on export for the disposal of much of our fruit production. Of course, that does not apply in the case of brussel sprouts; it is possible to keep the cost of production more in line with the cost in South Australia and, if growing brussel sprouts does not pay, it takes only a year to get out of them. However, in the case of our orchard industries, we are dealing with a crop that lasts for many years. We are tied to our cost of production and what the fruit will bring on the markets in London, Berlin and elsewhere.

The Labor Party must appreciate that the workmen in our orchards are directly in competition with the workmen in the orchards of South Africa, South America and other places. We cannot afford to grow fruit if we have to pay too much for our labour and cannot use it more skilfully than it is being used in the other countries. I think it is rather farcical that yesterday we had before us a Bill designed to throw a lifeline to the citrus industry, whereas today we have a Bill that will increase the cost of the labour component in that industry.

I do not think anyone is not sympathetic to the idea that a workman should be covered on his journey between home and his place of work, nor do I think anyone is not sympathetic towards bringing workmen's compensation into line with the ideas of the modern world. This Bill as it stands with its wide relaxation is going to add somewhere around 6s. or 8s. on a £20 wage. That does not sound much, but it is likely to be higher than that, particularly in some occupations that necessarily have a high accident hazard. Examples cited on the industrial side of workmen's compensation show that a man working in an implement factory has a potentially high hazard.

In fruit growing we have a very high hazard because unfortunately we have to put people up on ladders with a picking bag on them and that means the possibility of an accident is great. We have quite a lot of accidents in the industry, and if any honourable member could explain how more precautions could be taken to safeguard the fruitgrower against such accidents I would be pleased. I do not believe it can be done because it is a necessarily high hazard occupation and therefore we have penalty rates. Such rates attach not only to the accident liability but to practically every other method of getting into trouble that occurs in life. In its widest terms it can be seen that the insurance rates will go up considerably.

Another item warrants attention. We have always had extremely good relations with our labour force in the intensive industries. We have been what is usually called a happy family because the labour used was stable and bound to our industries; we lived with it and with them from one year to another. There has been a rapid change in the last few years, through the necessity to meet spiralling costs with no increased return and we have been forced more and more to the use of mechanization in the fruitgrowing industry. It is rare now to find much permanent labour employed on a fruit block; a tremendous amount of labour is casually employed and then only in the harvesting or other peak periods. As could be expected, this has led to a complete break in the attitude between labourer and employer and we are not having anything like the sense of fair play, the sense of togetherness, that previously existed.

We are getting now the casual type to do much of this work, and the only interest of that type seems to be to get in, get out, and take as much money as can be extracted from the employer by fair means or foul. That is a common experience with people who employ labour of a seasonal nature, and the tendency seems to be for such employees to try and "put one over" in a big way. This type of thing has not occurred before, and the way this is usually attempted is through the workman's compensation provisions. I have had experience of claims that I have afterwards found to be not genuine, and this is happening more and more and will happen more and more with the tremendous relaxation on the type of claim that can be made under this Bill. It is a spiralling trouble and it will be one of the things that will occur in many more industries than the citrus industry.

The Hon. D. H. L. Banfield: It was not through this that the citrus industry is in the mess it is in today. Surely you are not blaming this for the mess that industry is in now?

The Hon. H. K. KEMP: No, I don't think so, but the honourable member must realize that the labour in the citrus, apple or any other export industry is no better, and this type of labour can be paid no more than, people who do equivalent work elsewhere. The only way we can stay in agriculture in Australia—

The Hon. D. H. L. Banfield: The citrus industry was in a mess before this Bill reached this Council.

The Hon. H. K. KEMP: Yes, probably, but I don't think this Bill is helping to get the citrus industry out of its trouble. This matter of the fundamental right of labour of having its costs paid will mean, I believe, that the employees will be in for a bitter awakening because our economy in South Australia, no matter how many factories we have or secondary industry, is tied to the land. I am afraid land can only make a living when it can compete with the same labour overseas. I am beginning to be seriously worried, and I think most other people are getting worried, as to what is going to happen when the next Government has the duty of picking up the shaky shafts of the economy of the State.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Liability of employers to workmen for injuries."

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

To strike out subclause (*a*).

I have some amendments on the file concerning this clause. The effect of the first three amendments is to strike out subclauses in this clause. It is desired to retain the words "by accident" in the principal Act so that the legislation will continue to cover injuries by accident. In the policy speech of the Hon. Sir Thomas Playford delivered at the last election, the then Government undertook, if returned to office, to remove the word "and" and to insert "or" in this section. That is the effect of this Bill. However, there was no suggestion in the policy speech that the words "by accident" should also be eliminated, and I think it is important that those words be retained.

The Hon. Sir Arthur Rymill has explained the importance of these words and also of the alteration of "and" to "or". Without the words "by accident", we have a situation that disabilities such as heart attack, appendicitis, gall bladder attack, scarlet fever and, perhaps, cancer can all be the subject matter of compensation under this Act. My point is that it is a Workmen's Compensation Act and not a social service Act. It is not intended as an Act to provide additional social services to a workman from the time he leaves his front gate until he gets back again.

The Hon. Sir Arthur Rymill: Including when he gets back at lunchtime.

The Hon. F. J. POTTER: Yes. He could have a heart attack or suffer some other injury whilst at home, because they are all injuries. The word "injury" has a wide connotation and includes a disease. If we do not retain in this Act that injury must arise by accident then we have no Workmen's Compensation Act at all, nothing more than a Social Service Act. I think that is wrong in principle. I have no objection to the changing of the word "and" to "or" and it will open the door a long way, but the deletion of the words "by accident" completely opens the door and lets these other cases in. It is important that this should not be so, and accordingly I move the proposed amendments for retaining the words "by accident". I hope all honourable members will support me.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I am going to ask honourable members to stay with the Bill as prepared and vote against the amendment as moved by the Hon. Mr. Potter. Referring to the examples quoted, they refer to the Victorian Act and I am not sure that that

Act is on all fours with the South Australian Act. I also consider that section 5 has some limitation on the application of compensation. I am not criticizing the Hon. Sir Arthur Rymill with regard to the matters he mentioned this afternoon, but I think it is one of the failings of our so-called civilization that we tend to laugh at things that are misfortunes to other people. We have all seen moving pictures when somebody has been hit in the face with a pie and we all laugh, but there are certain things that are serious to working people.

The Hon. Sir Arthur Rymill: I did mention that I was quoting matters relating to Victoria.

The Hon. A. F. KNEEBONE: My experience has been that the word "accident" has been the trouble. It has had the effect that many people have not been able to obtain compensation when I and many others with trade union experience believed that they were fully entitled to receive it. However, the fact that their injury did not result from an accident prevented them from receiving compensation. Comments have been made regarding the many injuries that can be covered in this matter, such as fever, but other things are disabilities also, such as those arising from working for too long under certain conditions. These would not be as a result of accident but of long association with certain noises, perhaps.

The Hon. F. J. Potter: But industrial diseases are covered.

The Hon. A. F. KNEEBONE: Perhaps somebody could be working under tension, but the result of that might not be felt until the person arrived home.

The Hon. F. J. Potter: I have seen some remarkable recoveries from back injuries after compensation has been paid.

The Hon. A. F. KNEEBONE: Yes, I believe the Hon. Mr. Kemp referred to that, but let me assure the honourable member that it is not all one-way traffic. I have known of people being tricked out of making additional claims for compensation because they have been promised all kinds of things if they did not reveal certain matters associated with an accident. One, a woman, had her finger taken off after a guard had been removed from a machine. I was sure that the guard must have been off the machine, but the woman assured me it was not. Because of that we could not proceed with a civil case because the woman insisted that the guard had been on the machine when her finger was cut off. A release was signed in the case, but six months later this woman said to me, "I should have told you before, but my employer promised me a job for life if I did not reveal the fact that the guard was not on the machine. Now he has sacked me."

The Hon. Sir Arthur Rymill: It would not be a general case.

The Hon. A. F. KNEEBONE: It may not have been, but those things happen. I agree that it is not general with employers any more than it is with employees.

The Hon. F. J. Potter: Even in that case the woman got compensation.

The Hon. A. F. KNEEBONE: Yes, but she could have got a greater sum.

The Hon. F. J. Potter: But she would not have brought a claim under workmen's compensation; she would have made a common law claim.

The Hon. A. F. KNEEBONE: If she had not been promised something by the employer she would have made a claim. There are many cases where it is difficult to prove that injuries have been the result of accidents. If a person has a heart atack it must be proved that something (lifting, for example) happened at the point where he dropped dead. These things would be hard to prove without the provision in this clause, so I ask the Committee to reject the amendment.

The Hon. Sir ARTHUR RYMILL: If I appeared flippant this afternoon in giving illustrations, it was for the purpose of making members listen, and for no other reason. I referred to one case in which a workman ate a walnut while working and a piece became lodged in his nostril, and another case in which a worker attempted to clear wax from his ear while working and hurt his ear. These things could well have happened to the same people at home; in fact, they were much more likely to happen at home. If they had happened at home, these people would not have received workmen's compensation. Just because they happened at work, when these people should not have been doing what they were doing, they were awarded compensation. The two instances I mentioned were related more to the alteration of "and" to "or" than to this amendment. This clause is an extreme extension to the legislation, although I realize it has been done in the legislation of three other States and the Commonwealth, which makes it difficult for me to argue that it should not be done here. However, we should not necessarily follow what is done elsewhere; we should judge things for ourselves.

The Hon. D. H. L. BANFIELD: Anything that will give full coverage to workers, possibly at a slight added cost to industry, is opposed by members opposite, and I compliment them on their consistency! The cases cited by Sir Arthur Rymill were used to show what a wide field had been covered. However, there are hundreds of more deserving cases that will come under this category, but if the amendments are carried these people will not get compensation. If a boilermaker becomes deaf, he has not received an injury, but his deafness will have been caused by his work, and someone standing all day may get fallen arches.

The Hon. Sir Arthur Rymill: You will remember that I said my examples were extreme.

The Hon. D. H. L. BANFIELD: Yes, but the honourable member took exception to the fact that the Minister pointed out that an employer bribed a worker by promising her a job for life if she did not say anything about a safety guard having been removed.

The Hon. Sir Arthur Rymill: I objected to the inference that this was general with employers.

The Hon. D. H. L. BANFIELD: And I object to the statement that this proposal will be abused. A small percentage will always abuse the law. We are here in the interests of the workers, 99 per cent of whom, like 99 per cent of employers, are reasonable and honest people. These are the people we must look after. Just because 1 per cent of employers and employees are bad, we should not throw out the Bill. When a law is made restricting the speed limit, many people abuse it, but the provision is there for the safety of the public. This clause is in the interests of the people, and the cost is only another form of insurance, because industries produce goods for sale to people who can purchase their products, and if these people do not get compensation they will not be able to buy the products of industry.

The Hon. F. J. POTTER: It has been said that this wording applies in New South Wales and Victoria. As Sir Arthur Rymill has said, in those States the word "injury" in defined, so they have some idea of what is meant by that word. But here it is not defined: it includes any injury at all. Honourable members seem to think that this legislation should provide virtually a blanket cover for anything that may happen to a workman between the time he leaves home in the morning and the time he returns in the evening. Is this a Workmen's Compensation Act or is it just health insurance? This is an Act that will cover a typist, a gardener or anyone like that. Is it a proper extension of the principle contained in the Act? Is a blanket cover to be given so that people can get benefits that they could not get in any other way except with an insurance company?

The Hon. D. H. L. Banfield: How about people with fallen arches and varicose veins?

The Hon. F. J. POTTER: At first sight, they are not industrial diseases but, in effect, that is really what they are.

The Hon. D. H. L. Banfield: How can you provide for that?

The Hon. F. J. POTTER: There are always hard cases. The honourable member objected a moment ago to some cases cited by Sir Arthur Rymill. This Act can work both ways. The Minister said it might be hard for an employee to prove that an injury arose out of an accident, but it might be just as hard for the employer to show that the injury did not arise from an accident. It is not all one-way traffic. The important thing to decide is: is this a measure to provide compensation for workers suffering accidents arising out of or in the course of their employment and is it to cover everything; or is it to cover injury by accident? That is the simple issue to be resolved.

The Committee divided on the amendment:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone (teller), and A. J. Shard.

Majority of 10 for the Ayes.

Amendment thus carried.

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

To strike out paragraph (*c*).

This is consequential upon the amendment that the Committee has carried striking out paragraph (*a*).

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): For the reasons I advanced on the previous amendment, I oppose this amendment, too.

The Hon. D. H. L. BANFIELD: I oppose this amendment. Here again when there is an opportunity to cover fully the worker, who is as necessary to the employer as the employer is to the employee, we do not hear any outcry when an employer takes out full coverage of his

plant and stock and the suggestion is made that he take a chance on some of it with a possibility of getting a lower premium: it is all right for him to have his assets covered but it is not all right for him to have his employee covered when, without his employee, his business would not operate. When an injury is caused as a result of working in an industry, a man is entitled to compensation. We are making a mistake by suggesting that an employee should be only partly covered; he should be fully covered.

The Hon. L. R. HART: We should again look at the mandate that the Government has from the people on this matter. The present Premier in his election policy speech said that workmen's compensation would be dealt with and that his Party would look at the provisions in regard to workmen's compensation for an accident sustained whilst a man was travelling to or from his place of residence to or from his place of employment. The Government is trying to take it further than in respect of compensation for an accident received whilst travelling to or from work. It is trying to take it to the extent that a person will receive compensation for any injury, irrespective of whether it is caused by or through the type of work in which the person is engaged. This is the part of the Bill that we oppose, because it legalizes abuse of the Act. I am happy about a workman's receiving compensation if he is injured at work or in travelling to or from work. However, as the Hon. Mr. Potter has said, to carry it to this extent brings in another social service. The Government has a mandate to do a certain thing and it is trying to carry it to an extreme. I consider that the amendments put forward by the Hon. Mr. Potter and Sir Arthur Rymill are widening the scope of workmen's compensation and considerable benefits can accrue from them. I oppose the clause but agree with the amendment submitted by the Hon. Mr. Potter.

Amendment carried.

The Hon. F. J. POTTER moved:

To strike out paragraph (*i*).

Amendment carried.

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

To insert the following new paragraph:

(*l*) by striking out the words 'and during such absence is not guilty of any misconduct or breach of the employers' instructions, and does not voluntarily subject himself to any abnormal risk of injury' in paragraph (*d*) of subsection (2) thereof.

These words appear in section 4 (2) (*d*) of the principal Act and qualify the situation that exists when a workman on a working day on which he has attended at his place of employment is, with the consent of the employer, temporarily absent during the tea or smoking break. Honourable members may wonder why I want to remove that. I am removing it because I want to make those qualifications apply to all the paragraphs in this new section, as amended by this clause, and not to limit them to the one specific incident of a tea or smoking break. I want to make it qualify the situation when he is attending school, and the other categories in the Bill.

The Hon. A. F. KNEEBONE: I am not opposed to what is proposed to be done but I am opposed to what the honourable member desires to do eventually in respect of the remainder of the clause. I am not happy with the clause as it is now but I was not proposing to take it out myself, because of the far-reaching effect. On second thoughts, I would have liked to take it out, because of the restriction. The words "does not voluntarily subject himself to any abnormal risk of injury" are all right, but the words "is not guilty of any misconduct" could involve his being guilty of a minor misconduct and are so far-reaching that they defeat the purpose of the clause. I support the proposal to take the words out of this clause, but I do not propose to vote for inserting them anywhere else.

