HOUSE OF ASSEMBLY.

Wednesday, November 13, 1963.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

HIGHWAYS ACT AMENDMENT BILL.

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

QUESTIONS.

ZOO DIRECTOR.

Mr. FRANK WALSH: In this morning's *Advertiser*, under the heading of "Director of Zoo 'Removed' ", appears a report concerning the dismissal of Mr. Gasking. It states:

Mr. Gasking said that the zoo needed many improvements. "Some of the animals are in shockingly small cages," he said. He said that when he was told of the council's decision he still had two months to go of his six-month probationary period.

If the article has been brought to the attention of the Minister of Lands, can he comment and has he appointed a committee of inquiry to investigate the position at the Zoological Gardens?

The Hon. P. H. QUIRKE: The Royal Zoological Society of South Australia receives heavy subsidies from the Government. At present the sum received by this society is about equal to, or perhaps a little more than, its income from all other sources. Because of that, there have been disagreements at the zoo, and I have taken certain action. The Government has placed on the Estimates for 1963-64, for the purpose of a grant to the Royal Zoological Society, an amount of £38,500, which is an increase of £16,000 on the amount provided in 1962-63. Before this money is disbursed, in order to satisfy myself that the affairs of the society are being conducted in a manner which will give the best results and achieve the purposes for which the Government grant is provided, I have appointed a committee comprising the Auditor-General (Mr. G. H. P. Jeffery, A.U.A.) and the Director of Lands (Mr. J. R. Dunsford, A.A.S.A.) to inquire into the organization, management, and operation of the society. The inquiry committee had preliminary discussions with the council of the society last week, as a forerunner to its investigations. It would be the wish of the Government that any further action regarding the appointment of the Director of the zoo, should be deferred pending the outcome of this inquiry. The Government is represented on the council of the society by Dr. W. P. Crowcroft (Director of the Museum) and Messrs. T. R. N. Lothian (Director of the Botanic Garden) and P. F. Pollnitz (Director of the Tourist Bureau). Pending the outcome of the inquiry, no further statements will be made by me.

Mr. LAWN: I am not sure whether to address my question to the Minister of Lands or the Premier as it involves policy. As the Government contributes 50 per cent of the income of the Zoological Society, will the Government (which is now represented by only three members on a council of 18) see that it has a controlling number of the 18 members of the council, namely, nine members plus the chairman?

The Hon. Sir THOMAS PLAYFORD: I cannot give the honourable member an affirmative answer. The Government grants large sums to many charitable organizations and educational organizations on the councils of which it has no nominees at all, but such a grant has never meant that it automatically takes control of an organization. For instance, the Government has no representative on the Council of the University of Adelaide although the money it makes available runs into hundreds of thousands of pounds every year, which represents substantial support of the university.

Mr. Lawn: Parliament has representatives on the council.

The Hon. Sir THOMAS PLAYFORD: That is so. At a rough guess, I would say that about 60 per cent of the money spent at the university is provided through this Parliament. Parliament has five members on a council of, I think, 28 members, so that case does not bear out the assumption that when the Government grants money to an institution it automatically proceeds to control it. We make grants to every type of hospital. For instance, we make heavy grants to the Adelaide Children's Hospital, yet, as far as I know, we have no representative on its board.

Mr. Shannon: Not even one.

The Hon. Sir THOMAS PLAYFORD: That is so. We make large grants to the Queen Victoria Hospital, yet I doubt whether we have any representation there. The Government would be most anxious that the money provided by Parliament for the zoo be spent in the way Parliament desired. Therefore, before this publicity was ever given to the matter referred to, it had engaged the Minister's attention

and he had met the council of the society and made certain suggestions in order to see that a good line of administration was carried out. Incidentally, I believe the council readily agreed to the Minister's suggestion. The answer to the honourable member's question is that the Government does not desire to assume control of the zoo.

METROPOLITAN ABATTOIRS.

Mr. HUTCHENS: The report of the Metropolitan and Export Abattoirs Board that was tabled recently shows a profit of £91,800 for the year ended June 30, 1963, compared with a profit of £135,139 for the previous year. It appears that beef slaughtering increased by about 3,000,000 lb. Pork and veal killings also increased, but lamb slaughtering declined by about 5,000,000 lb. The report attributes the financial results to the reduction in slaughtering charges and the high level of slaughtering for the local trade. Concern has been expressed that the inference is that there will soon be increased charges, or a decline in the standard of slaughtering. Can the Minister of Agriculture say whether this inference is justified?

The Hon. D. N. BROOKMAN: At present the standard of slaughtering at the Metropolitan and Export Abattoirs is high. Improvements are being made to meet the requirements of the American market. Improvements will be made in probably all Australian abattoirs that kill for export and want to participate in the American market. However, because improvements are being made at Gepps Cross, one should not infer that the present standard is bad. It is particularly high, and recently the Chairman of the Homebush Abattoirs paid a most enthusiastic tribute to the work being done at Gepps Cross. His tribute was not solicited: it was generously tendered and it reflected creditably on the management, staff and slaughtermen at Gepps Cross. The standard is being improved continually, and it will be further improved. It is a tribute to the board and all concerned that, despite rising costs, slaughtering charges were reduced during the last financial year. However, because of those reduced charges the financial result was not as satisfactory as in past years. I have not heard of any suggestion by the board to increase charges. I shall be happy to discuss any such proposal with the board. I only know that the charges are lower than they were and that generally the board is conducting its affairs well.

BREATHALYSERS.

Mr. HARDING: In today's press is a report that a New South Wales magistrate who visited Victoria returned to New South Wales and recommended that that State adopt breathalyser tests similar to those applying in Victoria. In a reply to a previous question I asked on this subject, the Premier said that 14 breathalysers were in use in Victoria and that provision had been made in the Estimates to purchase a breathalyser for this State. He said that the breathalyser would be tested and, if proved successful, operated here. Can the Premier say whether a breathalyser has been purchased and tests made? If so, were the results satisfactory?

The Hon. Sir THOMAS PLAYFORD: The Government approved the expenditure of money to purchase a machine, which I believe is being obtained. I do not know how accurate such a machine is, but I will get precise information for the honourable member.

WALLAROO HARBOUR.

Mr. HUGHES: Can the Minister of Marine say what progress is being made on the dredging of berths at the Wallaroo harbour and whether the General Manager of the Harbors Board has overcome the problem of determining the yardage to be removed from the channel to enable tenders to be called for deepening of the channel?

The Hon. G. G. PEARSON: Yesterday the honourable member requested this information and I forwarded his inquiry to the General Manager of the board this morning. That officer is away on leave at present, so I have not been able to get the information. However, I will make it available at the earliest opportunity.

HOUSING LOANS REDEMPTION.

Mrs. STEELE: Yesterday, in reply to a question on notice from the member for Port Adelaide, some interesting information was given about the £50-deposit housing scheme. Can the Premier say whether any claims have been made under the Housing Loans Redemption Fund Act, 1962?

The Hon. Sir THOMAS PLAYFORD: Yes. This legislation got off to a slow start and it was some time before there were many applications from young people to come within the provisions of the Act. In fact I think that during the first two or three weeks only three applications were received. However, there is more interest in the legislation now.

Incidentally, we have approved the payment of the first claim in respect of a loan of, I think, £3,000 on which the amount outstanding was £2,900. The person concerned had made only five payments. This case emphasizes that, although young people may believe they are in good health, they can meet with difficulties. In this case the widow will have the loan repaid without further charge to her. She will be relieved of the responsibility of a debt of £2,900.

KIDMAN PARK LAND.

Mr. FRED WALSH: Has the Minister of Lands a reply to my recent question about burning off Crown land in the Kidman Park area?

The Hon. P. H. QUIRKE: The letter handed to me by the honourable member was referred to the appropriate officer in my department. The Chief Inspector of the department has obtained a quote from the South Australian Fire Brigade for burning off this land. This work will be carried out as soon as circumstances permit. The other matters referred to in the letter are being closely watched by the department.

ELWOMPLE PUMPING STATION.

Mr. NANKIVELL: Last year I spoke to the Minister of Works twice about the electrification of the Elwomple pumping station. I also spoke to him about a booster supply for this line. A booster was installed and used, but subsequently it was removed and is now being used as a pump. In other words, it is not a booster. The new pumps have not been installed and what was the booster pump is now being used as the supply source for this scheme. In view of the approaching summer and the increasing demands upon this supply during the next month or two, will the Minister ascertain why these electric pumps have not been installed and can he assure me that he will examine the matter to see that the pumps are installed and the scheme put into first-class order before the summer?

The Hon. G. G. PEARSON: Anything it is possible to do will be done.

WINDSOR GARDENS HOUSING.

Mr. JENNINGS: Has the Premier a reply to the question I asked last week about complaints relating to Housing Trust houses in Welkin Street, Windsor Gardens?