Amendment carried; clause as amended passed.

Clause 4—"Circumstances where liability does not exist."

The Hon. F. J. POTTER: I move to insert the following new subsection:

(3) No compensation shall be payable in respect of any injury occurring in any of the circumstances referred to in subsection (2) of section 4 if the workman is guilty of any misconduct or breach of the employer's instructions or voluntarily subjects himself to any abnormal risk of injury.

This will clarify the whole of the provisions in section 5 of the principal Act. I believe my earlier explanation is sufficient and this new subsection will clarify the entitlement of the workman in any particular circumstance regarding compensation. I know that the Minister does not agree with this, but I think it is important and that it should be there. Perhaps we may have an opportunity to tidy up the wording later.

The Hon. A. F. KNEEBONE: I do not propose to support the insertion of this subsection because I consider that section 5 covers the

situation. The proposed new subsection is too far-reaching. What is stated at the end of the subsection is reasonable—"does not voluntarily subject himself to any form or risk of injury." I am strongly opposed to the wording "any misconduct". It may give an employer a good excuse to say, "You have done something wrong" and, regardless of what it is, he will get out of paying compensation.

The Hon. R. A. Geddes: Does an employee have a court of appeal on a thing like that?

The Hon. A. F. KNEEBONE: I consider that the new subsection is too far-reaching.

The Hon. D. H. L. BANFIELD: Earlier in the evening I congratulated members of the Opposition on their consistency regarding their attitude to certain matters, and this is an opportunity for them to be equally consistent. The fact remains that previously we altered a clause because it was open to abuse. Exaggerated cases were cited that allowed certain things to be abused and the clause was amended. This amendment is also open to abuse by an employer. As the Minister pointed out, "misconduct" could be the most trivial misconduct. For instance, a man could have an accident after misconducting himself in a minor manner. He may misconduct himself by walking on the wrong side of the road; he may then walk on the correct side and later be knocked over, but because of his previous misconduct in walking on the incorrect side he deprives himself of the possibility of being awarded compensation. If honourable members are to be consistent, the proposed new subsection should be thrown out because it is open to abuse.

The Committee divided on the new subsection:

Ayes (13).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, C. R. Story.

Noes (5).—The Hons. D. H. L. Banfield, S. C. Bevan, R. A. Geddes A. F. Kneebone (teller), and A. J. Shard.

Majority of 8 for the Ayes.

New subsection thus inserted; clause as amended passed.

Clause 5 passed.

Clause 6—"Compensation for incapacity."

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

To strike out paragraph (*a*).

This is a consequential amendment.

The Hon. A. F. KNEEBONE: For the reasons I have given regarding the previous amendment, I oppose this amendment.

The Hon. D. H. L. BANFIELD: I gave the Opposition a chance to be consistent last time, but it did not want to be consistent. For the sake of consistency, I oppose the amendment. The Opposition is not getting out of this very well.

Amendment carried; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—"Compensation to be at current rates."

The Hon. Sir ARTHUR RYMILL: I move:

To strike out all words after "contain" and insert the following:

where—

(*a*) compensation has been paid to a workman pursuant to this Part;

(*b*) the workman has returned to work; and

(*c*) the workman subsequent to his return to work dies or suffers incapacity as a result of the injury in respect of which the compensation was paid, the amount of compensation payable in respect of the death of the workman shall be computed and based upon the amount of compensation payable under this Act at the time of the death of the workman or, as the case may require, the amount of weekly compensation payable in respect of the subsequent incapacity shall be computed and based upon the rates of weekly compensation payable at the time of the subsequent incapacity.

Provided however that this section shall not apply where compensation has been paid to the workman in respect of the injury pursuant to section 26 of this Act.

I think this amendment is acceptable to the Government, and it has been carefully drafted by one of our newly appointed Queen's Counsel. I have endeavoured to formulate more precisely what I think the Premier said in another place was the intention of the Act. This will cut out any retrospectivity that exists, apart from the intention. The proviso relates only to lump sum payments already given. In other words, where the workman has been fully paid previously, he shall not be paid compensation again. The intention of the clause is that workmen shall be paid the current rates within the specifications of the clause.

The Hon. A. F. KNEEBONE: In his policy speech the Premier said that the Government would provide that, for any recurring injuries incurred by a workman at work who went on compensation, returned to work, and then suffered a recurrence of the disability caused by

the previous accident, the rates applying would be the current rates at the time when the disability recurred. A clause was put into the Bill, which was subsequently amended in another place. There is some doubt about whether it is ambiguous, and after consulting with other people I think the amendment will cover the situation more effectively than the present clause does. The Government accepts the amendment.

Amendment carried; clause as amended passed.

Clause 10 passed.

Schedule.

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

To strike out all words except:

Section 18a, subsection (6)—By striking out "and" first occurring and inserting in lieu thereof "or".

Section 82—By striking out "and" third occurring and inserting in lieu thereof "or".

Section 94e—By striking out "and" and inserting in lieu thereof "or".

Section 94f—By striking out "and" and inserting in lieu thereof "or".

I want to leave in the Schedule the words I have just mentioned, and to have all other words struck out.

The CHAIRMAN: This is a consequential amendment.

Amendment carried; Schedule as amended passed.

Title passed.

Bill read a third time and passed.

The House of Assembly intimated that it had agreed to amendment No. 7 made by the Legislative Council but had disagreed to amendments Nos. 1 to 6 and No. 8.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry) moved:

That amendments Nos. 1 to 6 and No. 8 be not insisted upon.

Motion negatived.

Later:

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council granted a conference, to be held in the Premier's room at 8 a.m., at which it would be represented by the Hons. S. C. Bevan, L. R. Hart, A. F. Kneebone, F. J. Potter and Sir Arthur Rymill.

The managers proceeded to the conference at 7.58 a.m., the sitting of the Council being suspended. They returned at 11.16 a.m. The recommendations were:

That the Legislative Council do not further insist on its amendment, but make the following amendment in lieu thereof:

Page 2, after line 22 insert new paragraph as follows:

"(*l*) by inserting therein after subsection (3) thereof the following subsection:

(4) It shall be a defence to a claim that the employment did not in any way contribute to the injury. The employment shall be deemed to contribute to the injury in any case referred to in subsection (2) or subsection (3) of of this section.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I move:

That the recommendations of the conference be agreed to.

I wish to say that the conference was conducted without any heat and on most friendly terms. We had very long discussions and gave very lengthy consideration to solutions or recommendations to overcome the impasse that existed. I am sure the other managers agree with me that the recommendations overcome the difficulties that we saw in relation to the application of the amendments that the House of Assembly sought to keep in the Bill.

The Hon. Sir ARTHUR RYMILL: The really effective section of the Act, as amended by the Bill, is section 4, which, as amended, will read:

If in any employment personal injury arising out of or in the course of employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with this Act.

Subsections (2) and (3) relate to journeys and other ancillary matters, and subsection (4) is now added. This qualifies subsection (1) only, and provides:

It shall be a defence to a claim for compensation for the employer to prove that the employment did not in any way contribute to the injury. The employment shall be deemed to contribute to the injury in any case referred to in subsection (2) or subsection (3) of this section.

The burden of my song yesterday was that as drawn the amending Bill could cover injuries completely unassociated with employment, and I think honourable members agreed that that was wrong. The question was how to find a formula that would limit the liability of an employer without denying a workman the right to proper compensation. Having rather despaired of a solution at certain stages,

the managers decided on this compromise. I think it is an improvement to the Bill and that it meets the wishes of those people who want to see that employers are not liable for things not really associated with employment, but at the same time I do not think it damages in any way the rights of any *bona fide* claim of any workman.

Motion carried.

Later, the House of Assembly intimated that it had agreed to the recommendations of the conference.

SUCCESSION DUTIES ACT AMENDMENT BILL (RATES).

Adjourned debate on second reading.

(Continued from December 1. Page 3337.)

The Hon. C. C. D. OCTOMAN (Northern): I oppose this Bill in terms as strong as is possible for me to put forward. Succession duties are to me what the Legislative Council is to the Labor Party—it would give me a great deal of pleasure to see succession and probate duties abolished altogether, but knowing that this is not possible under the financial structure of this State I am certainly opposed to any increase in the present rates of succession duties or to any widening of the conditions of the present Act. I hold this view irrespective of Party affiliation. Before being elected to this Parliament, on many occasions I argued publicly with members and Ministers of the previous Government regarding the incidence of death duties in that they were causing undue hardship at both domestic and financial levels. I oppose succession duties in principle because I believe them to be a vicious form of taxation. People who by their industry and thrift have achieved some degree of success are the people who, in the main, are the target of this iniquitous imposition. I will never support any increase in succession duty rates no matter from what strata of society they are to be extracted or whatever Government attempts to introduce such increase.

The Hon. A. J. Shard: I may live to see the day when you will alter that opinion!

The Hon. C. C. D. OCTOMAN: I will hold it irrespective of what Government is in office.

The Hon. A. F. Kneebone: The Hon. Mr. Story said yesterday that you would have to continue these taxes.

The Hon. C. C. D. OCTOMAN: We would have to continue them if they were in operation. Succession duties tax every family sooner or later, and this is something that people have in their minds for many years towards the latter part of their lives so that they can provide for them. The Hon. Mr. Rowe, the Hon. Mrs. Cooper and the Hon. Mr. Story have dealt in detail with the various clauses, and I do not intend to reiterate what they have already said. I congratulate previous speakers on their contributions to the debate. It has been made quite clear from those speeches that the exemption to widows and children of £6,000 will not apply in many cases but that the smaller estates will be affected and will incur a higher rate of succession duties than they do at present.

Many families are not even aware of the value of their estates. When a matrimonial home and its contents, and possibly a motor car, a Savings Bank account and other savings such as Commonwealth bonds and other bits and pieces, are taken into account, the total value of an estate on the death of a husband is sometimes unexpectedly high—and a valuer misses nothing. I visited a house recently which had been valued by a departmental valuer, and it was claimed that he missed nothing but the bootlaces! The aggregation of benefits which accrue to a beneficiary will hit heavily many families of modest means. This is not right and just, because people plan the distribution of estates, be they modest or large, on the law that has prevailed for the greater part of their lives.

During the last election campaign the Government promised to exempt primary producers from all duty on a living area. Although this has been mentioned before in this debate, as I am connected with primary production I think I must again mention it. It is very evident that members of the Government Party have no idea at all of what constitutes a living area in primary production. I do not know where a living area for primary production could be purchased for £5,000. I can claim to know something about primary production and about the values of property, stock and plant. The value of a living area would vary from a minimum of £15,000 to possibly £50,000 or £55,000. This is a very wide variation in values which would have to be exempted if a living area were to be exempted, but that is not so under the Bill.

I remind honourable members of the time when some of the farming areas in this State, particularly in the lower rainfall areas, were in a run-down condition economically. These lands were then practically valueless from a production or security point of

view (banks would not look at them as securities) and they were declared marginal areas. Those farmers who were prepared to carry on, or through force of circumstances had no option but to carry on were allotted one, or sometimes two, additional sections. This was sufficient to enable them to make a living for themselves and their families. In many cases the area held by one farmer after reallotment exceeded 4,000 acres. This area was necessary to provide a living area in the conditions that applied then, and a very poor living it turned out to be for many of them.

As years went by, by perseverance, thrift and hard work, together with advanced farming methods (incidentally, the farmers' families suffered just as much as the farmers did) they won through and at present some of this land (I am referring to the Kimba district) bringing up to £26 an acre on the very few properties offered for sale. This land is not looked at in terms of wealth; it is purely an investment from which a primary producer may earn a living for himself and his family. These are the people who are now branded by this Government as the wealthy—so wealthy that under the provisions of this Bill it will be impossible for them to accumulate sufficient savings to meet succession duties. On the death of the husband, these estates will have to be divided by sale and eventually we will reach the stage where farmers will have to over-crop and over-stock small uneconomic areas. We will then return to dust-bowl conditions in these areas.

A similar situation exists in relation to farms in more favoured areas. Small areas even in higher rainfall localities are uneconomic for mixed farming, as plant can be more fully employed, with a consequent reduction in production costs, on bigger holdings. However, increased succession duties, or even the present rates, would force the sale of at least a part of such holdings, which would have to be disposed of to meet succession duties.

In my area there are several soldier settlers. In one small area on Lower Eyre Peninsula there are 36 settlers who were placed on the land after the Second World War. The average value of the blocks they own would now be approximately £35,000, and in addition each would have at least £4,000 in stock and possibly £7,000 in plant. The value of their assets would therefore be between £45,000 and £50,000. I cannot imagine what will happen to their families when they have to meet succession duties.

The Hon. R. C. DeGaris: Isn't it more than a living area?

The Hon. C. C. D. OCTOMAN: It is not. It is 20 years since the Second World War finished. Some settlers have reached an age when they cannot carry on without employing labour and the area they have will not support the employment of additional labour. They are one-man farms, and that is all there is to it. Others, again, have growing families and have to make provision for their employment. So these soldier settler blocks can be called a living area, yet, when the husband dies, his estate, purely and simply on land, stock and plant, will be valued at between £45,000 to £50,000. I cannot imagine how those people will carry on.

Some close friends of mine have taken out large insurance policies to meet this contingency. This, again, is having a detrimental effect on production on those blocks, because the premiums on such large policies are so high that capital improvement cannot be undertaken and that money is not then available for increasing production and raising the fertility of the land. So what they gain in one way they lose in another. In my opinion, this Bill is unadulterated Socialism; it has as its objective the relegation to peasantry of our farming community.

This Bill, which has as its aim the transfer of assets from one section of the community to another, is more than Socialistic: it will have the effect that within a short space of time the individual will own nothing; it will not pay him to. In my book that is Communism. This so-called levelling out process of dragging the community down to a common level is not a constructive policy. It is much more worthwhile to lift people to a higher level by encouraging development and production.

The Hon. R. C. DeGaris: This is aimed at the widows and children.

The Hon. C. C. D. OCTOMAN: Yes. Primary producing lands are a farmer's tools of trade. It is an investment from which he and his family earn a living. Take away that investment and he is left without a living in the occupation for which he is trained. This applies to a farmer's family because, if the farmer dies and that land has to be disposed of, the members of his family have to look for other forms of occupation and cannot carry on in the occupations for which they have been trained. This means that we are taxing people (whether by succession duties or otherwise) off the land. It is good policy to keep good farmers on the land. The good ones are usually those already there.

The Hon. C. R. Story: They would not be nearly so successful in communes.

The Hon. C. C. D. OCTOMAN: I do not think that Australians would have a bar of communes.

The Hon. C. R. Story: Some would.

The Hon. C. C. D. OCTOMAN: But not the people engaged in primary production. If we keep on the land the people who are trained in primary production, the State will receive a greater return than by levying this high taxation, which will possibly have the effect of forcing people off the land. In my electoral district there is keen interest and a high degree of indignation about this increase in succession duties. I have received over the last fortnight a sheaf of letters (approximately 150), some of which say very rude things.

The Hon. C. R. Story: These were not prompted by you?

The Hon. C. C. D. OCTOMAN: No. They came spontaneously from these people, and all deal with the one subject—succession duties. I take it on myself to stand by these people, who are my people anyway.

The Hon. L. R. Hart: Many of those would be small farmers, too.

The Hon. C. C. D. OCTOMAN: Yes, I call myself a comparatively small farmer, and they are all in a similar position to me.

The Hon. A. J. Shard: You call yourself a small farmer; what acreage would you have in mind?

The Hon. C. C. D. OCTOMAN: In our particular area, the acreages range from about 1,500 acres to 2,000 acres. That is necessary for an economic living area. The indignation of these people concerns me greatly. I should like to read one or two extracts from these letters. One farmer writes:

If my children cannot benefit by my labour, why should I earn more than I have to?

This is an attitude of mind that we cannot afford to allow the people of South Australia to get into. He continues:

Surely the Government in office today can see that amendments of this nature must adversely affect the very people they are trying to help.

That is fair comment. Then a lady writes to me:

We are battling to buy, and pay off a mortgage on, our farm. If my husband died, what hope would I have to pay higher succession duties and pay off mortgages and keep our home for our children? Buying a farm, we may have assets such as machinery, sheep, etc., but it will be years before we have any cash. The machinery and sheep cannot be sold if the farming business is to continue operations.

Another letter states:

There will be no point in the rural community working hard. The sooner we all get 9 to 5 jobs and never try to own anything, the better for us.

And so it goes on. Another letter is from a widow who has already been affected by present rates of succession duties, and she is complaining about any increase. She writes:

I am a widow and I have already paid duties on my husband's death, and my son and I have found it very hard to pick up that money that we had to pay after my husband's death; it is seven years and we haven't got that money back yet which we had to borrow.

These hardships are inflicted on people by the application of succession duties. I claim to dislike succession duties in any shape or form, whether levied by the previous Government or by this Government. Governments do not come into this, except that I am now objecting to any increases as are provided under the terms of this Bill. This taxation on thrift and good management is bad in principle. It discourages personal effort and saving, both of which this State badly needs. This Bill has been described by a previous speaker as "a mess": I call it "a very unsavoury mess". I just will not have a bar of it. I oppose the Bill.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL.

In Committee.

(Continued from December 1. Page 3344.)

Clause 10—"Provisions as to duty upon receipts", which the Hon. Sir Lyell McEwin had moved to amend by striking out paragraph (*b*).

The Hon. A. J. SHARD (Chief Secretary): When progress was reported last evening, I was not sure of the Government's intentions regarding Sir Lyell McEwin's amendment and I did not want to make a mistake. We have discussed the matter and the amendment is not acceptable to the Government. I do not propose to debate it.

The Hon. R. C. DeGaris: Can you give us the reasons?

The Hon. A. J. SHARD: We think the provision is necessary, and it has been explained in another place. If I spoke for an hour and a half, I would not convince honourable members and I would be wasting time. I ask the Committee not to accept the amendment.

The Committee divided on the amendment:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude,

H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 11 and 12 passed.

Clause 13—"Penalty for offences in reference to receipts."

The Hon. Sir LYELL McEWIN: I move:

To strike out paragraphs (*a*) and (*b*).

I referred to this matter when speaking on the second reading. The provisions in clause 13 (*a*) are contrary to British law. A person should be considered to be innocent until he is proved guilty. This refers to the onus of proof and, as it is worded, a defendant will be considered guilty until proved innocent. There is no need for me to discuss the matter. It has been discussed in relation to other legislation over the years. Subclause (*b*) is the—

The CHAIRMAN: I point out that the Hon. Sir Lyell McEwin has moved to strike out the whole clause. Does the honourable member desire to move a suggested amendment that the clause be struck out?

The Hon. Sir LYELL McEWIN: If it is necessary to make a suggestion, I accept that. I have moved to strike out the whole clause. I was merely describing the difference between paragraphs (*a*) and (*b*). I do not know whether that is contrary to Standing Orders. I now move:

That it be a suggested amendment to the House of Assembly that the clause be struck out.

The CHAIRMAN: I am not objecting to any discussion on it if honourable members wish to debate it.

The Committee divided on the suggested amendment:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Suggested amendment thus carried.

Clause 14 passed.

Clause 15—"Amendment of Second Schedule to principal Act."

The Hon. M. B. DAWKINS: This clause refers to the amendment to the Second Schedule of the principal Act and in the last reprint of the Bill on the bottom of the exemptions are the words "Bill of Exchange, Cheques, Order payable on demand", and the final words are "cheques drawn by any friendly society". My suggested amendment is to insert the following new paragraph:

(*c*1) by inserting after the word "society" in Item 8 of the Exemptions in the said paragraph commencing "Bill of Exchange, Cheque, Order payable on demand" the words "or by or on behalf of any non-profit making hospital";

Representations have been made to me on behalf of hospitals that because stamp duties are increased to the extent that they are in this Bill the Government should seriously consider exempting non-profit making hospitals from stamp duty on cheques drawn. In using the words "non-profit making hospitals" I suggest that that include community hospitals such as the hospital in which the Chief Secretary has been actively interested for many years; also hospitals which, whilst they might make a profit occasionally, plough those profits back into the hospital. Certainly it should not include private hospitals that are run for profit.

The Hon. S. C. BEVAN (Minister of Local Government): At the moment I oppose the phraseology if nothing else. I have heard many arguments regarding what constitutes a private hospital and the argument is that they are non-profit-making. On many occasions they are hospitals conducted by half a dozen doctors on their own behalf, and supposedly all profits are ploughed back into the hospital. However, who is to determine what constitutes a non-profit-making hospital? I could name a few hospitals that are purely and simply private hospitals although they have claimed from time to time (and some have claimed this in the Industrial Court) that they should be exempt as non-profit-making hospitals when, in fact, they are private hospitals conducted by doctors.

I think the intention of the amendment suggested by the honourable member really refers to a community or subsidized hospital. If that is so, I would rather see those words inserted in the Bill and then there would be no misunderstanding. Under the present phraseology there could be considerable argument as to what category the hospital comes under. They are the facts.

The Hon. Sir ARTHUR RYMILL: I agree that these words could be open to misconstruction because, if an association incorporated under the Associations Incorporation Act, which provides that bodies incorporated thereunder shall not be profit-making bodies, ran a hospital, I think that would undoubtedly come within the definition, and I am sure that is not the intention of the move.

The Hon. M. B. DAWKINS: I used the words "non-profit-making hospital", but I was seeking something better. I thought of the words "subsidized" and "community". One of the hospitals I have in mind is a non-profit-making hospital that is run by the district, but I do not think it is subsidized by the Government. If we insert the word "subsidized" we shall cut out that type of hospital. I think the Minister mentioned "community or subsidized" hospitals, and I think that probably meets the case. I ask leave to amend my amendment.

Leave granted.

I move:

After "non-profit-making" to insert "community or subsidized".

The Hon. S. C. BEVAN: If the words "non-profit-making" remain, my objection that it may be misconstrued still applies.

The Hon. M. B. DAWKINS: I have given the matter further thought, and I now move to amend my amendment as follows:

To strike out "non-profit-making" and insert "community or subsidized".

The amendment would then use the words "or by or on behalf of any community or subsidized hospital".

The Hon. Sir LYELL McEWIN: I do not know how many cheques such institutions would use, but I do not think the number would be very great. If the Government is happy to accept the amendment, I do not mind, but I do not think it is a major item.

The Hon. A. J. SHARD: My sympathies are with the amendment, but this Bill was discussed this morning and I was asked to adhere to its wording. I would suggest using the words "any hospital receiving subsidy or capital or maintenance services", but I think we should keep to the original wording. Sometimes a capital grant is given to a hospital that neither receives a subsidy nor is a community hospital. If the amendment is carried, it would include almost every hospital and would bring in very large hospitals. I would like the words "subsidized hospitals" or "community hospitals", but not "subsidized or community". I think we could accept the amendment and, if the wording were not acceptable at the conference, it could be amended.

The Hon. C. R. STORY: As I understand it, a subsidized hospital is one subsidized by the Government under the schedule but there are some hospitals in my district run by the community that do not get a Government grant.

The Hon. A. J. Shard: If they are community hospitals they are covered by this wording.

The Hon. C. R. STORY: But I do not think they are community hospitals in the true sense of the word. I have in mind the hospitals at Karoonda and Port Broughton. I suggest using the words "community or subsidized hospitals approved by the Minister." The Minister would then have the onus of deciding whether the hospitals came within this provision.

The Hon. A. J. SHARD: The type of hospital I have in mind does not receive a subsidy. The hospital at Gladstone is an example; it is run by a board on behalf of the community. That to my mind is a community hospital. There is a list of community hospitals to which capital grants are made. Another is at Kadina. I think all these hospitals would be covered by the word "community". The only "private" hospitals are those run by individuals for their own profit.

The Hon. M. B. DAWKINS: My only object in introducing this amendment is to provide some alleviation for the hospitals concerned. It was suggested to me that these hospitals could bank at the Savings Bank and that that would get over the problem. However, most of these hospitals are struggling with overdrafts and have to do their business with trading banks. If this will help, I am prepared to accept the suggestion of the Hon. Mr. Story, which would leave the final say-so to the Minister; he, in his position as Chief Secretary, could decide whether or not a hospital was a community hospital. I ask leave, therefore, to insert in my amendment "community or subsidized hospital approved by the Minister" in lieu of "non-profit making hospital".

The CHAIRMAN: The question is, that the Hon. Mr. Dawkins have leave to amend his amendment by striking out "non-profit making" and inserting "community or subsidized hospital approved by the Minister".

Leave granted.

The CHAIRMAN: I shall now put the question, that after paragraph (*c*) the following new paragraph be inserted:

(c1) by inserting after the word "society" in Item 8 of the Exemptions in the said paragraph commencing "Bill of Exchange, Cheque, Order payable on demand" the words "or by or on behalf of any community or subsidized hospital approved by the Minister";

The Committee divided on the suggested new paragraph:

Ayes (10).—The Hons. Jessie Cooper, M. B. Dawkins (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, C. C. D. Octoman, F. J. Potter. C. D. Rowe, and C. R. Story.

Noes (7).—The Hons. D. H. L. Banfield (teller), S. C. Bevan, R. C. DeGaris, Sir Norman Jude, A. F. Kneebone, Sir Lyell McEwin, and Sir Arthur Rymill.

Majority of 3 for the Ayes.

New paragraph thus inserted.

The CHAIRMAN: The Hon. Mr. Potter has an amendment on a portion of the Bill that no longer exists.

The Hon. F. J. POTTER: I had an amendment on the file but I understand that the Hon. Sir Lyell McEwin has an amendment that would precede mine. If he intends to move his amendment, it will not be necessary for me to move mine. At this stage, I ask leave to move my amendment later. It will be subject to any further amendment moved by the Hon. Sir Lyell McEwin.

Leave granted.

The Hon. Sir LYELL McEWIN: I move the following suggested amendment:

To strike out the words "but under $100" first occurring.

The reason for this is in keeping with my remarks in the second reading debate. The Government has said that there is no money involved in this, that it does not mean anything to the Government. As the subclause stands, people will be required to keep stocks of duty stamps of varying value so that these stamps can be placed on receipts, and this would mean that much money would be lying idle. Inconvenience would be caused and, in some cases, people would not be aware of the appropriate stamp to attach. The 2d. duty stamp is recognized today as being legal and valid and I think we ought to preserve the present conditions as far as possible.

The Committee divided on the suggested amendment:

Ayes (13).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe, and C. R. Story.

Noes (5).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, Sir Arthur Rymill, and A. J. Shard (teller).

Majority of 8 for the Ayes.

Suggested amendment thus carried.

The Hon. Sir LYELL McEWIN: I move the following suggested amendment:

To strike out—

Every receipt for $100 or upwards but under $1,000	0.10
Every receipt for $1,000 and upwards	0.20";

The CHAIRMAN: I think the Hon. Sir Lyell McEwin had better put the suggested amendment in writing so that there will be no misunderstanding about it. I shall now put the amendment.

Suggested amendment carried; clause as amended passed.

Remaining clauses (16 to 18) and title passed.

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

Bill recommitted.

Clause 15—"Amendment of Second Schedule of principal Act"—reconsidered.

The Hon. M. B. DAWKINS: The necessity for further consideration is that I have been informed that the wording of my earlier amendment is not correct in that one word should be altered. Where the amendment states: "or by or on behalf of any subsidized or community hospital approved by the Minister" the word "Minister" is incorrect. I move:

That "Minister" be struck out and "Chief Secretary" inserted in lieu thereof.

The Hon. R. C. DeGARIS: This Act is under the control of the Treasurer, and inserting in the Act authority for someone other than the Treasurer to decide on an exemption seems incorrect.

The Hon. A. J. SHARD: I am not an expert on this, but I think that common sense should prevail. From that point of view, I believe that the Chief Secretary would give a list of approved hospitals to the Treasurer, who would act accordingly. I do not see how the Treasurer could approve of hospitals that are not under his administration.

The Hon. C. R. STORY: From the reply given by the Chief Secretary I understand he was speaking from a layman's point of view. I think it would be better if he took advice on it. If he has done that I shall agree with his comments.

The Hon. A. J. SHARD: It is my understanding that the Parliamentary Draftsman advised the Hon. Mr. Dawkins on the correct procedure.

Amendment carried; clause as further amended passed.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had agreed to the Legislative Council's suggested amendment No. 3, but had disagreed to suggested amendments Nos. 1, 2, 4 and 5.

Consideration in Committee.

The Hon. A. J. SHARD (Chief Secretary): I ask that the Committee do not insist on its amendments Nos. 1, 2, 4 and 5.

The CHAIRMAN: The motion will be put, "That the amendments be insisted upon." Those in favour say "Aye"; those against "No". It seems to me to be an equal vote, so I declare that the amendments be insisted upon.

The Hon. A. J. SHARD: Divide.

The Committee divided on the question:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin (teller), C. C. D. Octoman, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Amendments Nos. 1, 2, 4 and 5 thus insisted upon.

A message was sent to the House of Assembly requesting a conference at which the Council would be represented by the Hons. D. H. L. Banfield, Sir Norman Jude, Sir Lyell McEwin, C. D. Rowe, and A. J. Shard.

Later:

The House of Assembly granted a conference to be held in the Premier's room at 1.30 a.m.

At 1.50 a.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 5.15 a.m. The recommendations were:

Suggested amendment No. 1—That the Legislative Council do further insist on its suggested amendment and that the House of Assembly amend the Bill accordingly.

Suggested amendment No. 2—That the Legislative Council do not further insist on its suggested amendment and that the House of Assembly make the following amendment to clause 13:

Page 4, line 19 (clause 13)—after "13" insert "(1)".

Page 5 (clause 13)—after line 9 insert:

(2) the following sections are inserted in the principal Act after section 84 thereof:

84a. (1) Any person carrying on any trade, business or profession may give notice in writing in the prescribed form to the Commissioner that he elects to pay duty under this section in lieu of being obliged to comply with the requirements of this Act with respect to the payment of duty on receipts pursuant to section 84 hereof, and any person who has given such a notice may revoke the notice by giving a notice of revocation in the prescribed form to the Commisisoner.

(2) The Commissioner shall assign a number to every notice given to him under subsection (1) of this section.

(3) Where any person has given notice to the Commissioner pursuant to subsection (1) of this section, and has not given a notice of revocation such person shall not be liable to pay duty on receipts by impressed or adhesive stamps in respect of any receipt given by him after such notice has been given but shall be liable for the payment of stamp duty in accordance with the provisions of section 84b.