The Hon. Sir THOMAS PLAYFORD: The Chairman of the Housing Trust reports:

The Housing Trust built the houses occupied by the signatories of the attached letters in 1959. The houses were of light-weight construction, that is, a combination of masonry and framing such as Stegbar window units on the outside walls and pre-cast reinforced gypsum slab construction on the interior walls. Faults of various kinds occurred six to 12 months after completion, the faults in all cases being due to soil movement. Numerous inspections have been carried out by the trust's architects and other technical officers to determine the amount of movement and the cause. Latest investigations suggest that there is considerable movement of water 2ft. to 3ft. below the surface. It appears that this has had the effect of varying the moisture content of the soil immediately below the houses, leading to some fractures in footings and in masonry. The trust has maintained a constant watch on these houses and has already undertaken some necessary repairs and has authorized further repairs. In fact, in all cases but one of those referred to in Mr. Jennings's question orders have been issued to contractors to carry out work specified.

ELECTORAL BOUNDARIES REPORT.

Mr. RYAN: Some time ago I raised in this Chamber a matter concerning the publication in the *News* of the Electoral Boundaries Commission's report and a leakage of information that occurred on that occasion. You, Mr. Speaker, assured the House that you would have the matter investigated. Have you investigated this matter, and can you inform the House of the result of that investigation?

The SPEAKER: I inquired about this matter, and I received replies from His Honour Mr. Justice Chamberlain and the Acting Editor of the *News*. The first letter, from His Honour, states:

Dear Mr. Speaker,

I regret not having replied earlier to your letter of October 28, but it arrived after I had left for the Mount Gambier Circuit and I received it only this morning. The *News* certainly received no information as to the contents of the report from any member of the commission or, so far as we are aware, from anyone connected with its preparation. A representative of the *News* rang me during the morning of the day the report was to be presented to inquire whether it would be possible for him to have a copy in advance, in order, no doubt, to be ready for prompt publication, and on the understanding that nothing was to be disclosed until the report had been actually presented. After consideration, I refused this request. The article quoted in *Hansard* reads, and was no doubt designed to read, as if its author had inside information, but on reading it again I doubt whether there is anything in it that could not have been deduced from the terms of the Act under which the commission was set up. Assuming the commission was to carry out the directions of the Legislature, its report would necessarily

involve a big electoral change, with an increase in Assembly seats and changes of boundaries, which a newspaper might reasonably call "sweeping". It may have been a fair inference that this would involve the use of new names in some instances, but as the commission was not required by the Act to provide names, and did so only as a matter of convenience, if the statement about new names for several Assembly seats was a guess it was certainly an intelligent one. I am quite confident that no leakage of information could have occurred up to the stage when the report was ready for printing, and I am informed that the Government Printer took steps to see that the copies for Parliament did not leave his office until the members of the commission had left Government House after presenting the report to His Excellency, but beyond this I am afraid I cannot offer any assistance.

Yours faithfully,
R. R. ST.C. CHAMBERLAIN.

The second letter, received from News Limited, 116 North Terrace, Adelaide, states:

Dear Mr. Speaker,

In reply to your query concerning the story in our early editions of the State Electoral Commission's report last Thursday, I can assure you most sincerely that there was no leakage of information of its content. We did not know the actual content of the report until it had been tabled in Parliament. Our story was based solely on reasonable assumptions from what had been made known and published previously. A comparison between the early editions of that day and the final edition, which is printed at 4.10 p.m., shows the difference between our forecast and the report of the commission's document itself.

Yours faithfully,
J. K. WILSON, Acting Editor.

PUFFED CREAM.

Mr. DUNSTAN: Has the Minister of Agriculture seen an article headed "Cream Puffed" published in issue No. 130 of *Nation* and written by Oscar Mendelsohn? This article refers to the process that has become legal in Victoria of dealing with cream in that State. It traces the history of the adulteration of cream in Victoria by showing that the Dunstan Government (no relation of mine, Mr. Speaker) started out by allowing a 35 per cent milk fat content instead of the previous 55 per cent. A fairly wide choice of additives was then given; they included sodium alginate, rennet, gelatine and calcium sucrate. The adulterators had the Government agree that the cream could be subjected to preparation by the addition of certain gas. This gas—nitrous oxide gas—is sometimes used by dentists as an anaesthetic.

The Hon. P. H. Quirke: People would probably need it to eat the cream!

Mr. DUNSTAN: Many people in South Australia, unfortunately, seem to be eating such cream right now. As the cream is often sold by bulk and not by weight, this addition allows people to buy a pint of gas, as it is possible to puff up a pint of cream to a quart by the addition of this gas. This is what is being done in Victoria. However, it did not stop there.

Mr. Heaslip: Question!

The SPEAKER: Order! Objection having been taken, the honourable member must now ask his question.

Mr. DUNSTAN: Is the Minister of Agriculture aware that cream from Victoria, treated in the manner I have outlined and also treated in sour form by the addition of alkaline materials that can be harmful to health, is marketed in this State in connection with cream processed in this State in other districts as well as in my own district? In my district is a large cream distributor who does not subject his cream to this process. Is the Minister aware of the process and does he know that this cream is coming here from Victoria and that it is being widely sold in parts of South Australia? Is this practice permissible under the Food and Drugs Act and, if it is not, does the Government intend to act to protect the South Australian industry and the people of this State?

The Hon. D. N. BROOKMAN: I am aware that much cream is brought into South Australia from Victoria and that the authorities have been active in this respect for some time. However, beyond that, I cannot comment now; I prefer to give a considered reply tomorrow, when I shall be able to make a full statement after reading the article.

HAWKER WATER SUPPLY.

Mr. CASEY: Has the Minister of Works a reply to a question I asked some time ago about the proposed water scheme at Hawker now that a suitable bore is available?

The Hon. G. G. PEARSON: Yes, I am pleased to report to the honourable member that the bore put down recently has been tested and proved to be satisfactory. The Engineer-in-Chief has recommended that it be equipped and the necessary pipes provided to connect it to the town supply. I submitted the matter to Cabinet last Monday, and Cabinet approved the necessary expenditure of, I think, £16,000. This morning I discussed the matter with the Engineer for Water Supply. The work will go ahead at the earliest possible date. The water position at Hawker has been somewhat precarious because the only reserve supply we had was in the old railway bore, which has been deteriorating over the

years and has caused much trouble. We are somewhat relieved to have a reliable alternative source of supply.

WATER RATES.

Mr. FRANK WALSH: A constituent has written to me saying that in 1960-61, 1961-62 and 1962-63 his water and sewerage rate has remained at £24 4s. 0d. but that in 1963-64 it is to be increased by £7 8s. 6d. to a total of £31 12s. 6d. He admits that he has built an addition to his premises that has cost £350. However, whereas this has increased the value of the property by only 5 per cent, the water and sewerage rate has increased by 30 per cent, and he is anxious to know what he will do with the extra water he will be allowed under the present rating. As he has to meet other commitments to make the house his own, will the Minister of Works say whether his rate can be reduced?

The Hon. G. G. PEARSON: The increase in the actual account rendered could be due to either or both of the factors mentioned by the Leader: the additions to the house, which increased the assessed annual value and which would be reflected in both water and sewer rating; and in part an excess water charge incurred in the previous year that has come into account in the year under review. If the Leader will let me have particulars, I shall have the matter examined (which I always do in these cases) and ensure that the charge is correctly calculated. I will also contact the person concerned, either directly or through the Leader, to explain the matter to him.

PIG MEAT EXPORTS.

Mr. LAUCKE: In the most recent edition of the *South Australian Wheat and Woolgrowers' Journal* it was reported that Japan was importing 3,000 tons of pork to offset a local shortage. Will the Minister of Agriculture say whether pig meat exports to Japan are made through the Australian Meat Board and whether he expects South Australia to participate in the supply of this meat to Japan?

The Hon. D. N. BROOKMAN: The honourable member informed me that he wished to ask this question, and I told him I would take up this matter with the Australian Meat Board. I will obtain a statement from the board.

RESERVE BANK BUILDING.

Mr. LAWN: One page 1 of this morning's *Advertiser* appeared a statement about the new Commonwealth Reserve Bank to be built in Victoria Square. It states that seven floors will be leased to the State Government. Can the Premier say what the annual rent will be, and for how long the Government intends to rent the seven floors?

The Hon. Sir THOMAS PLAYFORD: From memory, the agreement is for 20 years with a right of renewal for 20 years. The rent has been worked out carefully by the Public Buildings Department in consultation with the Commonwealth Bank. It is, in our opinion, more favourable to the Government than if we had constructed the building. We believe that it is more satisfactory and more economical than the building that we will build next door. I cannot say what is the actual amount. It is worked out on an annual net square-foot floor basis. Obviously the rent must be substantial because this is a costly building: the accommodation is air-conditioned and is of the highest quality. We regard the contract as satisfactory, although we should have liked more than seven floors if more had been available. The Government is desperately short of good accommodation in an area where our public services may be concentrated. The renting of this space will lead to a considerable economy by having all departments together instead of being spread out throughout the city and occupying rented properties. The rent is worked out on the basis of a percentage of the cost of the building, and we are charged only for the space we occupy. That means that the cost of conveniences, lifts, and corridors and other services are excluded from the rent we pay.