84b. (1) Where any person has given notice to the Commissioner pursuant to subsection (1) of section 84a of this Act and has not given a notice of revocation, such person shall either

(*a*) forward to the Commissioner at such intervals as are prescribed a statement in the prescribed form verified in the prescribed manner summarizing the transaction for which but for this section a receipt would have been required to be made out and stamped pursuant to section 84 of this Act, or

(*b*) satisfy the Commissioner at such intervals as are prescribed that the number and nature of such transactions during such intervals were such that the amount assessed by the Commissioner would satisfy the duty on receipts for the transactions for which, but for this section, receipts would have been required to be made out and stamped pursuant to section 84 of this Act.

(2) Such person shall

(*a*) pay to the Commissioner the amount of duty which but for this section would have been payable for the sum of the transactions summarized or assessed in accordance with subsection (1) of this section:

(*b*) endorse on every receipt issued by him "SD/" and the serial number assigned by the Commissioner to the notice given by that person to the Commissioner.

84c. (1) Every person who has given notice to the Commissioner pursuant to subsection (1) of section 84a and who refuses to give a receipt on which duty

would have been payable but for this section or who fails to comply with any of the requirements of section 84b at any time before he gives a notice of revocation to the Commissioner shall be guilty of an offence and shall be liable to a penalty of not more than Two Hundred Dollars and shall be liable to pay double the amount of the duty that would have been payable if that section had been complied with.

(2) Any person who endorses any receipt with the expression "SD/" and a serial number or the words "stamp duty paid" or with any similar words or expression unless he has given notice pursuant to subsection (1) of section 84a of this Act to the Commissioner and has not given a notice of revocation and unless the endorsement is made in accordance with this Act shall be guilty of an offence against this Act: Penalty Two Hundred Dollars or imprisonment for a term of not more than three months or both.

and that the Legislative Council agree thereto.

Suggested Amendments Nos. 4 and 5:

That the Legislative Council do not further insist on its suggested amendments and that the House of Assembly make the following amendment in lieu:

Leave out all lines and insert:

"every receipt for $50.00 or over . . . 0.05" and that the following consequential amendment be made:

page 4, line 4 (clause 10)—Leave out "ten" and insert "fifty",

and that the Legislative Council agree thereto.

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

Consideration in Committee.

The Hon. A. J. SHARD (Chief Secretary): I move:

That the recommendations of the conference be agreed to.

As a result of the conference, there will now be no compulsion to issue a receipt or to affix a duty stamp in respect of an amount of less than $50; for amounts of $50 and upwards a receipt will have to bear stamp duty of 5c. The conference also reached agreement in terms of the long memorandum I read a short time ago. Those people who have a number of receipts exceeding $50 can make arrangements with the Commissioner of Stamp Duties to pay a lump sum and affix a stamp together with a serial number. That is the position as I see it. The conference met in a good atmosphere, with the various points being put for and against and with the respective Houses' points of view being put, and the decision was a unanimous one.

There is some doubt as to how the amount of the revenue that will now be received will compare with the amount the Government originally expected. However, the agreement reached has established the principle that this Council sought. We shall now have to wait and see what revenue is returned, and it may be that if insufficient revenue is being received in the future we shall have to either alter the amount on which duty is payable or increase the rate of tax. In the meantime, I think at least nine-tenths of the Council's objections to the Bill have been satisfied.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I support what the Chief Secretary has said. The agreement that has been reached meets the serious objection of this Chamber to the issuing of compulsory receipts and the holding of receipts for two years, which would result in much needless and unproductive labour, apart from the inconvenience that it would cause. The conference also gave effect to another view expressed strongly in this Chamber that there should be a flat rate of duty instead of a progressive rate. This is much simpler for people to understand. As the Chief Secretary said, we shall have to wait and see how this arrangement works out. That can be discovered only by experience. I also support his remarks regarding the lengthy discussion and I think the Committee can accept the recommendations of the conference.

Motion carried.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 30. Page 3242.)

The Hon. M. B. DAWKINS (Midland): I support this Bill, which extends for another year the price control legislation we have had in this State since 1948, when price control was relinquished by the Commonwealth Government. For the whole period in which price control has been administered by this State up to and including 1964, it has helped to keep prices under control and costs down. It was the objective of the previous Government to keep costs as low as possible because of our geographical position in relation to the Eastern States and to assist the further development of this State. This legislation has been successful. I do not generally favour restrictions; I do not believe in any undue restriction unless it is necessary, but I believe that the special circumstances in which the State finds itself because of its position in relation to the main markets of Australia make it essential that prices be kept at a

level at which we can manufacture and compete with other States even after transporting goods for 500 or 1,000 miles to other capitals. We have been able to do this successfully for many years.

Price control has operated not only in relation to secondary industry but also in relation to agricultural implements, superphosphate and other commodities needed by primary producers, and it has benefited primary as well as secondary industry.

Although I commend the Government for continuing this legislation for another 12 months, I wonder what we will achieve by it, because one of our main objects in having price control has been to keep the cost structure down and our position buoyant so that we can compete successfully with other States. Since this Government has been in office, there has been a considerable movement in various costs and charges. There have been price increases right, left and centre, and these will continue as a result of the present Government's policy. The value of price control, which has been of great assistance in developing South Australia for the past 17 years, may be minimized by the present situation in which the brakes have been taken off and costs have been allowed to get away from us. Nevertheless, I support the legislation, which has been of considerable benefit to both primary and secondary industry, and I believe it will be of great benefit to us in future years. I support the second reading.

The Hon. L. R. HART (Midland): The purpose of this Bill has been explained in the second reading explanation. I suppose if there were no other reason to justify it we could apply the reasoning of the Minister of Local Government yesterday in relation to another matter—that at least it will provide employment to a few more people, if it does no other good purpose. To be consistent, as I have supported this legislation previously (although with some qualifications), I must support this Bill. I believe the legislation has been of benefit to some sections of the community, and to the farming community in the main. Price control does not necessarily keep prices down, however; there is a tendency for it to keep prices up simply because inefficient industries are able, through the application of control, to get a margin of profit based not on their efficiency but on their inefficiency.

I believe this is one of the weaknesses of price control. It applies only to certain articles, and this sometimes tends to create a shortage of those articles. An example of this is bricks. Plain bricks are under price control, and over the years there has been some shortage. However, texture bricks are not under control, so the tendency is for them to be manufactured, which can be done at very little extra cost. In this way, price control helps to increase rather than decrease the cost of housing. The principal Act is used to curb restrictive trade practices, but I am not sure that it does so. The present method of supplying and fixing glass by tender through building firms is perhaps a restrictive trade practice because, in the case of a contractor who submits his tender for the supply and fixing of glass, that tender is registered with the glass manufacturers and it then becomes the price for all tenders for that particular job. For an identical job in another place a tender will be submitted at another price, and then that tender becomes the tender for that job. So we are faced with the position of having tenders for identical jobs at different rates.

Another thing that worries me is the conversion from the present currency to decimal currency. Let me take one instance. Under price control, the price of pies and pasties is 8s. 8d. a dozen. If we look at the conversion table, we see that 8d. becomes 7c, which in effect will mean a reduction in the price of pies and pasties. Here is a case for the Prices Branch to review the price of pies and pasties when decimal currency is introduced. That is only one of many instances where this sort of thing will happen. The Prices Branch will be busy during the change to decimal currency. Another point is that in the manufacture of certain articles (and particularly in the case of pies and pasties) no differential is allowed for the country manufacturers. In that respect, the Prices Branch is erring: there should be a differential price, because many of the articles used in the manufacture of pies and pasties involve freight cost, and the manufacturers of pies and pasties in country areas are often involved in long deliveries. Another disadvantage suffered by bakers in country areas is that they are subject to price control and therefore can pay only a certain price for labour. They have to compete with industries not under price control, which can pay an increased margin for labour. So, many country bakers' shops have closed down in the last two years because of the labour problem.

The Hon. S. C. Bevan: In the shop as a counter hand or as a baker?

The Hon. L. R. HART: I am talking about bakers.

The Hon. S. C. Bevan: Employing a qualified baker?

The Hon. L. R. HART: Yes. They have the problem that they cannot hold them because those people can get a better wage in other industries. The Minister of Local Government interjected a question whether I was including shop hands. I would include shop hands and the drivers of bread delivery vans. The country baking establishments have problems, particularly in places like Whyalla and Port Pirie where the Broken Hill Pty. Company Ltd. and the Broken Hill Associated Smelters can offer employment at more attractive rates than the bakers can. Therefore, many bakers' shops are closing down in country areas, which is not a good thing.

Although price control is not necessarily involved in this, there is also the point that there is an agreement within the association of bakers that they do not go into each other's areas. But the local greengrocer or local butcher comes to Adelaide or another large centre to obtain his supplies, and he takes back with him a supply of bread. This is a competition that the country baker cannot face up to. I do not wish to delay the Bill but it should be administered in such a way that no man is penalized for using his talents wisely. Such a man can perhaps make a profit and he works long hours to do so. While he is doing that, he cannot present a case for an increase in the price he may charge for a certain article; so he finds that he has to increase the cost of another article that is not under price control. In effect, price control defeats itself sometimes. I support the second reading.

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

SUPERANNUATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from December 1. Page 3346.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading. I do not wish to say much about the Bill, because all Acts dealing with superannuation are somewhat technical and hard to grasp if one is a layman. I think the measure goes a long way towards honouring the Government's election policy promise to bring the benefits available to existing contributors to the South Australian superannuation fund up to the average of the benefits in the other States. Indeed, the Bill goes further than that and provides for benefits somewhat in excess of those derived by contributors in the other States. Of course, it is difficult to make comparisons with provisions in other States, because of the variations in the schemes, but there is no doubt that this Bill makes additional benefits available to contributors.

I think some important matters are not covered by the Bill but are yet to be dealt with by the Government. The Government mentioned in its policy speech that it was going to provide for optional retirement for males at age 60 and females at age 55. There is nothing in the Bill about this, but I assume it will be looked at in the near future. I understand that the Government is having some difficulty at the moment in securing the services of an actuary and it seems to me that nothing can be done on certain matters because of that.

The Hon. A. J. Shard: It is the desire of the Government to appoint an actuary but, if it is mandatory to have one when we are not able to obtain such a person, we cannot do certain things.

The Hon. F. J. POTTER: This is one of the problems that the Government is facing in providing for optional retirement. I also understand that some reduction in contributions has been promised, additional to those contained in Schedules 11 and 12. Again, I would think that any such reductions could result only from an actuarial calculation of the risks involved. I hope that the Government will soon be able to appoint a Public Actuary. I understand that actuaries are engaged in industry and commerce and I am wondering whether there may be some way that such a person can be utilized by the Government. Actuaries are a scarce race and the course is an extremely difficult one, available only at an institute in London. There is no possibility of a person's qualifying in Australia for the actuarial degree or diploma that is issued.

However, I hope that something will be done in the near future, because the additional benefits that were clearly promised are worthy of being dealt with at an early date. As far as I can see, the Bill does practically nothing for present pensioners and I think the Government should look into this aspect as soon as possible. There are two categories of pensioners. The first comprises those pensioners who are entitled to social services and the second comprises those who are not.

As far as those who do not receive social services are concerned, I do not know what can be done, but I think some consideration should be given to the payment of some special pension or some increased fortnightly amount. It may

be that the best method of doing this would be by way of a bonus of, say, one unit for every seven held. I understand that that would involve an increase of about 14.3 per cent, which figure approximates the average reduction in contributions contemplated in the proposed scheme.

The Hon. R. A. Geddes: What is the 14.3 per cent?

The Hon. F. J. POTTER: That would be the increase in the fortnightly income to the individual. A much more difficult problem arises in the case of pensioners on social services, because any additional payment is regarded as income. Last year, when the previous Government was in office, I took up a similar problem with the Treasurer by letter and suggested that the best method of dealing with this matter would be by the provision of some lump sum payment that could be regarded as capital, not as income. That seems to be the solution, but it would involve an amendment of the Act, because there is no power at present to make such lump sum payments. Even if the power were there, there would be difficulty in calculating an equitable and proper amount to pay. I suggest that the payments could bear some relation to the value of units as compared with the basic wage during the period when pensioners were contributors.

In 1951, when the basic wage was £9 15s., the maximum entitlement of a contributor was nine units at 15s. a unit, which was about 70 per cent of the basic wage. The present entitlement of nine units at £1 is only about 60 per cent of the present basic wage of £15 3s. Many of the pensioners in these categories have a small number of units and their standard of living is being reduced constantly by increased costs and other inflationary pressures. I urge the Government to take positive action either by legislation or administration, or both, to give some benefit to former employees of the Government who are at the present time going through difficult times. With those comments, I support the provisions of this Bill, although I will examine an amendment foreshadowed by the Hon. Mr. DeGaris when the Bill reaches the Committee stage. I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I think it would be best to give a further explanation at a later stage. Regarding the question of an actuary on the board, the present provision is a rather peculiar one. It does not require that the Public Actuary shall be a member, but that an actuary shall be a member, and in fact makes it obligatory to appoint an actuary if one is available and willing to act, even though he may have nothing to do with the Public Service or the Superannuation Fund, or even though he may be otherwise unacceptable. Ordinarily the Government would agree that it would be desirable for the Public Actuary to be on the board, although I may say that until Mr. Bowden was appointed in 1948 the Public Actuary had never been on the board. A former Under Treasurer, Mr. R. R. Stuckey, who was a qualified actuary, was the President of the board from its commencement, both whilst he was Under Treasurer and after he retired. The existing provision rather neatly fitted Mr. Stuckey's appointment, but in the future may not always be so reasonable and proper.

With regard to additional payment to a pensioner not being applicable to his widow, this clause seems to be somewhat misunderstood. The additional payment proposed to the pensioner is an additional payment at the cost of the Government because it increases its payment to 70 cents in the dollar of pension in cases where the proportion is lower. In the original proposal it was contemplated that the additional payment should continue for a widow who under present provisions receives a pension equal to 60 per cent of her husband's entitlement. However, a request was made to the Government that all widows' pensions be increased irrespective of whether any particular widow was or was not already being subsidized on a 70-30 basis. It was agreed to increase all widows' pensions by one-twelfth. which, of course, is greater than the maximum increase accorded to member pensions by raising the subsidy from a standard $66\frac{2}{3}:33\frac{1}{3}$ basis to a 70:30 basis of Government contribution. It is not correct, therefore, to suggest any deprivation of any excess contributions beyond standard, for the widows receive in all cases actually a bigger increase at Government expense than would be due to their husbands.

As to pensioners already subsidized 70 per cent or more, apart from widows there is no present proposal to increase the pensions of existing pensioners who are already receiving 70 per cent or greater subsidy at Government expense. As the honourable member has said, increases can be made under regulation-making powers out of any actuarial surplus of the fund. This was done a year or so ago and could be repeated if and when a new valuation should warrant it. The only alternative would be to provide by legislation for further increases at Government expense even though beyond a

70 per cent subsidy basis. This is not warranted in this Bill, which primarily is to implement the Government's electoral promise to give subsidies and other provisions equal to those elsewhere. It is repeated that in the cases where the subsidy is already above the 70:30 standard no reduction down to that standard is contemplated. I thank honourable members for the attention they have given to this Bill.