DRIVING LICENCES.

Mr. LAUCKE: This is an intricate question and I shall be careful in its wording. An elderly retired farmer residing in a country town has suggested that an extension of the existing restricted permit system in respect of the issuing of driving licences would be much appreciated by elderly car drivers in rural areas. The suggestion is that if greater liberality were to be applied to the issuing of special permits allowing elderly people to qualify for driving licences beyond existing age and physical qualifications, then elderly folk would be willing to carry a special sign on their cars (similar to the "L" denoting a learner at present) and have a large letter "R" (denoting restricted licence) placed on their vehicles to indicate to other road users that the driver of a vehicle so marked was entitled to special consideration. Will the Premier ascertain from the Motor Vehicles

Department whether these proposals are acceptable to it, so that elderly drivers may retain their licences beyond the present limitations of age and physical condition? This would apply more especially in rural areas where a farmer retires to a nearby town. He may wish to visit his son's farm but, because of his age and physical condition, he is denied a licence. That is the category to which I refer, and I should appreciate consideration of these proposals in the interests of those elderly people.

The Hon. Sir THOMAS PLAYFORD: Recently, I considered the question of restricted licences issued to enable a person, who might not be considered thoroughly competent to drive in heavy traffic, to use his car, for instance, in the country, or in an area where there is little or no traffic. However, in the interest of the person concerned any relaxing of restrictions cannot be taken too far, because not only is the travelling public involved but also the person driving the vehicle. At present the letter "L" is placed on a learner's vehicle, but I have often wondered whether it serves any purpose. I keep some distance away from vehicles carrying this sign, but I have noticed in general traffic that no more consideration is shown them by other drivers than is shown to qualified drivers.

Mr. Frank Walsh: How far do they keep away from you?

The Hon. Sir THOMAS PLAYFORD: Most people in South Australia like me and wish to get close to me.

PERSONAL EXPLANATION: ELECTRICITY SUPPLY (INDUSTRIES) BILL.

The Hon. B. H. TEUSNER: I ask leave to make a personal explanation.

Leave granted.

The Hon. B. H. TEUSNER: A report in this morning's *Advertiser* under the heading "Rural Power Bill Passed" states:

> The House agreed to an amendment by Mr. Teusner (L.C.P.) that a provision that the concession should apply to industries within 39 miles of the Adelaide G.P.O. should be changed to apply within 26 miles of the G.P.O.

I make it clear that my amendment empowered the Electricity Trust to supply electricity at special rates for industries outside a radius of 26 miles from the General Post Office, Adelaide, and not within 26 miles of the G.P.O.

AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES ACT AMENDMENT BILL.

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to amend the Australian Mineral Development Laboratories Act, 1959.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. Sir THOMAS PLAYFORD: I move:

That this Bill be now read a second time.

I should like members—particularly of the Opposition—to give this Bill a quick passage. Some problem is associated with the maintenance of this institution until this legislation is passed, and I am possibly stretching my authority at present in respect of the sum being paid as wages.

This Bill provides for the continued operation of the Australian Mineral Development Laboratories in the manner which was authorized four years ago upon a trial basis. The original Act provided for a five-year arrangement whereby the State, the Commonwealth Government, and the mineral industry together undertook the support, the financing, and the administration of the laboratories. Members will recall that the laboratories were set up some 14 years ago by the State Department of Mines as a mineral research and development project. Primarily it had to deal with and solve the complex and difficult problems of the recovery of uranium oxide from the Radium Hill ores. It played a significant part in the success of that venture as well as giving major assistance to other sections of the mining and mineral industry, both within the Department of Mines and outside.

Following consultations with both the Commonwealth and the mineral industry it was agreed that the laboratories could perform a most valuable function in the community, and that the first-class staff and facilities already created should be retained, and even further expanded if necessary. For the five-year trial period the State agreed to take the major responsibility and to guarantee to provide funds to the extent of £135,000 per annum, whilst the Commonwealth and industry were each to guarantee £45,000 per annum. Each party was to provide funds to the extent agreed,

irrespective of the amount of work ordered, and each was entitled to secure work and services to the extent of its guarantee without further payment. The State also provided the original land, buildings, and equipment free of any charge, and undertook for the trial period to meet maintenance of buildings and rates and taxes.

During the past four years the arrangement has worked very well, and fully demonstrated its value to the community. Industry has consistently ordered work beyond its £45,000 per annum guarantee, and in the later stages so has the Commonwealth. The State, which gave by far the largest guarantee, has not found it necessary to require work and services to the full extent of its guarantee, and accordingly its subsidy has gone to strengthen the organization financially and to permit a measure of more general research work. All three parties are agreed that the trial has been a success and that it is vital that the laboratories continue to function on a permanent basis. This Bill is to facilitate such a continuation. Its principal design is:

(1) To authorize the Minister of Mines to make appropriate new arrangements with the other parties and to renew and review those arrangements from time to time.

(2) To vest in the organization the land, buildings, and equipment which were originally provided by the State.

(3) To give rather wider financial powers and responsibilities to the organization.

(4) To place the staff wholly under the control of the organization and require that the staff which was originally engaged under the Public Service Act either transfer fully to the organization or seek alternative appointment within the Public Service.

(5) To provide for the steps to be taken if the arrangements should for any reason cease to operate.

Because they have to be reasonably flexible and capable of variation from time to time, it is neither desirable nor practicable that the actual arrangements as between the parties should be included in the Bill. It is therefore proposed that this Bill should come into operation when proclaimed, and that a proclamation should not be made until the Governor is satisfied that appropriate financial arrangements have been made. This is entirely in line with the provision made in the original Act.

Negotiations with the other parties are at an advanced stage and contemplate a new arrangement as from January 1 next. Under the new proposed arrangement, the other parties will be expected to take a proportionately higher responsibility in line with the actual volume of work ordered in recent years. The Government had hoped that by this stage the need for fixed guarantees would be no longer necessary, and that the partnership would be placed upon a basis of equality. However, to firmly secure the future operations of the organization, it is now generally agreed that guarantees shall continue at least for a further five years, but that the other parties shall give guarantees which together shall equal the State guarantee, instead of taking together only two-thirds of the State responsibility.

Clauses 1, 3 and 4 are formal. Clause 2 provides for the amendments to come into operation upon proclamation by the Governor when satisfactory financing arrangements are completed. Clause 5 authorizes the Minister to make continuing arrangements beyond the original five years' trial period; provides for the land, buildings, and other property of the laboratories which were Crown property to be vested in the organization; and makes provision for the Minister's resumption of the organization should the arrangements be terminated. Whilst the assets vest in the organization it is provided in the original Act that the organization shall hold its assets for and on account of the Crown, and provision is made in clause 5 that the land and buildings shall not be sold or mortgaged without the Minister's consent.

Clause 6 makes detailed provisions for the transfer of staff now having the status of public servants on leave to the organization. Such staff was, with very few exceptions, originally engaged for the specific purpose of working in the organization. From the point of view of both the Department of Mines and the officers, that work was to be their vocation or career. This Bill provides in effect that if such an officer, rather than remain with the organization and thus cease to be a public servant in terms of the Public Service Act, requests an alternative Public Service appointment, this will be granted to him if practicable. If, however, he is to remain with the organization, the Minister is authorized to make arrangements to ensure that he shall lose thereby none of the leave or similar rights arising out of his previous service under the Public Service Act. It is also provided that

superannuation arrangements shall continue to be available to officers of the organization, whether originally public servants or not.

Clause 7 provides that the organization may borrow and, in line with a number of other Acts creating statutory bodies, authorizes the Treasurer to guarantee such borrowing. This will permit financing of expansion upon a reasonably economic basis should expansion become desirable. Clause 7 also relates to the provision of necessary funds. Clause 8 makes it clear that the State's responsibility for maintenance, repairs, water and sewer rates, etc., as now provided, was only for the original trial period, and also makes clear the organization's responsibility for any borrowing it may make.

Clause 9 provides for the procedures to be adopted if for any reasons the arrangements for the tripartite responsibility for the organization should cease. Obviously the whole of the assets and liabilities would then have to revert to the State, which would then have to decide their future. It is to be expected, of course, that such a contingency would not arise, and if it did that there would be full agreement between the parties as to any residuary rights to the Commonwealth and industry flowing from their interest in the organization. However, in a matter of this kind it is desirable to provide the requisite machinery should agreement not prove possible. Of course, as the State provided the original assets and has been the major contributor, it would have by far the greatest rights if the arrangements should cease. I commend this Bill to the favourable consideration of members. As it is thought desirable to make new arrangements operative from January next, and particularly to give assurance to staff that the organization is to be placed upon a permanent footing, I should desire it to be given early approval.

Members will appreciate that the preliminary agreement for five years has been entirely successful. Industry has actually participated far more than was originally envisaged, and the Commonwealth Government has also required a greater quantity of work to be done. The new agreement will be upon a basis that will not require the State to pay so much to the upkeep of the organization. These laboratories have performed important work in this State and have undertaken work for the mining industry throughout the Commonwealth. I believe that other States have welcomed the existence of this organization. Honourable members are interested in the work this organization has done in South Australia. The honourable member for Wallaroo (Mr. Hughes) knows of the extensive work done by the laboratory in connection with the scree ore treatment, which now is successfully operated at Iron Knob. That is the type of work that this laboratory has done. Any honourable member who visits Iron Knob and inspects that plant will see the great economic advantage that has accrued from having this type of laboratory available in this State.

I believe that the expense involved in this agreement is in the interests of the State as a whole. That expense is not so heavy as it was previously, but even if it were I believe the Government would have no hesitation in asking Parliament to accept the obligation because of the great value of the work the institution is doing for our Mines Department and for the mining industry generally.

Mr. FRANK WALSH (Leader of the Opposition): Although I do not have a copy of the Bill I consider that this is an occasion when I can readily accept the plea put forward by the Premier and support the second reading. The Premier has explained that the Bill introduces new arrangements to operate from January next so that the staff of the organization can be placed on a firmer footing. With other members, I visited the laboratory when it was opened, and at that time uranium from the Radium Hill mine was an important raw material. I read in the press recently that the Mary Kathleen mine in the Northern Territory had ceased to function because there was no longer any demand for uranium.

I have carefully considered the Premier's explanation of the Bill, and in addition I consulted the Parliamentary Draftsman on it prior to its being introduced today. It is most desirable that we support the second reading to permit the Bill to be given the blessing of the House. I am satisfied that ample security is provided. This laboratory is not likely to ever cease to function, because South Australia is a developing State and further investigation of mineral deposits is necessary. Although I am not an authority on these matters, I believe that the success of this State will be assured through the further development and use of our minerals.

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

TOWN PLANNING ACT AMENDMENT BILL.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the

Town Planning Act, 1929-1957. Read a first time.

The Hon. Sir THOMAS PLAYFORD: I move:

That this Bill be now read a second time.

The object is to enable action to be taken with reference to the report of the Town Planning Committee recently submitted and laid before this House under the Town Planning Act. The Bill is in simple terms taking the form of one operative clause which inserts a new section in the principal Act. The new section 23a will empower the Town Planning Committee to make recommendations to the Minister from time to time as to any regulations concerning any matters referred to in the committee's report. Subsection (4) of the new section will empower the making of regulations to give effect to any such recommendations which by subsections (5) and (6) will take effect after they have lain before both Houses of Parliament, and have not been disallowed within 14 sitting days. This is not in accordance with the usual regulation-making powers: it follows the by-law-making power under the Local Government Act whereby councils have power to make a by-law and the by-law is certified by the Crown Solicitor as being within the by-law-making powers. The by-law is then laid before the House and does not come into force until it has lain for 14 sitting days and has not been disallowed. A wide scope of powers is required for effective town planning. If those wide powers are exercised, such regulations obviously should not operate immediately, before the individual rights of citizens are considered. Before the Government submits a regulation to His Excellency in Executive Council, the Crown Solicitor certifies that the regulation is within the regulation-making powers of the Goverment. The certificate normally issued to councils is obtained for all Government regulations. One effect of this legislation is that, whereas a by-law that has been before Parliament for 14 days cannot be upset in any court of law on the ground that the council was not competent to promulgate it, such immunity will not apply under this legislation.

Mr. Millhouse: That provision in the Local Government Act was repealed in 1957.

The Hon. Sir THOMAS PLAYFORD: I thank the honourable member for the information. I did not know it had been repealed. The regulations will be made on the recommendation of the Town Planning Committee and after certain formalities have been complied with, and such regulations will not operate until they have been before Parliament for 14 sitting days without a motion to disallow them being carried or moved during that period. Before making any recommendations the committee is required to consult with every council concerned and its recommendation must be accompanied by a certificate to that effect, including a statement of any comments made by the councils consulted (subsections (2) and (3)). This provision will enable full consideration to be given by councils to any proposals before the committee makes any recommendations. The Bill is specific on this matter, and provides that, before a regulation is submitted, there must be a certificate that all the councils concerned in the matter have been consulted and, if they have any statements in connection with it, these must accompany the certificate. This legislation provides that the Town Planning Committee cannot proceed, and honourable members will see the wisdom of this provision. Obviously, it is wrong for the Town Planning Committee to zone an area and for the council then to be able to zone the same area differently. That would lead to endless confusion and, rather than have differences in policy, this legislation provides for an absolute consultation with local government authorities regarding any recommendation for an amendment that may be made.

I would refer to subsection (7) of the proposed new section which is designed to set the value of any land compulsorily acquired for the purposes of giving effect to any regulation as its value at the time of the making of the regulation and not at the time of the acquisition. The reason for this provision is clear enough: it is designed to prevent speculation between the time of the making of a recommendation or regulation and actual acquisition which would not take place for some time. Members will realize that if a regulation is made and a subsequent acquisition takes place, the price to be fixed for the acquisition should be the price that applied at the time the regulation was made. This is important, because if, for instance, a regulation were made to the effect that a highly desirable area be purchased as a recreation area, and in the intervening period people subdivided it for building blocks, a problem would arise. This provision seeks to overcome any advantage that could be derived by people taking speculative action after a regulation has been gazetted. It is eminently fair, and

members will recognize that it is necessary if the legislation is to be at all effective.

Such are the provisions of the Bill. Members will appreciate that to attempt to give effect by legislation to all or some of the recommendations which the committee has made would be not only complicated and the subject of lengthy consideration but would also result in static provisions which once enacted by statute could be altered only by Parliament. The debate that took place on the Leader's motion—which was accepted by the House—emphasized that members believe that the Town Planning Committee's report should be regarded as an interim report capable of amendment. Obviously if that is so, it is impossible by Act to give effect to the plan completely because that would immediately render it no longer subject to amendment.

This appears to be a case where the matter is best left to regulation so that the interim measures may be taken or temporary provision made to prevent developments which would in due course run counter to the general concept envisaged by the committee in its report. Moreover, there may be many matters on which amendment or variations of the plan, in the light of general developments, might be desirable from time to time. What is important is that there should be some power to make regulations designed to give some effect to urgent aspects of the report fairly quickly. At the same time having regard to the nature of the subject, the general principle, whereby regulations take effect subject to disallowance in due course, is being reversed because this is not a subject upon which the state of the law can remain in doubt for a considerable period. I commend the Bill as an interim measure designed to secure preliminary action.

The Bill has been scrutinized by town planning officers whose only comment was that they would prefer the legislation to provide for seven sitting days for the disallowance of a regulation rather than 14 days. Members will appreciate that with the many regulations that are tabled, particularly at the commencement of a new session, it is desirable that 14 days be allowed during which members have the opportunity to examine the regulation and to hear complaints from their constituents. I favour the retention of the 14-day period rather than a shorter period during which a regulation might not receive sufficient consideration and publicity.

Mr. FRANK WALSH secured the adjournment of the debate.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL (PUBLIC SERVANTS).

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of the general revenue of the State as were required for all the purposes mentioned in the Bill.

Second reading.

The Hon. Sir BADEN PATTINSON (Minister of Education): I move:

That this Bill be now read a second time.

It provides for increases in salaries of certain public officers whose remuneration is fixed by Act of Parliament. As members know, since the last occasion on which a Bill of this nature was passed in 1960, the salaries of senior officers in the Public Service have been substantially increased and the new rates have applied as from various dates during the current year.

This Bill will bring the salaries of the Agent-General, Auditor-General, Commissioner of Police, Public Service Commissioner, President and Deputy President of the Industrial Court, and Public Service Arbitrator into line with those within the Public Service generally. The salaries of the Auditor-General and Public Service Commissioner will be raised to £5,150, the President of the Industrial Court to £5,000 (Deputy £4,250), the Public Service Arbitrator and Commissioner of Police to £4,800, and the Agent-General to £4,000. The increases will be retrospective from July 1, 1963—that is, from the beginning of the present financial year.

The Bill contains an additional provision covering the uniform allowance for the Commissioner of Police at present fixed at £30. Other officers in the Police Department now receive a uniform allowance of £55 and it is clearly anomalous that the Commissioner should receive less. Accordingly clause 6 (*b*) raises the allowance of the Commissioner from £30 to £55. The Bill omits what has in the past been the usual provision concerning the salaries of the Railways Commissioner, Commissioner of Highways and Deputy Commissioner of Police, the Government having been advised that retrospective alterations to these salaries can be made without special statutory authority.