Bill read a second time.

In Committee.

Clauses 1, 2 and 3 passed.

Clause 4—"Constitution of board."

The Hon. R. C. DeGARIS: The deletion of section 8 (3) takes away the obligation to have on the Superannuation Board an actuary, if there is a Government Actuary. I think if there is a Government Actuary it should be obligatory for him to serve on the board. Section 20 provides that the Public Actuary shall be the actuary to the board, but he is on the board only in an advisory capacity. Can the Chief Secretary assure me that the Government intends that if there is a Public Actuary he will be a member of the board?

The Hon. R. A. GEDDES: It seems to me ludicrous to delete the provision in the principal Act that if there be an actuary he may, if possible, be used for this position. Even if the Minister assures us that should an actuary come up again he will be given this job, I point out that memories are short.

The Hon. A. J. SHARD: The present provision is rather peculiar. It does not require that the Public Actuary shall be a member; it requires that an actuary shall be a member. This makes it obligatory to appoint an actuary if one is available and willing to act, even though he may have nothing to do with the Public Service or the Superannuation Fund and be otherwise unacceptable. Ordinarily, the Government would agree that it would be desirable for a Public Actuary to be on the board. This means that, if we have a Public Actuary, he should be on the Superannuation Board.

The Hon. R. C. DeGARIS: Will the Chief Secretary consider an amendment to section 8 (3) so that it will read:

One of the members of the board shall be the Public Actuary, provided that if there is in the State no Public Actuary available and willing to act as a member of the board this subsection will have no effect.

This will place an obligation on the Government to appoint the Public Actuary to the Superannuation Board.

The Hon. A. J. SHARD: I believe this will put the matter back where it was. There must be a very good reason why the Draftsman and the Premier have done what they have. I ask the Committee to accept the clause as printed. If a Public Actuary is appointed, I will draw the attention of Cabinet to the matter with a view to having him on the board. I think that is the intention of the Government.

The Hon. C. R. STORY: Although the Chief Secretary appears to be the most healthy man in this Chamber, if he happens to die—

The Hon. A. J. Shard: My colleagues will do this.

The Hon. C. R. STORY: I think it would be wise to get this wording in the legislation.

The Hon. S. C. Bevan: The assurance will appear in *Hansard* so that if the Minister drops dead it will be there for everyone to see.

The Hon. C. R. STORY: As I said last night, *Hansard* does a magnificent job, but I cannot always rely on people reading it. If the written word is in the Bill, it will be acted upon. I have no reason to think that the Chief Secretary is not completely sincere, but why not let us write this in or give the Chief Secretary time to discuss the matter fully? He did not tell us why the Premier and the Draftsman decided on this provision. I cannot see why we should not have these words in the Act. This seems to be the way to do it rather than rely on the Chief Secretary conveying a message to Cabinet about it.

The Hon. H. K. KEMP: This, after all, belongs to the Public Service, not to the Government, so the Public Service must be considered in this matter because we rely on it to carry on the continuous administration of this State. In many ways, it is in a privileged position, but one of its fundamental rights is to have an adequate safeguard in these matters. To have a sum of money of this magnitude lying around with no complete safeguard and expert attention is wrong.

The Hon. S. C. Bevan: But this Bill has been drafted in consultation with the Public Service Association.

The Hon. H. K. KEMP: I wonder whether the average public servant realizes that this sum of money is subject to an unskilled administration. All we are asking for is a safeguard for it. This matter cannot be regarded as a political football to be kicked around by each new Government. We ought not to be called on to rely on a promise which, though sincere, is still only a personal one.

In this matter absolute security is needed. If a competent Public Actuary is available, he must automatically be elected to do this work. After all, this matter is so simple. If a man of this nature is available and is appointed to the board, that will meet the needs of the situation.

The Hon. A. J. SHARD: This was discussed in Cabinet but I am unable for the moment to find any reasons given for this. I think it was stated that, when we got a Public Actuary, he would be appointed to the board. I think I am right in saying that but do not want to mislead honourable members. Therefore, it may be better for me to report progress and ask leave for the Committee to sit again. I do not think we are at variance on this.

Progress reported; Committee to sit again.

Later:

The Hon. R. C. DeGARIS: I move:

To strike out "repealed" and insert "amended (*a*) by striking out 'an' and inserting 'the Public', (*b*) by striking out 'competent' and inserting 'Public', and (*c*) by striking out 'and willing' ".

I am sorry that these amendments have not been circulated, but I understand that that is because of something beyond the control of the staff of Parliament House. I thank the Chief Secretary for his co-operation in the matter. I think these amendments will be acceptable to the Government. It means that, if he is a public actuary, he will be a member of the Superannuation Board.

The Hon. A. J. SHARD: These amendments only endorse the guarantee I gave that it was the policy of the Government and the intention to do what the amendments provide, and the Government is happy about them.

The Hon. C. R. STORY: I thank the Chief Secretary. I made a moderate speech before progress was reported, and the Chief Secretary has agreed with the proposal. Now he has been good enough to put it in the Bill. I am pleased to see that the Government is adopting this policy of writing things into Bills, and I support it.

The Hon. R. A. GEDDES: I endorse the remarks made by the Hon. Mr. DeGaris and the Hon. Mr. Story. In retrospect, thinking further on this problem of actuaries, I am wondering whether the new computer that the Government is providing will be of any assistance.

The Hon. A. J. SHARD: We will put that in, too, if it will make you happy.

The Hon. R. A. GEDDES: I am not asking that it be put in. I support the amendments.

Amendments carried; clause as amended passed.

Clauses 5 to 7 passed.

Clause 8—"Enactment of Part VIA of principal Act."

The Hon. R. C. DeGARIS: I move:

In subsection (8) of new section 75c to strike out "not".

The reason for the amendment is to correct what I think is an anomaly. In my second reading speech I pointed out that the contributor and the pensioner are on a different footing with regard to the amount of credit available in the fund due to overcontribution above a rate of 30 per cent. If the contributor dies, such a credit would go to his widow but in the case of a pensioner who has built up a credit such money would revert to the fund in the event of the death of a pensioner. I realize that the widow of a pensioner under this amending Bill receives a lift from 60 per cent to 65 per cent. However in this category, even with this lift in pension, there are still anomalies that I believe the Government should correct.

I refer to a hypothetical case. There may be two pensioners, one with an accumulated credit due to his overcontribution amounting to $200 and there may be another with an accumulated credit due to overcontribution amounting to $5. During the period between the coming into operation of this Bill and the time that these two pensioners die the pensioner with the $5 credit may have had it paid to him in $5 instalments but his widow would still receive the same amount as the other widow whereas the big credit would revert to the fund and the latter widow would not benefit. I consider that this is an anomaly and the deletion of the word "not" corrects this; whether a person be a pensioner or contributor, the credit would become the property of the widow.

The Hon. A. J. SHARD: It is not often that the Hon. Mr. DeGaris is wrong but I think his claim on this occasion is incorrect. It is not the contributor who is still in the Public Service who is concerned but the contributor who is a pensioner at the present time. On the death of the pensioner the widow would revert to the scale of other widows at 65 per cent of the deceased's pension. If the amendment of the Hon. Mr. DeGaris is approved (and I believe we are all sympathetic in this matter) there will be two classes of rates paid to widows who are in exactly the same position. The Bill raises the widows' pensions from 60 per cent up to 65 per cent of what

the former pensioners received and that means they all receive the increase.

This Bill has been brought in after consultation with the Treasury, Public Service Commissioner and the Retired Pensioners' Association. The President and some members of the latter body came to see me and they went away satisfied with the Bill after receiving my explanation. If the amendment is carried it will create differences of opinion among the widows of past pensioners. I seriously ask the Committee not to support the amendment.

The Hon. S. C. Bevan: It is discrimination.

The Hon. A. J. SHARD: Yes, discrimination between a body of people all of whom have paid into the same fund. If something is to be done for the widows then let their percentage be raised. This matter has been thoroughly examined by all concerned and I ask the Committee not to disturb the present Bill. That would create many anomalies as time went by. However, as I have just stated, if it is possible in future to make the 65 per cent up to 70 per cent I shall be happy.

The Hon. R. C. DeGARIS: I have listened with interest to the Chief Secretary's explanation and I can well imagine that if this Bill had come before the Council 12 months ago he would have made an impassioned plea on behalf of people suffering as a result of anomalies. The Government is confused on this matter. It is not a case of a pension but of money belonging to the contributor who has overcontributed to the fund. To clarify the matter, I shall read subclause (8) and then subclause (9) (*f*), one dealing with the pensioner and the other with the contributor. Subclause (8) reads:

(8) In respect of every pensioner who ceased to be a contributor before the thirty-first day of January, One thousand nine hundred and sixty-six and who is receiving a pension on that day and in respect of whose pension the contribution by the Government to the Fund is less than seventy per centum of such pension, the contribution by the Government to the Fund shall after the said thirty-first day of January, One thousand nine hundred and sixty-six be an amount equal to seventy per centum of such pension and the difference between the total of the contributions made by the Government before and after the said thirty-first day of January, One thousand nine hundred and sixty-six shall be paid thereafter to the pensioner in addition to his pension.

This concerns the pensioner who has overcontributed. This credit will be paid back to the pensioner in fortnightly instalments until it has run out, but as soon as he dies his credit, which has been built up because he has contributed more than 30 per cent, goes back into the fund.

The Hon. A. J. Shard: No, it does not. Read paragraph (*f*).

The Hon. R. C. DeGARIS: That relates to a contributor who is still in the service. It provides:

Any amount so standing to the credit of an employee shall upon his ceasing to be a contributor be paid to him or upon his death to his personal representative.

If one person retires on January 30 next year and another is due to retire on February 2 but dies on February 1, one will get the credit and the other will not. That is the anomaly I have been speaking about. I am sure the Chief Secretary, if a member of the Opposition, would be strong on this point. The amount of money involved for the Government would be small; I think it would be no more than £1,000.

The Hon. S. C. Bevan: But you want it to go on in perpetuity to the widow.

The Hon. R. C. DeGARIS: I do not want that at all.

The Hon. A. F. Kneebone: What you are proposing to do does not do what you think it does.

The Hon. R. C. DeGARIS: Members of the Government may be slightly astray on this, because what the amendment will do is provide for the payment to the widow of a pensioner who has a credit the amount of that credit. If a person has a credit in the fund as a result of this Bill of possibly $200, the credit will go back into the fund if he is a pensioner, but if he is a contributor it will go to his widow. That is the anomaly that should be corrected.

The Hon. S. C. Bevan: But your amendment will make this carry on in perpetuity.

The Hon. R. C DeGARIS: But new section 75c (5) (a) has nothing to do with this.

The Hon. A. F. Kneebone: It fixes her rate of pension.

The Hon. R. C. DeGARIS: Yes, but I am talking about the credit.

The Hon. A. F. Kneebone: But what you are suggesting will not do what you say it will.

The Hon. R. C. DeGARIS: I think the Government understands what I am trying to do.

The Hon. S. C. Bevan: But the amendment will not do it.

The Hon. R. C. DeGARIS: If what I say is not correct, I ask the Chief Secretary to put it right.

The Hon. A. J. Shard: You are moving the amendment.

The Hon. R. C. DeGARIS: Perhaps the Chief Secretary can tell me what the amendment does.

The Hon. A. J. Shard: I have told you what the Bill does.

The Hon. R. C. DeGARIS: I have said that my amendment does exactly what I say it does.

The Hon. S. C. Bevan: Take out "not" from the new subsection and read it.

The Hon. R. C. DeGARIS: New subsection (8) deals with the credit a pensioner has in the fund. If "not" is struck out, the last sentence will read:

Such difference shall be deemed to be part of the pension of the pensioner for the purpose of determining any pension payable to his widow upon his death.

The Hon. S. C. Bevan: Your amendment will make this in perpetuity.

The Hon. A. F. Kneebone: Turn to clause 5 to see what this means.

The Hon. R. C. DeGARIS: That deals only with the 65 per cent pension. If the Government is not happy with this, perhaps it can suggest how this anomaly can be overcome.

The Hon. A. J. Shard: I do not accept that it is an anomaly.

The Hon. R. C. DeGARIS: I think this is up to the Committee to decide.

The Hon. A. J. SHARD: I will not argue this matter, which I have put as clearly as I can. I do not accept that this is an anomaly. This Bill was drawn up carefully and was examined by the Auditor-General, the Treasury, and the Public Service Association. A senior representative of the pensioners looked at it and was happy with it. One honourable member is arguing this matter against all the authorities, and I am prepared to back the authorities. I hope this amendment is not persisted in. Let us get the Bill into operation from January 31 so that the people who need the increase will get it.

The Hon. C. R. STORY: I am heartened by the Chief Secretary's remarks, but I have known on many occasions when assurances have been given that something has been looked at by experts that the layman has picked up a point. The Hon. Mr. DeGaris has put in much work on this, and I think it behoves the Chief Secretary at least to get the senior Parliamentary Draftsman to look at this thoroughly.

The Hon. S. C. Bevan: We have already done that.

The Hon. C. R. STORY: I think the honourable member has a point. We considered this a few days ago and I made this point during the second reading debate.

The Hon. S. C. Bevan: That does not make it right.

The Hon. C. R. STORY: No, but I have not heard enough to show that the honourable member is not correct. Although we have been told that a senior member of the pensioner organization has approved this, is he competent to consider the law on this matter? I should like the Chief Secretary to give us the real explanation of this provision. He has given us an assurance that various people have looked at it but I am not convinced that he has given us the real reasons for the argument against the points raised by the Hon. Mr. DeGaris. Nobody on the Government side so far has really convinced us. If the Parliamentary Draftsman has said that this provision is all right as it stands, I want to know his reasons. At other times we have had written reports about matters.

The Hon. A. J. Shard: You have had a written report; I read it this afternoon.

The Hon. C. R. STORY: I know that, but the report is more notable for what it does not say than for what it does say. It does not get down to dealing with this word "not".

The Hon. H. K. KEMP: We are not out of order in asking the Chief Secretary to look at this matter in detail.

The Hon. A. J. Shard: You have had a month; it has been on the files since November 18.

The Hon. H. K. KEMP: No-one in the Chamber is better equipped to look at this complicated measure than the Hon. Mr. DeGaris. No Bill that has come before us this session is more difficult to understand than this Superannuation Act Amendment Bill. I am sure that, although the pensioners themselves are satisfied, that is not sufficient authority for saying that an expert opinion formed responsibly is necessarily correct. Not one public servant in a hundred understands the details of the Superannuation Act, and I guarantee that many people with a deep financial interest in this measure are not fitted to consider the importance of this word "not", even though it sounds simple and has only three letters.

The Hon. A. J. Shard: It throws everything out of balance.

The Hon. H. K. KEMP: Yes; this sort of thing happens frequently.

The Hon. S. C. Bevan: Either you want to give them increased payments or you do not.

The Hon. H. K. KEMP: We want to ensure complete justice here.

The Hon. A. J. Shard: I read an explanation this afternoon to honourable members.

The Hon. H. K. KEMP: In this case we are standing as custodians of other people's money.

The Hon. R. C. DeGARIS: We seem to be at cross purposes here. I do not yet know whether the Government will accept the fact that the point I raise is an anomaly.

The Hon. S. C. Bevan: We told you that about three-quarters of an hour ago.