Mr. FRANK WALSH secured the adjournment of the debate.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL (MEMBERS).

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of the general revenue of the State as were required for all the purposes mentioned in the Bill.

Second reading.

The Hon. Sir BADEN PATTINSON (Minister of Education): I move:

That this Bill be now read a second time.

It gives effect to the recommendation of the joint committee (consisting of the Public Service Arbitrator and the Auditor-General) appointed by the Government to investigate and report upon the salaries and allowances of members of Parliament. As honourable members are aware, the joint committee considered a large variety and amount of material, including representations made by a number of members of Parliament, before making its recommendations. The joint committee reported that it had also studied reports by committees concerning Parliamentary salaries and allowances payable in the Commonwealth and other State Parliaments in recent years and that it had given consideration to the movements in salaries in other walks of life, the expenses incurred by members of Parliament, the nature of the work they perform and various other relevant material. The existing salaries and most of the allowances of members were fixed in 1960 by the Statutes Amendment (Public Salaries) Act, 1960, and have not been altered since. In that year the basic annual salary of all members was fixed at £2,000. The joint committee has recommended that this amount should be increased to £2,500, which will bring the salaries of members of Parliament in this State into line with the salaries of members in Queensland and Western Australia and of members of the Lower House in New South Wales. I shall deal with the recommendation of the joint committee in detail as I explain the clauses of the Bill.

Section 55 (3) of the Constitution Act fixes the annual salary of the Chairman of the Joint Standing Committee of both Houses of Parliament on Subordinate Legislation at £250 and of each member at £125. Clause 2 gives effect to the recommendation that these salaries be increased to £300 and £200 respectively. Section 65 (3) of the Constitution Act limits the pool from which Ministers draw their Ministerial salaries and Ministerial expense allowances to £17,050. This sum is at present allocated as follows:—

	£
Premier:	
Ministerial salary	2,100
Expense allowance	600
Chief Secretary:	
Ministerial salary	1,850
Expense allowance	500
Other Ministers:	
Ministerial salary—(six Ministers at £1,600)	9,600
Expense allowance—(six Ministers at £400)	2,400
Total	£17,050

The joint committee has recommended no alteration in the Ministerial salaries but an increase of £100 in the expense allowance paid to each Minister. In order to give effect to this recommendation, the present pool of £17,050 must be increased to £17,850, but if Parliament approves of the appointment of another Minister the pool would need to be increased to £19,950, that is to say, by £2,100, which is made up of £1,600 (Ministerial salary) and £500 (expense allowance) for the additional Minister. Clause 3 accordingly increases the pool from £17,050 to £19,950. I might explain, however, that if Parliament does not approve of the appointment of an additional Minister, the sum of £2,100 will not be drawn from the pool. Clause 4 brings the citation of the Constitution Act up to date.

Section 4 of the Payment of Members of Parliament Act fixes the basic annual salaries and electorate allowances of members of Parliament. As I mentioned before, the joint committee has recommended that the basic annual salary be increased from £2,000 to £2,500. Clause 5 (*a*) gives effect to this recommendation. Section 4 (2) of the Payment of Members of Parliament Act fixes the annual electorate allowances payable to members of Parliament other than Ministers. The present rates are as follows:

	£
If the member's electoral district is wholly within 50 miles of Adelaide	550
If the member's electoral district is wholly or partly more than 50 miles from Adelaide but no part of the district is more than 200 miles from Adelaide	700
If the district is wholly or partly more than 200 miles from Adelaide	800

The joint committee felt that these allowances should be increased, but that the increases should be more substantial in respect of the remoter country areas than those within or close to Adelaide. It accordingly recommended that the allowance of £550 be increased to £600, the allowance of £700 be increased to

£800, and the allowance of £800 be increased to £950. Paragraphs (*b*), (*c*) and (*d*) of clause 5 give effect to these recommendations. Section 4 (3) of the Payment of Members of Parliament Act fixes the annual electorate allowance payable to each Minister at £550, which is the basic electorate allowance payable in respect of a metropolitan district. The joint committee recommended that this amount be increased to £600, and clause 5 (*e*) gives effect to this recommendation.

Section 5 of the Payment of Members of Parliament Act fixes the amounts of certain other annual payments which the holders of certain offices in both Houses of Parliament are entitled to receive. The joint committee has recommended increases in the amounts of these payments as follows:

Leader of the Opposition, House of Assembly	From £850 plus £200 (in respect of expenses) to £1,050 plus £300 (in respect of expenses).
Deputy Leader of the Opposition, House of Assembly	From £300 to £400.
Government Whip, House of Assembly ..	From £250 to £300.
Opposition Whip, House of Assembly ..	From £150 to £300.

In addition to these increases, the joint committee has recommended that the Leader of the Opposition in the Legislative Council be entitled to receive an annual expense allowance of £300. Clause 6 accordingly gives effect to these recommendations. Clause 7 brings the citation of the Payment of Members of Parliament Act up to date. Clause 8 has the effect of dating back to July 1, 1963, all increases in salary and allowances payable to members by reason of the amendments proposed by this Bill. Clause 9 makes the necessary appropriation for the payment of the arrears of salary and allowances. Clause 10 clarifies an amendment to section 4 of the Payment of Members of Parliament Act effected by section 5 (*a*) of the Statutes Amendment (Public Salaries) Act, 1960, the necessity for which had been overlooked when the latter Act was last considered by Parliament in 1960. That amendment was intended to apply to section 4 (1) of the Payment of Members of Parliament Act but, in its present form, it could apply to subsection (2) of that section as well. This clause makes it clear that that amendment applied only to subsection (1) of that section.

Mr. FRANK WALSH secured the adjournment of the debate.

CHURCHES OF CHRIST, SCIENTIST, INCORPORATION BILL.

Second reading.

The Hon. G. G. PEARSON (Minister of Works): I move:

That this Bill be now read a second time.

It is introduced by the Government at the request of the First Church of Christ, Scientist, in the State, which seeks incorporation by statute for the purpose of more effectively regulating and managing its affairs and for the general conduct of affairs relating to the church. At the moment there is only one Church of Christ, Scientist, in this State. It is incorporated under the provisions of the Associations Incorporation Act. It is, however, possible that other Churches of Christ, Scientist, may be formed in the future and they could of course likewise be incorporated under the Act I have mentioned.

However, Christian Scientists feel that, with a view to the protection of the true doctrine of their denomination and giving them some greater status as a denomination, they should have special statutory authority for their incorporation rather than continue to become incorporated along with a number of other bodies of various kinds under the general provisions of the Associations Incorporation Act. As I understand it, the basic rules of Christian Science were laid down by the founder of the organization, Mary Baker Eddy, in what is known as the *Church Manual of the Mother Church* in Boston, Massachusetts. According to these rules, it is basic that each church be separately incorporated, each retaining an independent control of its own affairs. With this end in view, the organization has already secured the passage of such statutes in Victoria, New South Wales and Western Australia, and I believe that a similar Bill is contemplated if indeed not already introduced or passed in Queensland. At any rate, the organization is moving towards separate statutory recognition throughout the Commonwealth.

The Bill is based upon, but is not identical with, the Acts passed in other States. It has, however, been prepared largely as a result of

discussions between the Parliamentary Draftsman and the solicitors for the organization and is in the form and makes the provisions which the organization has requested. As the Bill is of a hybrid nature, it was referred, in accordance with Joint Standing Orders, to a Select Committee in another place. The committee recommended the Bill with certain amendments designed to ensure the availability to the public of the rules of the organization, now included in the Bill.

The Bill is a simple one. After setting out in the preamble the background, the Bill by clause 2 incorporates the existing church under and by virtue of the provisions of the Bill, enabling the church to make by-laws and rules and in particular referring to eligibility for membership. Clause 3 empowers the church to hold and deal with property, while clause 4 provides for the continuity of the organization. Clause 5 vests the land now owned by the present church in the body as incorporated under the Bill. Subclauses (5) and (6) of this clause provide for the filing with the Registrar of Companies copies of the rules (and any alterations thereto) of the church. Clauses 6, 7 and 8 provide for the incorporation of any future Churches of Christ, Scientist, including provisions as to property. Clause 9 relates to contracts by any of the churches incorporated, and clause 10 deals with the procedure at meetings. What is perhaps the basic provision of the Bill is the first schedule, which sets out the tenets of the Mother Church. As I have said, this Bill is introduced at the request of the organization, and I believe will not meet with any objection in principle from members.

Mr. HUTCHENS (Hindmarsh): As the Minister has said, this is a simple Bill. It is some time since it was dealt with in another place, and it was examined by a Select Committee. This legislation is the desire of the denomination. I have no objection to the Bill, the second reading of which I support.

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

MINING (PETROLEUM) ACT AMENDMENT BILL.

Second reading.

The Hon. G. G. PEARSON (Minister of Works): I move:

That this Bill be now read a second time.

Its object is to remove doubts as to areas in which the Minister of Mines may grant licences under the principal Act. The principal Act in some places refers to land "in the State"—for example, in section 4, which vests in the Crown all petroleum and helium at or below the surface of land in the State, and in section 84, which refers to mining for oil in the State; section 3, in defining "mining operations" refers to petroleum "produced in South Australia". Clauses 3 (*b*), 4 and 6 of the Bill strike out these references to "the State" in sections 3, 4 and 84 of the principal Act. Another difficulty is that the principal Act contains a definition of "Crown lands", an expression which is not used and does not appear anywhere in the Act and which therefore serves no useful purpose. This would not matter in itself, but the definition expressly includes lands between high and low water mark, thereby inferring that lands between high and low water mark might not otherwise be included in "Crown lands". This suggests that, whatever may be the boundaries of the State, anything between high and low water mark might not, in the absence of the express reference thereto, be comprised within the boundaries of the State. The definition of "Crown lands" is excised from the Act by clause 3 (*a*).

Clause 5 makes a further necessary amendment to the principal Act, section 52 of which refers to "fencing" of areas, an expression not apt or applicable to off-shore areas. The amendment enables the section to operate by referring not only to "fencing" but also to "defining" areas in a way approved by the Minister. It is not my desire to enter into a legal discussion concerning the extent of the legislative power or jurisdiction of the State. It is enough to say that off-shore licences in respect of mining operations for oil have been granted in the past, and some doubts have been cast on the validity of these licences by the Parliamentary Draftsman and Crown Solicitor, having regard to the references in the principal Act to "Crown lands" and "the State". Lawyers are familiar with the general principle that legislation, at least so far as the States are concerned, is limited to legislation for the "peace, order and good government" of the State. Many years ago it was the accepted doctrine that legislation was territorial in the sense that it would normally be construed as not extending to cover persons, objects, situations or things taking place or situated outside the State boundaries whatever they might be.

This doctrine has, with the march of events, become outmoded and the principle now adopted by the courts, is, putting it in general terms, that if there is a sufficient

nexus or connection between the legislation and the person, event or thing sought to be covered, and the territory of the State, that is enough to enable the State legislation to operate. For example, a State may validly tax its non-residents in respect of income derived within the State borders, because there is a close and obvious connection between the subject of the legislation—that is, the income—and the territory of the State.

There is another matter to which I should refer. It is that, whatever may be the extent of the legislative power of the State, it is always a question whether Parliament has expressed a clear intention that it intends its legislation to operate to its fullest extent or only as applying to persons, events and things within the State boundaries, whether the things affected are connected with State boundaries or otherwise. Legislation is in most cases construed in practice as not applying outside State boundaries unless the contrary intention appears. Clause 3 (*c*) enacts three new subsections to the interpretation section of the principal Act. These subsections provide quite clearly that the Act is to be construed as operating in respect of everything as to which the State may or can exercise its legislative power. The new proposed subsections are of a technical character and have been carefully drafted. The opinion of the Government's legal advisers is that they are necessary, in addition to the provisions of the other clauses of the Bill, to remove any doubts as to the Minister's powers under the Act.

Clause 7 is designed to validate licences already granted in good faith on the assumption that the existing State legislation did operate to its fullest extent. I should perhaps inform honourable members that the need for this Bill was not seen at the time when the principal Act was passed, or even when it was amended in 1958. Recent interest in off-shore exploration has, however, revealed the possible deficiencies in the principal Act which the Bill is designed to correct. Honourable members will agree that everything should be done to ensure as far as possible that the titles of licence holders are not of doubtful validity by virtue of any provision or lack of provision in State law. This Bill is concerned solely with the powers of the Minister of Mines under State legislation. It has nothing whatever to do with the question whether jurisdiction in respect of off-shore oil rights rests with the Commonwealth or the several States or both. In view of certain considerations to which I shall not refer because they are not relevant to this issue, it is the opinion of the Government and its advisers that jurisdiction over off-shore oil rights does not lie with the Commonwealth (except in relation to its Territories), but as I have said, this is another question. What is essential is that the State should remove any doubts regarding the statutory powers of the Minister in respect of the grant of licences, whether over areas of land or areas off the shore, within such limits as the general law permits.

Mr. McKEE (Port Pirie): I support this Bill, which I consider to be important and which I am sure will be favourably considered by all members. As the Minister said in his second reading explanation, its main purpose is to remove doubts as to areas in which the Minister of Mines may grant licences, particularly off-shore licences, in respect of oil exploration. The recent discoveries of oil in Queensland have no doubt given confidence to companies interested in the search for oil in this country. It would be of great importance to this State if oil were discovered here in commercial quantities. I commend officers and staff of the Mines Department who have played an important part not only in the search for oil but also in work associated with other mining.

As a contract miner I was employed by the Mines Department before coming here, and during this time I worked at Radium Hill, Crocker Well, Myponga, and other uranium fields in this State. I had the pleasure of personally associating with the officers and staff of this department. Mining and prospecting in Australia take people into remote parts of the country where they must live under unsatisfactory conditions, with plenty of flies to keep them company during the day; severe heat; and mosquitoes at night. Under these adverse conditions these people carry out the work conscientiously, and I commend them for their efforts on behalf of the State's development. The demand for oil is continually increasing because of the advances in mechanization, the increase in population, and the fact that the discovery of oil in Queensland has caused overseas companies to focus attention on Australia. This attention should be viewed cautiously. If oil is discovered in commercial quantities in this State, as I hope it will be, this State should benefit by receiving its rightful share. I suggest that the terms of contracts entered into between the Government and overseas companies should be made known to Parliament so that, in turn, the people of this State, whom

it most concerns, would be rightfully informed of the State's financial position if oil was discovered in commercial quantities.

Mr. COUMBE (Torrens): I support the Bill as I realize its importance. I object to the need for members to consider this far-reaching Bill at such short notice. The only way members can ascertain the Government's intention, apart from reading the Bill, is to study the arguments presented in another place.

Mr. Riches: You should watch television.

Mr. COUMBE: Perhaps I should keep up with the honourable member. More time should be allowed members between the second reading explanation and their speaking. As the member for Port Pirie said, this legislation could have far-reaching consequences. I am familiar with the background of similar legislation in other States, especially in one northern State where oil has been discovered. Before many years pass the results of that discovery will be evident in that State's Treasury statements. We may well be jealous, but it is not for the want of trying that we have not discovered oil. Officers of the Mines Department have done everything possible to achieve that desirable result, but so far a strike has eluded them. This Bill tidies the Act. During the Committee stages I shall ask some questions. However, I object to having to discuss such an important measure at short notice.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Amendment of principal Act, section 3."

Mr. COUMBE: Can the Minister of Works explain why the definition of "Crown lands" is to be struck out of the principal Act?

The Hon. G. G. PEARSON (Minister of Works): I can refer only to the second reading explanation, which states:

Another difficulty is that the principal Act contains a definition of "Crown lands", an expression which is not used and does not appear anywhere in the Act and which therefore serves no useful purpose.

Apparently misunderstandings may occur through the use of an expression that is not defined. If the honourable member is concerned about this matter I can report progress. I do not wish to rush the Bill through.

Mr. Coumbe: You have answered my question.

Clause passed.

Remaining clauses (4 to 7) and title passed.

Bill read a third time and passed.

MARINE STORES ACT AMENDMENT BILL.

Second reading.

The Hon. G. G. PEARSON (Minister of Works): I move:

That this Bill be now read a second time.

For some time Sunday Schools, the Returned Servicemen's League and boy scouts have been raising funds by collecting and selling bottles. These bottle drives are illegal under existing legislation. However, the Government considers that this activity should be not only permitted but encouraged, and the purpose of the Bill is to legalize bottle drives conducted on behalf of these organizations and with the approval of the Chief Secretary on behalf of youth organizations. Clause 3 accordingly inserts two new sections (7a and 7b) into the Marine Stores Act.

New section 7a provides that the Commissioner of Police may issue without fee a licence valid for such period as he thinks fit for the collection of bottles if the proceeds of the collection are to be applied for the advancement of the organizations to which I have referred. The licence may be restricted to particular times, locality and such other matters as the Commissioner thinks fit (subsection (2)). Under new section 7b a licensee may be required at any time (as in the case of a licence under the Collections for Charitable Purposes Act) to furnish a statement verified by statutory declaration giving details of the collection and the application of the proceeds. Clause 4 makes an amendment to section 14 of the principal Act which makes it an offence for a marine store dealer to purchase certain stores from a person under 16 years. The effect of the amendment is that dealers may purchase bottles collected pursuant to a licence granted under new section 7a without offending against the principal Act, should the seller be under 16 years. Clause 5 makes an amendment consequential upon new section 7a.