The Hon. R. C. DeGARIS: I am more co-operative than the Chief Secretary thinks I am in this matter. My amendment to strike strike out "not" may not do exactly what I think it does.

The Hon. S. C. Bevan: There is no "may". Why don't you admit that it will not? Now that you have had more expert advice on it, why don't you say that you now have doubts about it?

The Hon. R. C. DeGARIS: I suggest that subsection (8) of new section 75c should contain a provision similar to that contained in paragraph (*f*) of subsection (9) of this new section, so that the final sentence of subsection (8) would read:

Such difference shall not be deemed to be part of the pension for the purpose of determining any pension payable to his widow upon his death but any amount so standing to the credit of the pensioner shall upon his death be paid to his personal representative.

The Hon. S. C. Bevan: You have come around to what we tried to tell you half an hour ago.

The Hon. R. C. DeGARIS: But I am pointing out an anomaly. I suggest that the Government accept this amendment. I have already moved to strike out "not", but I think this new suggested amendment would put the matter more clearly. In those circumstances, I ask leave to withdraw my amendment with a view to moving another.

Leave granted; amendment withdrawn.

The Hon. R. C. DeGARIS: I now move:

In subsection (8) of new section 75c, after "death" to add "but any amount so standing to the credit of the pensioner shall upon his death be paid to his personal representative".

The Hon. A. J. SHARD: This is something new, on which we have had no advice, but the Parliamentary Draftsman is prepared to look at it. In the circumstances, I ask that progress be reported and the Committee have leave to sit again, thus proving that we are as co-operative as it is possible to be.

Progress reported; Committee to sit again.

Later:

The Hon. A. J. SHARD: I have telephoned the Under-Treasurer, who is the expert in this field in this State, and he has assured me that the credit belonging to a pensioner is paid to the widow under the principal Act. Section 31 of the 1961 amending Act amended section 45a of the principal Act by striking out all the words after the word "pay" in subsection (1) thereof and inserting in lieu thereof the words "the amount by which the said contributions exceed the said pension and benefits to the personal representative of the deceased pensioner or the deceased widow of the contributor or pensioner or failing them to such person or persons as the board determines". I ask the Committee to accept the clause as printed. If the matter is not covered in the principal Act the Government will, early in the new year, so provide. If there is anything left when the pensioner dies, the amount will go to the widow. If this is not so, the Government will correct it.

The Hon R. C. DeGARIS: I appreciate the Chief Secretary's co-operation. However, I am still not sure that this overcomes the anomaly I have mentioned. So long as the Chief Secretary understands the anomaly, if this provision he has mentioned does not overcome it I hope the promise to amend the Act in the new year will be honoured. I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. C. R. STORY: I am happier about this matter now, but I think the Chief Secretary will agree that members have to be assured on these matters, and I think there is still some doubt in his mind about this matter.

The Hon. A. J. Shard: I am sure it is correct.

The Hon. C. R. STORY: I do not think the Minister is quite sure; otherwise, he would not have given the assurance. However, he has given the assurance, and I accept it.

Clause passed.

Remaining clauses (9 and 10), schedules and title passed.

Bill read a third time and passed.

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

EXCESSIVE RENTS ACT AMENDMENT BILL.

(Second reading debate adjourned on November 30. Page 3244.)

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

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

To strike out paragraph (*b*).

In the second reading debate I pointed out that clause 3 brings back under rent control or under a fixation by the court leases or tenancies for less than three years, whereas the existing Act applies only to leases and tenancies for less than one year. This provision was rejected by this Chamber in 1963. This is the first amendment necessary to give effect to the main amendment, which is to strike out subsection (1) of new section 4a. Section 3 (1) of the existing Act states:

"letting agreement" means every agreement for the letting or subletting of any premises for any period whether the agreement is made orally, in writing, or by deed, and includes an agreement for the letting or subletting of any premises together with the use of furniture or other goods and also includes an agreement for the letting or subletting of any premises together with the supply or provision of any domestic service.

If paragraph (*b*) was left in the clause, the provision would finish there; but the definition in the principal Act continues and these are the words I wish to retain:

. . . but does not include any agreement in writing and signed by the parties for the letting or subletting for a period of one year or more of any premises whether with or without the use of furniture goods or services (not being any such agreement made at any time after the commencement of this Act after the giving to the tenant of a notice to terminate an existing tenancy or in consequence of a threat by the landlord to give a notice to terminate an existing tenancy):

By striking out all the words after "service", as this clause provides, we strike out the section of the definition that excludes the one-year tenancy. If the Chamber supports me on this, I shall take it that they will be indicating that they will support me on my next amendment, which deals with clause 4. The result will be that the Act is left as it is in respect of tenancies. We will not be bringing back the old conditions that applied under the Landlord and Tenant Act for some years. That Act was whittled down and at one time we had provision for agreements in writing for six months.

The Hon. S. C. BEVAN (Minister of Local Government): I oppose this amendment. We have not been told (and I doubt that we will be told) that the removal of this clause will undermine the whole Act. The Hon. Mr. Potter has intimated that he has amendments to the following clauses, and that, if this amendment is carried, he will move the other consequential amendments. I am amazed that anyone champions a clause that allows things to go on as they are going on today. That is what the Hon. Mr. Potter is attempting to do. For some years, people who have not been able to get houses have been exploited. We have seen landlords attacked because of the enormous rents they are demanding. I cannot use any phrase other than "enormous" in relation to the rents. Amounts of £7, £8 and £9 a week are being charged for hovels.

The Hon. Sir Norman Jude: Do you think any legislation will put a stop to that?

The Hon. S. C. BEVAN: This will go a long way. I think the Hon. Mr. Potter is well aware of that, as Sir Norman is. These are the things that anybody with any humane feelings would attempt to stop.

The Hon. F. J. Potter: You are saying that they can still charge the enormous rents as long as a three-year lease is given.

The Hon. S. C. BEVAN: No. We have to take into consideration the other clauses, and the honourable member knows perfectly well, as I do, what he is attempting to do. He said himself that he did not want to go back to the position that obtained previously under the Landlord and Tenant (Control of Rents) Act as far as the landlord is concerned. I consider that tenants in the metropolitan area today are entitled to some protection by law, because they are being exploited. These people have not been able to obtain houses after having made every attempt and they are living in substandard houses under so-called contracts of purchase, which we know are purely fictitious. It is another form of exploiting the people who cannot secure houses. In some cases the houses have been condemned by the authorities, and yet people are paying rents of £8 and £10 a week.

These people, including wives and children, cannot live in the streets or parklands, although we still have people living in caravans because they cannot obtain houses. I would invite members to walk around the metropolitan area and see some of these places. If they desire, I shall gladly accompany them and show them what is happening. If they then agree that this

sort of thing is right, they will be lacking in humane feelings. This clause makes an attempt to ensure that people have decent houses to live in and that they are not exploited.

The Hon. C. R. Story: The accommodation will not be any better; it is just that they are going to pay less.

The Hon. S. C. BEVAN: This is the beginning. As I have said, the Hon. Mr. Potter intends to move amendments to other clauses, and we know that the clauses are interwoven.

The Hon. F. J. Potter: They are not connected at all.

The Hon. S. C. BEVAN: The honourable member has made it plain that, if this amendment is carried, he will move other amendments. So, we are going to perpetuate the state of affairs whereby people who cannot get houses are charged these exorbitant rents. This Bill is a realistic attempt to prevent people from being tied up in regard to the pseudo purchase of houses. We know that these people cannot complete the purchases. Let us forget about the attitude that the previous Government was defeated and that honourable members are now in Opposition. If we do that, no honourable member of this Council will willingly back up the conditions applying.

The Hon. C. R. Story: What class of people do these landlords comprise?

The Hon. S. C. BEVAN: I should hate to say on the floor of this Council what class of people they are. I would refrain from doing that.

The Hon. L. R. HART: It was a nice response from the Minister, with all the necessary gesticulations. He said that this Bill would provide those people with a decent home.

The Hon. S. C. Bevan: Provide them with protection, I said.

The Hon. L. R. HART: I cannot see how it could do that for anybody, as it will prevent people from getting homes at all. In effect, it will annul contracts already made. We should not have to bring in a Bill to protect people from their own folly; after all, people do not have to sign these contracts and usually they sign them because they believe it will provide them with a home. Every day people enter into contracts that perhaps are not in their interest, but are we to legislate to prevent this? I sympathize with people unable to get a home and those who are victims of rackets.

The Hon. A. F. Kneebone: We should not make it easier for those rackets to continue, though.

The Hon. L. R. HART: There are plenty of rackets going on; let us not be worried about what has happened in the past.

The Hon. S. C. Bevan: What has happened in the past is still happening today.

The Hon. L. R. HART: That may be so, but people can get information as to the position if they propose to enter into a contract; they do not have to enter into any contract blindly.

The Hon. S. C. Bevan: Where will they live—in King William Street?

The Hon. L. R. HART: They could perhaps get advice from the Minister. I do not see that this Bill will help to house any more people than are at present being housed. The answer is to provide more houses and the position is that the Government has failed to do that; it has not made use of the finances available for housing but has used that money for other purposes.

The Hon. A. F. Kneebone: This kind of thing went on last year just the same.

The Hon. L. R. HART: In my opinion, the money available should be used for housing and not for other purposes. I support the amendment.

The Hon. F. J. POTTER: I listened to the comments of the Minister on this matter and, with due respect, I think he talked a lot of nonsense. First of all, this amendment has nothing to do with substandard housing; it is an extra provision included in clause 7. Earlier in this session the Housing Improvement Act Amendment Bill was passed that gave 100 per cent protection to anybody unfortunate enough to enter into a lease of a substandard house. The Bill gives complete protection to a tenant for up to 12 months, and the comment that the present amendment will prevent people from getting houses, or that it will encourage exploitation, is completely wrong as it will do nothing of the sort. If the lease is for three years or more the person is entitled to make any charge. Ninety-five per cent of the leases or agreements in this State are for a period of 12 months. That is done for many reasons and not only because such agreements are exempted under this Act but also because landlords want to know where they stand with a tenant. I emphasize that this amendment has nothing to do with substandard housing, and I ask honourable member to support it.

The Committee divided on the amendment:

Ayes (12).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude,

H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), and Sir Arthur Rymill.

Noes (6).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, C. D. Rowe, A. J. Shard (teller), and C. R. Story.

Majority of 6 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 4—"Act not to apply to certain letting agreements."

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

To strike out new section 4a (1).

This is consequential on the previous amendment. I point out, Mr. Chairman, that if this is carried "(2)" will have to be struck out.

Amendment carried.

The CHAIRMAN: The question is that the clause as amended be passed. Those in favour say "Aye"; those against "No". The "Noes" have it.

The Hon. F. J. POTTER: Divide.

The CHAIRMAN: Ring the bells.

The Hon. A. J. SHARD: There was only one voice.

The CHAIRMAN: I heard someone else.

The Hon. Sir ARTHUR RYMILL: I rise on a point of order, Mr. Chairman. I understand that we are voting whether the clause as amended be passed. Can I have your ruling, Sir, whether, if we vote in the way the Chief Secretary wishes, the whole clause, and not part of it, will go out?

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

The Hon. F. J. POTTER: I rise on a point of order, Mr. Chairman. I think I misunderstood the position. If it is as the Chief Secretary has said, I do not mind. If I can call off the division and your ruling that the "Noes" have it stands, it will suit me.

The CHAIRMAN: The question is that clause 4 as amended stand part of the Bill.

The Committee divided on the clause as amended:

Ayes (8).—The Hons. Jessie Cooper, M. B. Dawkins, L. R. Hart, Sir Norman Jude, Sir Lyell McEwin, F. J. Potter (teller), C. D. Rowe, and Sir Arthur Rymill.

Noes (10).—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, H. K. Kemp, A. F. Kneebone, C. C. D. Octoman, A. J. Shard (teller), and C. R. Story.

Majority of 2 for the Noes.

Clause as amended thus negatived.

Clauses 5 and 6 passed.

Clause 7—"Applications by purchasers of substandard houses."

The Hon. F. J. POTTER: Earlier this session we passed a Bill to amend the Housing Improvement Act to deal with tenancies of substandard houses. The provision that we put into that Act will provide almost 100 per cent protection for people who have entered into a tenancy of a house declared to be substandard under that Act. However, this clause deals with a situation that can arise under the Housing Improvement Act. I presume it is in this Bill because it deals not with a tenancy agreement but with an agreement for sale and purchase of a substandard house. In effect, the whole of this fairly long clause makes such an agreement one that can be voided by application to the court, and a statutory tenancy under terms laid down by the court can be substituted for the purchase and sale agreement. I listened with interest to the second reading explanation, but I thought the part relating to this clause was fairly unconvincing, as the Minister referred to the practice that had grown up of owners of substandard houses requiring their tenants to sign agreements for sale and purchase, thereby placing the transaction outside this Act and the Housing Improvement Act. He went on to say:

A number of such agreements have recently come to the notice of the Housing Trust.

It seems to me that this is something that has just come to the notice of the trust after a long period. He continued:

Many of these agreements affect small cottages and contain conditions which are particularly onerous upon the purchaser.

Later he said:

The agreements in question provide for a purchase price of £2,000 with weekly payments of about £6 plus the payment of rates and taxes by the purchaser for about four years, leaving a substantial sum (about £750) at the end of this particular period.

It seemed to me that he was in fact quoting from what is no more than one set of cases to which the Housing Trust's attention had been directed, because it is strange that he should be referring to just these agreements, apparently all in the same terms. So he must have been referring to a set of agreements perhaps concerning a number of attached cottages, and it is these particular agreements about which there had been some complaint. Although it was intended to show that these agreements were particularly onerous, we

could not say whether or not that was so unless we saw the terms of the agreements and were familiar with the properties and all the circumstances of the cases.

I do not object to this unique power being given to the courts in cases of genuine sub-standard houses, but the operation of this provision as at present drawn could have a retrospective effect, so that with agreements entered into in good faith between a vendor and a purchaser (and by "good faith" I mean that the purchaser has known and seen what he has been buying and has been, presumably, making payments over a period of time) it is unfair if they are to be abrogated just because the purchaser can run off to the Housing Trust and have the house declared substandard. It may not have been substandard at the date of the agreement. I have on the file two amendments to make it clear that we are talking about sales of houses that are substandard at the time of contract or (and I have gone this extra step) that are declared substandard within six months thereafter. Accordingly I move:

In subsection (2) of new section 15a after "house" first occurring to insert "which at the date of such agreement or within six months thereafter is".

The Committee divided on the amendment:

Ayes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, C. C. D. Octoman, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone, and A. J. Shard (teller).

Majority of 10 for the Ayes.

Amendment thus carried.

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

In subsection (2) of new section 15a after "1961" to insert "and".

This amendment is consequential upon the last one.

Amendment carried; clause as amended passed.

Clause 8 and title passed.

Bill read a third time and passed.

DECIMAL CURRENCY BILL.

In Committee.

(Continued from November 24. Page 3122.)

Clause 2—"Commencement."

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

After "2"." to insert "(1) The amendment made to section 5 of the Industrial Code, 1920-1963, by this Act shall come into operation on the day on which this Act is assented to."

The amendment is to provide that the amendment to the Industrial Code is to come into force on the day on which the Bill receives Royal assent. This amendment, with certain consequential amendments in the Bill, will enable determinations and awards to be consolidated and published in both old and new currencies before the adoption of decimal currency. A number of inquiries and representations has been received in connection with this matter with a view to having rates of pay, etc., shown in both currencies in print before February 14, 1966, to save inconvenience to employers and employees alike. The intention is that they shall be printed before that day but shall not come into operation before the Bill receives Royal assent.

The ACTING CHAIRMAN (Hon. Sir Arthur Rymill): If the Chief Secretary's amendment is agreed to, the present clause 2 will become subclause (2) of clause 2. I think I had better read the clause as it will be if the amendment is carried. It will read:

2. (1) The amendment made to section 5 of the Industrial Code, 1920-1963, by this Act shall come into operation on the day on which this Act is assented to.

(2) This Act shall come into operation on the fourteenth day of February, One thousand nine hundred and sixty-six.

The Hon. F. J. POTTER: When you were reading the clause as it will read if the amendment is carried, Mr. Acting Chairman, I think you neglected to say that subclause (2) would then read:

The other amendments made by this Act shall come into operation on the fourteenth day of February, One thousand nine hundred and sixty-six.

The ACTING CHAIRMAN: I thank the honourable member. That is correct. If the amendment is agreed to, the clause will read:

2. (1) The amendment made to section 5 of the Industrial Code, 1920-1963, by this Act shall come into operation on the day on which this Act is assented to.

(2) The other amendments made by this Act shall come into operation on the fourteenth day of February, One thousand nine hundred and sixty-six.

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

Amendment carried; clause as amended passed.

Clause 3—"Interpretation."

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

In subclause (2), after "$" to insert "or $".

This amendment enables the dollar sign with one as well as two vertical strokes to be used

in Acts and statutory instruments. The Government Printer has pointed out that he has each sign only in certain fonts.

The ACTING CHAIRMAN: Honourable members will be clear that the intention of this amendment is to have the "S" dollar sign legal with one stroke as well as with two strokes.

Amendment carried; clause as amended passed.

Clauses 4 to 9 passed.

The Schedule.

The Hon. A. J. SHARD moved the following amendments:

Page 6—

Lines 57-59—Leave out "at the commencement of the Decimal Currency Act, 1965", insert "on the fourteenth day of February, One thousand nine hundred and sixty-six".

Lines 59-60—Leave out "commencement", insert "date".

Page 7—

Lines 22-24—Leave out "fourteenth day of February, One thousand nine hundred and sixty-six", insert "day on which the Decimal Currency Act, 1965, is assented to".

Line 26—After "affected", insert "or which will be affected".

Line 30—After "affected", insert "or which will be affected".

Line 38—After "affected", insert ": Provided further that no such award, order or determination published in accordance with this paragraph shall have any force or effect until the fourteenth day of February, One thousand nine hundred and sixty-six".

Line 39—Leave out "section", insert "subsection".

Page 8—

Line 14—Insert—

Money-Lenders Act, 1940-1960	Section 21, subsection (1), paragraph IX— By striking out "ninepence" and inserting in lieu thereof "eight cents".
	Section 33, subsection (2)— By striking out "ninepence" and inserting in lieu thereof "eight cents".

Line 44—Leave out "4" (first occurring), insert "12".

Amendments carried; Schedule as amended passed.

Title passed.

Bill read a third time and passed.

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

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

In Committee.

(Continued from November 30. Page 3248.)

Clause 4 passed.

Clause 5—"Acquisition of land required by Ministers and prescribed authorities."

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

In new section 23a (1) (*b*) to strike out "diligent" and insert "due", and after "inquiry" to insert "and search".

The purpose of the amendments is to place a little greater onus on the Minister to try to find the people who may have an interest in the land.

The Hon. A. J. SHARD (Chief Secretary): The Government accepts the amendments.

Amendments carried.

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

In new section 23a (2) (*b*) to strike out "diligent" and insert "due", and after "inquiry" to insert "and search".

The same reasoning applies as in the previous amendments.

Amendments carried.

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

In new section 23b (1) (*b*) to strike out "three" and insert "four".

I think three weeks is rather a short period, particularly as these notices seem usually to be served during Christmas holidays or annual leave. I understand that the Government agrees to the amendment.

Amendment carried.

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

In new section 23b (5) after "entitled" to insert "and the claimant has taken proceedings for compensation before a court or an arbitrator in respect of the acquisition of the land.

The clause as printed means that, if the promoters pay to the owner an amount determined by the court to be in excess of the amount to which he is entitled, he must refund the balance. The effect of the amendment is that, if a certain amount is offered by the promoters that the owner accepts, and there are no proceedings, that is the end of it, and he can keep the amount. He does not render himself liable to refund the amount unless he goes on with court proceedings; if he does, he must refund the amount. I do not think the amendment alters the purport of the Bill, but I think it clarifies the situation.

The Hon. A. J. SHARD: This amendment should not be agreed to. The promoters' valuation referred to is not intended to be a final valuation, but is a summary valuation, the amount of which has to be paid to the

claimant to enable the promoters to take possession of the land. New subsection (4) makes it clear that, because of the summary nature of the valuation, the payment of the amount of the valuation is not to be referred to in any proceedings for compensation before a court or an arbitrator, and therefore contemplates that either party could take proceedings to have the claim for compensation finally determined and upon such determination an adjustment of the compensation will be made. Thus, if the promoters' valuation were less than the amount finally awarded by a court or an arbitrator, the promoters would be obliged to make up the difference; or, if the promoters' valuation exceeded the amount finally awarded, the promoters would be entitled to recover the excess from the claimant.

The effect of the proposed amendment, however, will be that the promoters will have the right to recover the excess only where the claimant has taken proceedings for compensation but not where the promoters seek to have the compensation decided by a court. For these reasons, the amendment is not acceptable in its present form. If, however, the Hon. Mr. Rowe is willing to withdraw the amendment and rephrase it by substituting for the word "claimant" the words "promoters or the claimant have or", the amendment would be acceptable to the Government. It means that both parties want to be put on an equal basis with one another. I think that is reasonable.

The Hon. C. D. ROWE: I do not know that I can go along with that. I hope I understand the situation correctly. This is the position. If a promoter makes an offer of some money to the person owning the land, it is reasonable to assume that that is his idea of the valuation. I can imagine no circumstances in which a promoter would want to make an offer in excess of the valuation of the land. If I offer too much for something and somebody accepts it, that is my responsibility; but in this case the promoters are responsible people, who have competent assistants to advise them on value.

A valuation having been made and the owner of the land having agreed to accept it, that should be the end of the transaction. The owner should not find himself in the position of having to give back some of the purchase price later. The practical situation is that the owner of the land takes the amount of money offered to him and normally, under a compulsory acquisition, it does not mean that he simply puts the money in the bank and sits back. Generally, he is faced with the unfortunate situation of having to find other premises to replace his house that has been acquired. He proceeds to make commitments in other directions. It would be unduly burdensome for him if, after making these other arrangements and having found that the amount of money offered by him had been accepted, he then had to disgorge some of it. I ask the Committee to accept my amendment.

The Committee divided on the amendment:

Ayes (9).—The Hons. Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, H. K. Kemp, C. C. D. Octoman, F. J. Potter, and C. D. Rowe (teller).

Noes (8).—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, Sir Norman Jude, A. F. Kneebone, Sir Lyell McEwin, A. J. Shard (teller), and C. R. Story.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. Sir NORMAN JUDE: I move:

In new section 23b. to strike out subsection (7).

I am somewhat concerned about the possibility of a buying agency for all purposes being set up within the Public Service. It is of no use anybody pretending to tell honourable members of this Council that that is not being considered. It has been mooted publicly around the city in the places where people are aware of these matters. The Highways Department, in the case of a strip purchase, the Engineering and Water Supply Department, in the case of an easement, and possibly the Housing Trust (although we do not know what is happening regarding legislation affecting the trust) have expert officers and they should retain the right to make these purchases and arrangements for their own departments, particularly in the case of the Highways Department, which spends money allocated by Statutory authority for that purpose.

The term "promoters" is dealt with in new subsection (9) and the prescribed authorities are referred to in new subsection (6). Those provisions indicate that the authority should be left under the separate Ministers where the organization is already set up to deal with the purchase, particularly where funds are already allocated by Statutory authority for expenditure for that purpose.

The Hon. S. C. BEVAN: I find myself in total agreement with the Hon. Sir Norman Jude when he moves for the deletion of new subsection 7. That section would make it

mandatory for all valuations to be done by the Land Board. I am looking at the matter at present on behalf of the administration of the Highways Department. An enormous amount of land acquisition is carried out by that department, and it is only one of the Government departments that acquire land for various purposes. The Highways Department acquires land for road widening, for highways and for freeways. If every valuation under an acquisition has to go to the Land Board, we are going to have dockets piled up in the Land Board office so high that it will take a fortnight to climb over them. If a docket was wanted, more than likely it would be on the bottom of the file.

In those circumstances, it would be impossible for the department to function so far as acquisitions are concerned. Honourable members will appreciate that every day more dockets come in in regard to acquisitions. As the Hon. Sir Norman knows, we have skilled valuers in the Highways Department. The property officers who do various valuations from time to time are experts, as is shown by the public relations that have been established by the department with landowners and with the public. We find that there are few compulsory acquisitions. It has been the practice to fix a figure that is a little more than actual valuation, so as to eliminate any argument that may transpire between the owner of the property and the Highways Department.

Where the valuation does not exceed £100, the Minister himself has authority to approve or disapprove, according to the circumstances, and I assure the Chamber that many matters come to me in this way. If the valuation exceeds £100 and is up to £250, the docket is taken to Cabinet for consideration. If the value is over £250, Land Board valuation is sought. If this provision goes through, every small parcel of land required for, say, road widening or for straightening a curve that is valued at £30, £40 or £50 will have to go to the Land Board. In those circumstances, the department would not be able to operate. It is ridiculous.

I have found that, as far as the Highways Department is concerned, during the year ended June 30, 1965, the department made 770 acquisitions, about 70 per cent of which involved amounts less than £250. The moment road widening is undertaken, the number of annual acquisitions increases rapidly. We see that about 70 per cent of the acquisitions in that year were for land valued at less than £250. As far as I am concerned, the whole of the clause could be taken out of the Bill, because I do not think it is of much value to us at all. This is a great deterrent and acts detrimentally to the powers of the Highways Department. I ask the Committee to support the Hon. Sir Norman Jude when he suggests that the subsection should be deleted. If it is not deleted, I suggest that the Highways Department will not be able to operate.

The Hon. Sir NORMAN JUDE: I want to make a point that I failed to make earlier. It has been my personal experience over many years that there is no thought in the mind of the Minister or in the mind of the Minister in another place that large acquisitions of land are not dealt with by the Land Board quite properly. There is no thought that consideration of large areas of land should not be referred to them, but I mention this because of the stress laid in this debate on minor acquisitions of land.

The Hon. R. C. DeGARIS: I appreciate the comments of the Minister of Local Government and the former Minister on subsection (7). I point out that in my second reading speech I drew attention to this subsection and that I was not happy with it, but my reasons are different from those that have just been given. I would like to see struck out of subsection (7) the words "by the Land Board referred to in the Crown Lands Act of 1960". Such action would satisfy my objection, but I am pleased to see that both the Minister and the former Minister agree that the complete subsection is not in the best interests of the acquisition of land. I support the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (6 to 22) and title passed.

Bill read a third time and passed.

CITRUS INDUSTRY ORGANIZATION BILL.

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

OIL REFINERY (HUNDRED OF NOARLUNGA) INDENTURE ACT AMENDMENT BILL.

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

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I move:

That this Bill be now read a second time.

Its object is to amend the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958,

to provide that any petroleum product refined at the Adelaide refinery and transferred by pipeline to Port Adelaide and therefrom shipped and subsequently unloaded at any wharf in South Australia under the control of the board will not be chargeable with outward wharfage at Port Adelaide but will be chargeable with full inward wharfage at the rate fixed in Clause 11 (2) of the schedule to the principal Act. Clause 11 of the indenture in the schedule to the principal Act provides:

(1) Petroleum products produced at the refinery and transported by sea to Port Adelaide will not be charged with inward wharfage at that port unless harbor works and facilities additional to those in existence at the time of the execution of this Indenture are provided at that port by The South Australian Harbors Board and are used for unshipping or landing such products. If such facilities are so used, wharfage charges appropriate to the amount expended by the said Harbors Board on the provision of such additional facilities will be payable.

(2) Petroleum products produced at the refinery and transported by sea to Port Pirie, Port Lincoln or any other South Australian port (except Port Adelaide) shall be chargeable with inward wharfage at that port at the rate for the time being in force (7s. 6d. per ton at each port at the time of the execution of this Indenture):

Mobil Oil Australia Limited has drawn the attention of the Harbors Board to the situation caused by the proven unsuitability of the shipping facilities at Port Stanvac for the purpose of exporting refined products from that port. The company in an attempt to solve their difficulties in this regard have arranged to construct a pipe-line between the refinery and Port Adelaide whence the requirements of Port Lincoln, Port Pirie and other ports will be met. Since these products will not be transported to Port Adelaide by sea, the Board's regulations would apply thereto and the following charges would be made: full outward wharfage at Port Adelaide, full inward at Port Pirie, and free inward at Port Lincoln.

In addition, the company occasionally supplies the E.T.S.A. power house at Osborne with furnace oil (in competition with B.P. Australia Ltd. who have a direct pipe-line connection) and rather than incur the expense of a land pipe-line from their Birkenhead depot to Osborne, the company has chosen to transfer it by tanker within the port thus becoming liable to pay double wharfage on the products. The company has raised the question of the equity of the double wharfage charges being levied for such movements. The Harbors Board agrees that this is not equitable. It accepts the principle that only one full wharfage charge should be payable when the products pass across two of its wharves. This principle is in keeping with the provisions of the principal Act which stipulates that wharfage is to be free outward Port Stanvac, free inward Port Adelaide, and full inward at Port Lincoln and Port Pirie.

The board considers that a distinction should, however, be drawn between shipments of products from Port Adelaide to wharves in South Australia under the control of the board and to wharves, such as Whyalla, not under the board's control. The reason for this distinction being drawn, and being reflected in the proposed amendment is that products shipped from Port Stanvac or Port Adelaide to Whyalla would not be subject to any wharfage charges. It is felt that this would not be fair since the board would be providing export facilities at Port Adelaide free of charge. Products shipped, therefore, from Port Adelaide to Whyalla will incur full outwards wharfage at 7s. 6d. a ton. The Government accepts the recommendation of the Harbors Board as being reasonable and agrees that an amendment to the principal Act is desirable and necessary. Clause 3 accordingly amends the principal Act by inserting a new section 9 therein which gives effect to these proposals.

This Bill being of a hybrid nature has been considered by a Select Committee in accordance with Joint Standing Orders. The Select Committee to which the House of Assembly referred the Bill reported as follows:

1. In the course of its inquiry, your committee met on two occasions and took evidence from the following persons:
   - Mr. J. R. Sainsbury, General Manager of the S.A. Harbors Board;
   - Mr. A. E. Daniel, Assistant Parliamentary Draftsman; and
   - Mr. R. G. Blain, General Manager, Adelaide Refinery, Petroleum Refineries (Aust.) Ltd.

2. Advertisements inserted in the *Advertiser* and the *News* inviting interested persons to give evidence before the committee brought no response.

3. The committee is of the opinion that there is no opposition to the Bill and recommends that it be passed in its present form.