Mr. JENNINGS secured the adjournment of the debate.

CHILDREN'S PROTECTION ACT AMENDMENT BILL.

Second reading.

The Hon. G. G. PEARSON (Minister of Works): I move:

That this Bill be now read a second time.

Its main object is to protect young children from exploitation and other harmful consequences that could result from their participation in various kinds of public entertainment, including participation in radio and television programmes, whether they are intended

wholly or partly to entertain or to advertise goods or services. Section 12 (1) of the principal Act provides that no child under the age of six years shall take part in any public entertainment or be employed in connection with any public entertainment. This subsection is clearly designed to protect children of tender age from exploitation and other harmful consequences that could result from participation in, or employment in connection with, public entertainment. The definition of "public entertainment", however, in section 4 of the Act limits its application to entertainment which is open to the public, and the Act does not make it clear whether section 12 can be applied to cases where children appear on radio and television programmes which have been recorded (without studio audiences) for transmission by radio or television.

To meet this situation the Government proposes, on the recommendation of the Children's Welfare and Public Relief Board, that the definition of "public entertainment" in section 4 of the principal Act be widened to include performances on radio and television programmes as well as at rehearsals, whether or not such performances are intended wholly or partly to entertain or to advertise or sell goods or services. That definition is accordingly revised and re-enacted by clause 3. In this connection, the Government and the board also recommend that the age of six years referred to in section 12 (1) be increased to seven years in order that the protection of the section might be extended to children who are not enrolled at a school until their seventh year. Clause 4 amends that subsection accordingly.

The other amendment proposed by the Bill relates to section 13 of the principal Act which makes it unlawful to employ a child under the age of 13 years in any circus or acrobatic entertainment by which his life, health or safety could be endangered. The board has suggested, and the Government agrees, that the age of 13 years in such cases should be increased to 15 years to bring it into line with the present school leaving age. Clause 5 amends section 13 accordingly.

Mr. FRANK WALSH secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (DIAMOND TURNS).

Second reading.

The Hon. G. G. PEARSON (Minister of Works): I move:

That this Bill be now read a second time.

The purpose of this short Bill is to provide for diamond turns as the general rule for vehicles turning to the right. Under section 70 of the principal Act the prescribed method of turning to the right is to drive to the centre of the road on which a vehicle is travelling and then turn so that the vehicle is kept as near as practicable to the left boundary of the road into which it enters. This procedure must be followed unless there are words or signs indicating that a short right turn must be made.

Clause 3 repeals and re-enacts section 70 of the principal Act to provide for the short right turn (known as the diamond turn) to be made in all cases except where there are words or signs indicating a contrary course to be followed. The effect of the amendment is that a vehicle before turning into a two-way road must move to the centre of the road, pass to the right of the centre of the intersection, and enter the road into which it turns on the left of, but as nearly as practicable to, the centre of that road, and before turning into a one-way road must enter that road as near as practicable to the right boundary of that road. Under new section 70 (7) the vehicle is deemed for the purposes of that section to enter the road into which it turns when it crosses the prolongation of the property line of the road on which it was travelling. The property line is defined (subsection (9)) as being the boundary line of land abutting the footpath or road adjoining that land. The amendment is in conformity with a provision of the National Road Traffic Code and has been recommended by the Road Traffic Board.

Mr. FRANK WALSH (Leader of the Opposition): I consider that an explanation is needed in this matter. A diamond turn is permissible at the King William Street and North Terrace intersection. Some drivers proceeding north along King William Street and wishing to turn west into North Terrace extend courtesy to pedestrians who are crossing from Parliament House corner to the Gresham Hotel corner or *vice versa*, and although they have the green light to enable them to turn left they wait at the intersection until the roadway is clear of pedestrians. However, it often happens that the drivers of vehicles proceeding in a southerly direction in King William Road make the diamond turn west into North Terrace and the motorist who has extended courtesy to pedestrians is chopped off and consequently has to wait until the lights change again.

The Hon. G. G. Pearson: The driver making a diamond turn cannot proceed until the roadway is clear; I think that is the basis of it.

Mr. FRANK WALSH: Who is to tell the motorists what to do? As I said, the driver of a vehicle wishing to make a left turn from King William Street into North Terrace is often left waiting at the intersection merely because he has extended courtesy to pedestrians. Must that motorist give way to the motorist who makes the diamond turn when he considers that he has a clear passage? The driver of the vehicle turning left in the circumstances I referred to should not have to give way to the traffic on his right making a diamond turn. This point is worth investigating by the best authorities available. If the idea of giving way to traffic on the right is to be retained, will the driver of a vehicle making a diamond turn receive preference over the driver wishing to make a left turn? This problem is not difficult to solve. At a busy intersection the diamond turn may not be the most satisfactory method. Although the second reading explanation and the wording of the Bill make the position clear concerning diamond turns, they do not answer the questions I have asked. Two points need clarifying: first, does the driver give way to the vehicle on the right; and secondly, has the left turn preference over the diamond turn?

Mr. HALL secured the adjournment of the debate.

STATUTES AMENDMENT (MENTAL HEALTH AND PRISONS) BILL.

Second reading.

The Hon. G. G. PEARSON (Minister of Works): I move:

That this Bill be now read a second time.

It amends both the Mental Health Act, 1935-1962, and the Prisons Act, 1936-1956, so as to make provision for the more effective custody, housing and treatment of persons who are criminal mental defectives, and to simplify the administration of those Acts in relation to such persons. At present criminal mental defectives are housed in a ward at the Parkside Mental Hospital, but a recent survey of that hospital revealed that the facilities available there are inadequate to maintain maximum security in the public interest. Mental health authorities also consider that it is most undesirable that special security patients be housed in the grounds of a mental hospital where non-security patients are treated, as the trend now is towards the opening up of mental hospitals and the abolition of their security atmosphere. A security block built and operating on prison lines in a modern mental hospital is an anachronism. At the same time adequate security measures have to be taken and maintained for criminal mental defectives.

For these reasons both the Director-General of Medical Services and the Sheriff and Comptroller of Prisons have recommended that a part of the Yatala Labour Prison be declared under the Mental Health Act to be a hospital for criminal mental defectives and, in order to give effect to the recommendation, certain amendments to that Act and the Prisons Act have been recommended by the Crown Solicitor. This Bill gives effect to those recommendations. It is in three parts. Part I deals with the short title and arrangement of the Bill and needs no explanation; Part II contains the amendments to the Mental Health Act; and Part III contains the amendments to the Prisons Act. The amendment proposed by clause 3 is consequential to the new section 18a to be enacted by clause 4. This new section applies only to an institution that is a part of a prison declared to be a hospital for criminal mental defectives under section 16 of the Act, and is designed to assign the responsibilities and duties in connection with the medical care, treatment and welfare of the patients of the institution to the medical superintendent, and the internal administration, the custody and security of patients, etc., to the officer in charge of the prison.

For the purpose of more effectively defining the duties of the medical superintendent and the officer in charge of the prison, and of avoiding any inconsistencies between the provisions of the Mental Health Act and the Prisons Act, regulations may be made for the purpose of assigning to the officer in charge of the prison certain of the administrative and custodial duties, responsibilities, powers and functions of the medical superintendent under the Mental Health Act, and of declaring that any provision of that Act shall not apply in relation to such an institution. The amendments to the Prisons Act proposed are designed to place each hospital for criminal mental defectives (when it is a part of a prison) and the patients therein under the administrative control of the officer in charge of the prison, and for that purpose clause 6 amends the definitions of "prison" and "prisoner" to include such hospitals and patients respectively.

Clause 7 will enact a new section 15a which will contain a regulation-making power with respect to administration, custody, discipline and employment of such patients, and with respect to such matters as are necessary to

give effect to the objects of the two Acts. For the purpose of avoiding inconsistency between the two Acts, the regulations may declare that any provision of the Prisons Act and regulations shall not apply to such patients. Section 62 of the Prisons Act deals with the offence of harbouring a person under sentence of imprisonment who is illegally at large, and section 63 deals with the holding of communication with and the giving of forbidden articles to prisoners undergoing sentence. Clauses 8 and 9, in effect, extend the application of those sections to patients of a hospital for criminal mental defectives where the hospital is a part of a prison.

Mr. FRANK WALSH secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 12. Page 1592.)

Mr. FRANK WALSH (Leader of the Opposition): Members on this side have continually advocated the continuance of price control as being in the best interests of the State. We have recommended that this should be permanent legislation but the Government is not prepared to accept this recommendation. However, this year it has introduced several further amendments, which also should be permanent legislation, that refer to undesirable trade practices. These latter items are referred to in clause 4 of the Bill which provides for the enactment of several new sections dealing with the prohibition of the limit on purchases, misleading advertisements, and the obtaining of preferential purchase conditions by means of threats or promises.