I commend the Bill to honourable members for consideration.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): The second reading explanation of the Bill was given some time yesterday, and I have had time for only a cursory glance at it. However, from my perusal of the explanation I could find nothing that concerned me. Therefore, I believe I can support the Bill. It deals with double wharfage with

regard to the Port Stanvac refinery, from which oil is being conveyed to South Australian ports. It is reasonable to support an industry such as this in South Australia. The recommendation relieving double wharfage was made by the Harbors Board and is in keeping with earlier intentions of the previous Government relating to the industry concerned. Of course, the question of oil shipped to Whyalla does not arise because the wharf at Whyalla is not a Government wharf. I support the second reading.

The Hon. R. C. DeGARIS (Southern): I, too, support this very short Bill. It contains only three clauses, and clause 3 is the operative one. This is a hybrid Bill, and it has been subject to inquiry by a Select Committee in another place. That committee took evidence on the matter, offered no opposition to the Bill, and recommended that it be passed in its present form. As pointed out by Sir Lyell McEwin, this Bill overcomes the difficulty that arose in respect of double wharfage from the refinery. The company operating at Port Stanvac drew the Harbors Board's attention to the situation and the unsuitability of shipping facilities at Port Stanvac for exporting refined products from that port. The company attempted to solve its difficulties and it arranged the installation of a pipeline between the refinery and Port Adelaide. This pipeline will meet the requirements of other gulf ports. I support the Bill which, as I have indicated, was the subject of inquiry by a Select Committee in another place.

The Hon. C. R. STORY (Midland): I too, support this very important measure. The object of this amending Bill is to provide that any petroleum product refined at the Adelaide refinery and transferred by main to Port Adelaide and therefrom shipped and subsequently unloaded at any wharf in South Australia under the control of the board will not be chargeable with outward wharfage at Port Adelaide but will be chargeable with full inward wharfage at the rate fixed in clause 11 (2) of the schedule to the principal Act. I think that anybody who has seen this remarkable pipeline from Port Stanvac to Port Adelaide will agree that it is quite an engineering feat. A great deal of engineering knowledge has gone into it. Virtually every few feet the line had to be capped to go over the gas and water services, which all had to be cut and stopped off. It has been a colossal job. I do not know what it cost.

The Hon. L. R. Hart: Was any compensation involved?

The Hon. C. R. STORY: Yes.

The Hon. L. R. Hart: Compulsory acquisition?

The Hon. C. R. STORY: In the main, it was put down on the existing road, although it was necessary for some portions to cross certain land. No compulsory acquisition was needed. It was necessary to follow the beach in some places and to cross park lands and other land areas in others. The installation was completed in what I should think was the minimum time for a job of that nature. Much equipment that was imported for this project was used in South Australia for the first time. It is to be hoped that, in future, advantages will accrue to the State in addition to those that have resulted from the establishment of the Port Stanvac refinery. I have pleasure in supporting the second reading.

The Hon. H. K. KEMP (Southern): I think the subject matter of this Bill should not be taken lightly. No doubt the Government has considered the repercussions of setting up the next refinery.

The Hon. A. F. Kneebone: Can you tell us something about the suitability of the port for shipping purposes?

The Hon. H. K. KEMP: I consider that this is a serious subject. We have prospects of having available large deposits of oil and gas and it is likely that we shall have pipeline transmission of material that would otherwise be carried by ship, and that would in that way contribute to the revenue of the State by way of wharfage. The object of the Bill is mainly to avoid double wharfage, and this object seems to be different from the pattern of the legislation we have had in the last few weeks. Apparently the Government is not going to make these charges, and it is to be congratulated on its consideration of the State's commerce. The Bill is not complicated or lengthy, but it will have repercussions in the most unexpected places, and these are always likely to occur. We must support the measure, as it would be difficult to do otherwise, because we are dealing with a vital commodity that will affect our future oil requirements. I support the Bill.

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

ALSATIAN DOGS ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

INHERITANCE (FAMILY PROVISION) BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 6 but had disagreed to amendments Nos. 1, 2, 3, 4, 5, 7 and 8.

MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

PHARMACY ACT AMENDMENT BILL.

Returned from the House of Assembly with the following amendments:

No. 1. Insert new clause 5a as follows:

5a. Section 26d of the principal Act is amended—

(*a*) by striking out the proviso to subsection (1) thereof;

(*b*) by inserting therein after the said subsection (1) thereof the following subsection:

(1a) Notwithstanding the provisions of subsection (1) of this section the body known as The Friendly Societies Medical Association Incorporated may, after the commencement of the Pharmacy Act Amendment Act, 1965, carry on the business of selling goods by retail in not more than thirty-six shops.

; and

(*c*) by inserting after the expression "(1)" in subsection (2) thereof the passage "or (1a)".

No. 2; page 5—The Schedule—Leave out the last two lines beginning with the words "Fifth Schedule".

Consideration in Committee.

The Hon. A. J. SHARD (Minister of Health): I move:

That this Council agree to the House of Assembly's amendments.

It was only on Tuesday of this week that we discussed this clause, when we struck out clause 5 from the Bill. It has been reinserted by another place.

Amendments disagreed to.

Later, the House of Assembly intimated that it insisted on its amendments.

Consideration in Committee.

The Hon. A. J. SHARD moved:

That the Council do not insist on its disagreement to the amendments.

Motion negatived.

The Legislative Council requested a conference at which it would be represented by the Hons. D. H. L. Banfield, M. B. Dawkins, G. J. Gilfillan, R. A. Geddes and A. J. Shard.

The House of Assembly granted a conference, to be held in the Legislative Council conference room at 8 a.m.

The managers proceeded to the conference at 7.58 a.m., the sitting of the Council being suspended. They returned at 11.15 a.m. The recommendations were:

As to Amendment No. 1:

That the House of Assembly amend its amendment No. 1 by striking out the word "thirty-six" at the end of proposed new subsection (1*a*) and inserting in lieu thereof the word "thirty-one" and add after "shops" the passage—

"; but the Association shall not establish or maintain any such new shop after the commencement of the Pharmacy Act Amendment Act, 1965, unless the situation of that shop has been approved by the Minister"

and that the Legislative Council agree thereto.

As to Amendment No. 2:

That the Legislative Council do not further insist on its disagreement.

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

Consideration in Committee.

The Hon. A. J. SHARD (Minister of Health): I move:

That the recommendations of the conference be agreed to.

Conferences seem to be the order of the day in this Parliament, and I presume they will continue to be so. If we continue to meet in the same friendly way as we have, I do not think Parliament will have done any harm to itself. The members of both Houses who were managers at the conference put their points of view fairly and squarely. There was no side-tracking or dodging the issue. As with the other conference, at one time it looked as though a deadlock would result, but commonsense prevailed and a decision was reached.

The decision was that the numbers of F.S.M.A. shops there can be in the future has been increased from 26 to 31. I went to the conference with four very good friends but I came out having grave doubts. The following condition was added:

but the Association shall not establish or maintain any such new shop after the commencement of the Pharmacy Act Amendment Act, 1965, unless the situation of that shop has been approved by the Minister."

The Hon. Sir Arthur Rymill: That shows the confidence your friends have in you.

The Hon. A. J. SHARD: The honourable member may look at it in that way, but I will look at in in my own way. When this condition

was put to me I said, "If that is your will, I will do my best to carry it out."

Sir Lyell McEwin: It could not be in the hands of a better man!

The Hon. A. J. SHARD: I want it to be placed on record that I have no jurisdiction over the sites or situations of any of the present 26 shops. If it is desired by the society to shift them, it can do so. The additional five shops will be my prerogative while I remain the Minister and it will be my responsibility to approve before they are built. I have every confidence that the F.S.M.A. will do the reasonable thing. If it does not, I will want to know why.

Regarding the second amendment, we found that there had been a drafting error, as the last two lines had been deleted from the schedule in 1952. As a result, we were able to agree to the House of Assembly's amendment. I thank my colleagues in this Chamber for the way they conducted themselves and put the point of view of the Council, and I congratulate them on a sensible and common-sense decision.

The Hon. G. J. GILFILLAN: I should like to support the Minister by saying that the conference concluded in a friendly manner. I feel that this is a fair compromise in a difficult situation involving two different points of view. The important part of this amendment is the proviso, because I am sure the Minister will administer this Act with integrity. It gives anyone who may be affected by the setting up of one of these shops an opportunity to put his case and make the position clear. It also gives him, of course, the opportunity to approach the Minister through his member of Parliament. So there is a fair safeguard there and I am sure that, in view of the undertakings the Minister has given (and even without them), he will see that the people get a fair deal. I support the motion.

Motion carried.

TOWN PLANNING REGULATIONS.

Adjourned debate on the motion of the Hon. Sir Lyell McEwin:

That the regulations under the Town Planning Act, 1929-1963, in respect of the control of land subdivisions, made on September 30, 1965, and laid on the table of this Council on October 5, 1965, be disallowed.

(Continued from December 1. Page 3313.)

The Hon. S. C. BEVAN (Minister of Local Government): I oppose this motion. I appreciate what has been said in support of the disallowance but we do not fully appreciate the value of the regulations. They took some time to prepare and much thought went into them. Primarily, they give the Town Planner additional interim powers until the Town Planning Act comes to be amended. We have to bear in mind the vast development programmes going on all over the country. There are subdivisions and resubdivisions of areas, the pressing need for open spaces, and reserving land for new highways and freeways is always with us. The Town Planner has no power under the existing regulations to make effective decisions on matters such as these. For instance, in the foothills we have problems with subdivisions of land in places where land is required for road-making and road-widening purposes. Subdivision goes on all the time.

People purchase blocks of land only to find that they come up against unforeseen difficulties. These regulations would assist the Town Planner and his committee to make effective decisions until such time as the Town Planning Act could be amended. The metropolitan and country areas have their own special difficulties in respect of the reticulation of water and the provision of other services. Part of these regulations is for the purpose of controlling subdivisions where services cannot be provided for some time to come. That would not act detrimentally. It is not intended to give effect to the regulations in country districts. It is primarily desired to have the powers in relation to the metropolitan area. It is imperative that the powers be vested in the Town Planner but, while there is a challenge to the regulations, he cannot have these powers.

The Leader of the Opposition said that he considered there was no haste in this matter, as other regulations could be brought down to deal with a specific case. However, it is not just a matter of bringing a regulation before Parliament. Time is taken in preparing an adequate regulation and, after that, the regulation must lie for a considerable time. At the first opportunity, the Government will finalize legislation providing for a new Town Planning Act. That will be done in the new year, and most of these regulations, particularly those to which objection has been taken, could be revoked because of the provisions of the Bill. In the circumstances, I ask the Council not to persist with the disallowance, but to allow the regulations to go through so that there will be power regarding the subdivision of land. This is necessary for road-widening and other purposes.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I have conferred at length

with the Minister on this regulation. Honourable members will recall that, when I moved for disallowance, I said that there was no quarrel so far as the Town Planner was concerned, but I did suggest that we ought to have early legislation, which I understood was in the course of being drafted, so that the matters to which attention was drawn by the Subordinate Legislation Committee could be considered by Parliament. I also said that I delayed for a week to try to get information on whether there was any likelihood of harm befalling the administration of town planning if the regulation were disallowed.

The information I had was that there was not, and two reasons were given. One was that the old regulations gave the necessary power to look after matters and the other was that, as long as this motion for disallowance was not disposed of, the regulation was effective. However, I have found since that a later amendment to legislation was overlooked, and the effect of this was that the regulation could not be used once a motion for disallowance had been moved so, as I said when I spoke, I had no desire to interfere with the efficient administration of town planning, because we had so much at stake regarding it. In view of the Minister's statement that legislation will be brought down at an early date, I consider that I have no reason to press for disallowance, and move that this Order of the Day be now discharged.

Order of the Day discharged.

BUILDING ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

ALDINGA SCRUB.

The Hon. H. K. KEMP: I seek leave for the suspension of Standing Orders to enable me to ask a question, notwithstanding the fact that the time for questions has passed.

Leave granted.

The Hon. H. K. KEMP: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. H. K. KEMP: This does not concern the Port Stanvac Oil Refinery. As honourable members know, I recently introduced a petition to the Council about the Aldinga scrub. I should like to put before the Council the circumstances of that petition and direct a question to the Chief Secretary, the senior Minister in this Council.

The Hon. S. C. Bevan: You had every opportunity of doing so when you presented your petition.

The Hon. H. K. KEMP: As the Minister has raised an objection, I think the proper thing for me to do is to sit down.

The PRESIDENT: I point out that the Council has given the honourable member leave to ask a question.

The Hon. H. K. KEMP: The position is that the petition refers to a considerable tract of native vegetation behind Aldinga beach, which has had the Government's attention for about 15 years, with repeated requests that it be preserved. This area, comprising 700 acres, is unique and valuable, as it is the sole remaining area of natural vegetation adjoining the coast south of Adelaide. There is nothing comparable with it still existing. The whole district at present has this matter in view. This is an area that in the next few years will be completely built up.

The development of Adelaide must be chiefly southward from now on, and the fact that we have 700 acres of natural vegetation in an area that will be completely built up contiguous to the beach and containing species, associations and fauna on the verge of extinction and not already protected is scandalous. Can the Chief Secretary say whether the Government will undertake to do something about the protection of this scrubland, and the vegetation and fauna in it, until it is possible for the residents in the district to find the means of preserving and dedicating it in wild life reserves under the Commissioners of National Parks?

The Hon. A. J. SHARD: It is not under my control, but my answer is (and I say this seriously) that I will draw the attention of the Minister of Lands to the honourable member's question.

ADJOURNMENT.

The Hon. A. J. SHARD (Chief Secretary): I move:

That the Council at its rising adjourn until Tuesday, January 25, 1966.

I want to take this opportunity (although it is not Prorogation day) of sincerely wishing honourable members the compliments of the season. We have had our moments during the session but with all sincerity I thank the whole staff of Parliament House. May I also, on this occasion, include the staff of the Government Printing Office, who have been overworked but have done an extremely good job. I wish everybody a very happy Christmas and a bright New Year. May I also

express the best wish that one can express to anyone—that during 1966 and the succeeding years all honourable members enjoy very good health.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I have pleasure in seconding the motion. As the Chief Secretary has said, this has been a very busy session for everybody and perhaps one of the most useful sessions. May I say to my colleagues how much I have appreciated their support in this Chamber. I do not think I remember, over many years, a session when all members of the House have applied themselves more diligently to their work. We have only to look at the piles of *Hansard* on our tables to appreciate that this has been a very busy session. The results are such that we can say that this Council has materially assisted the Government in its legislation, contrary to the suggestion we sometimes hear that we are obstructive. The results of our conferences with another place have proved that we have been helpful rather than the reverse.

I congratulate the Chief Secretary on the way he has worked during the first part of the session. It is not easy to be the Leader of the Council. He has had a hard and busy session but has come through it well. I support his remarks about the good feeling that exists amongst the members of this Chamber. The debate has been hard but nothing has impaired the good relationship that has always existed between honourable members on both sides of the Chamber. I offer all honourable members my best wishes for Christmas and the New Year and trust that when we reassemble in January all honourable members will look much better than they do now after a continuous sitting of over 21 hours.

Motion carried.

At 11.38 a.m. on Friday, December 3, the Council adjourned until Tuesday, January 25, 1966, at 2.15 p.m.