These alterations to our legislation are necessary and desirable, but these are provisions that should come under completely different legislation from that of price control and should be covered by appropriate restrictive trade legislation after consultation with the various States. It immediately comes to mind that the requirements of these new sections may conflict with section 92 of the Constitution relating to the freedom of trade between the States. The particular point I have in mind is that provided by new section 33 (*c*) relating to preferential purchase conditions. Many of the retail traders aimed at in this provision are Australia-wide and, if the Government desires to introduce this type of legislation, I believe that it will have to be considered on an Australia-wide basis.

This matter of preferential purchase conditions also applies in reverse, for there are many business cartels and industrial organizations which have so-called gentlemen's agreements on what price shall be charged for particular goods and who shall be permitted to purchase them. Members will no doubt recall some large organizations in America recently infringing the conditions of the restrictive trade practices legislation in that country and very severe penalties were imposed for collusion in tendering. This is exactly the reverse procedure of what is envisaged in new section 33 (*c*) and has already become widespread in our society, but the Government does not see fit to introduce legislation to adequately control it as has been found necessary in other advanced countries of the Western world. I do not propose to elaborate further on this matter at the moment, but I believe that it is the duty of this Government, whilst it continues to cling to office, to introduce this legislation which is vital to all citizens in this State.

I revert now more specifically to the subject of price control, because that is what this Bill should be concerned with. In a developing State such as ours, there is always a potential for exploitation of the consumer, and over many years I have found that any complaints of this nature that are referred to the Prices Commissioner are handled expeditiously. Often substantial reductions are obtained from the organizations that have been over-charging. I realize that we cannot generalize on all matters, but in recent months some television service firms came under the attention of the Prices Commissioner regarding their charges: some of their sharp practices have been curtailed.

Even though I agree with the Premier that prices legislation needs to be continued, I do not agree with some of the arguments he advanced for its continuation, because they tended to be exaggerated claims aimed at portraying the prosperity, development, and advancement of this State as being the best in Australia whereas the arguments he used tended to cast doubt on, rather than to prove, his exaggerated claims. Undoubtedly, our State is advancing, but so is the rest of Australia. An example of an argument he used was a schedule of the consumer price indices for the various States which was presented and which purported to show that since 1961 persons in South Australia have been 9s. 6d. a week better off than persons in Brisbane. Many variable factors affect the consumer price index and one in particular in South Australia is that the bottom has dropped out of the electrical and consumer durable goods industries. As these

items are included in the consumer price regimen, they could have the effect of our index registering a substantial reduction even though persons are not making substantial purchases. At the same time, other factors could be influencing the reverse position in Brisbane. In short, because of so many variables, the figures are not valid for comparative purposes between the States. The Premier referred to sales tax and said:

It is known that in other States where there is no control, the benefit of tax reductions are either wholly or at least partly retained by traders on a number of items.

The inference I draw from this is that the sales tax reductions in South Australia were all handed on to the consumers. However, this is not the position. The recent sales tax reductions related to foodstuffs, and the reduction was 12½ per cent. However, a reduction of 12½ per cent was not handed on to the consumers. As a matter of fact, on a quart block of ice cream, the earlier price was 4s. 1d.: it is now 3s. 11d. This is far short of a 12½ per cent reduction. Some biscuits have been reduced by 2d. a packet, which is also far short of the 12½ per cent reduction. It has been estimated that these reductions save housewives in the vicinity of 6d. a week; therefore, why does not the Premier tend to concentrate more on legitimate reasons for the retention of price control in this State instead of the type I have just mentioned?

The next argument that the Premier used for the retention of price control related to housing. He purported to show, once again, that South Australia was in the best position of any of the States. I do not see that price control affects the number of house completions, but rather the prices of houses, and if the Premier had produced figures on this basis, I should have been interested. However, as he has raised the subject of house completions in this State, which I believe to be misleading, I am forced to reply. I have here a schedule which shows that the Government is losing ground with regard to housing compared with other States. It gives a picture of houses completed by the Housing Trust in recent years, as compared with the 1956-57, and also these completions converted to a per capita basis for the same periods:

Houses Completed by S.A. Housing Trust.

Year.	Actual.	Completions Index Per Capita.
1956-57	3,140	100
1960-61	3,314	95
1961-62	3,258	91
1962-63	2,884	79

Members will see that the general trend is for a reduction in completions. When these completions are converted to a per capita basis, the trend is even more pronounced when it can be seen that over the past three years there were 5 per cent, 9 per cent and 21 per cent fewer houses completed respectively in those years by the Housing Trust than were completed in 1956-57. This matter of housing has not been an argument for or against price control, but has been merely in answer to the subject of house completions which was raised by the Premier.

Mr. Millhouse: The Premier's assertions were, in fact, irrelevant to the question of price control.

Mr. FRANK WALSH: I still want price control. Just what is the Government's policy regarding the Housing Trust? I know that the Premier desired the trust to let more contracts, but with the system under which it is working at present it has not been able to accomplish what was desired. For the last three years at least the trust has worked under a system of piece-work or labour only.

The average labour price for brickwork was normally reckoned to be £15 a thousand, but when the trust let contracts for houses at Christies Beach it let a contract to a company that was getting the work done for as low as £12 and £13 a thousand. That method was introduced because there was not sufficient work for other bricklaying gangs desiring employment; if I remember rightly, we were in the grip of one of Menzies' credit squeezes at the time. The position today is completely different from what it was then. The trust expects its builders to pay about £15 a thousand for brickwork, but I doubt whether even at that figure it would pay the contractors. The average price being asked by bricklayers now is £17 10s. a thousand, whereas not very long ago they were doing this work for as low as £12 or £13 a thousand.

The trust is unable to get contractors to let more of their work out because they are not able to pay £17 10s. a thousand for brickwork. I admit that on some designs the brickwork is being considerably reduced as a result of preference for the use of other materials, notably glass. Those engaged on speculative building or on private contracts can get bricklayers because they are able to pay £17 10s. a thousand. I plead for sanity to prevail in the policy under which the trust operates. Is the Premier, as the Minister in charge of housing, directing the trust or are some higher officials in the Public Service trying to tell him

how to spend the money? I am not satisfied on this point, and I should like to know more about it. I want to see more activities carried on by the Housing Trust.

Some time ago the trust had some competent builders operating under what was known as the negotiated-price system. At that time, people purchasing trust houses could be guaranteed that they were getting a far better quality house than that being built today. Those houses were better finished and were a better proposition generally. The same position applied in respect of houses for rental. Because of the system under which the trust works, those houses are a better proposition, both in price and quality, than those being erected today. The present system is only another form of piece-work, and I believe that in the long run the trust would be far better off if it reverted to the old system, because its equity would be safeguarded to a far greater extent.

Who is responsible for the present policy? Certain senior officers of the Public Service may have forced their views on the Premier, but the policy certainly has not been to the benefit of those who are purchasing trust houses. Whether those people are responsible or whether the Premier is responsible, I doubt whether the trust itself fully agrees with the policy being adopted. Under the old system we were able to secure and maintain a labour force, and this was reflected in the activities of the trust generally. The people who were engaged in that labour force had something to look forward to from the point of view of their trade capacity. Maintenance will be more costly on the houses being erected under the prevailing system. A matter which was not given great publicity by the Premier in his second reading explanation was the subject of petrol prices. However, I did find one reference to it when he said:

> In just over the last six years, statewide savings on petroleum products resulting from reductions effected by the Prices Department exceed £16,500,000 and of this saving it is calculated that primary producers in this State have benefited by at least £5,250,000.

Instead of the extraneous matter that the Premier introduced into his second reading, this is the type of thing he should have emphasized, for small reductions in the price of petroleum products mean such huge reductions to the community as a whole. I do not think that I would be unfair if I said that members on this side played a major part in obtaining these reductions for primary producers, industry and commerce, as well as private consumers, as we prevailed upon this Government to act when it had legislation on the Statute Book but was not effectively controlling the price of petroleum products more than four years ago.

I intend to seek leave of the House to move certain amendments at the appropriate time. As this legislation was introduced without notice being given, I was not able to give the necessary notice, but if the Bill passes its second reading—I hope it will be properly ventilated—I shall ask for the opportunity, in the interests of free speech, to move an amendment. I support the second reading.

Mr. MILLHOUSE (Mitcham): I find myself this year, in speaking on this Bill, in a position somewhat different from that in which I have been on previous Prices Bills. Previous Bills have simply extended the legislation for 12 months, and I have had no difficulty in opposing them for reasons which I have given in this House six or seven times and which you, Sir, will be pleased to know that I do not intend to repeat *in extenso* this afternoon.

The SPEAKER: That is noted.

Mr. MILLHOUSE: Thank you, Mr. Speaker; I hope that will earn me your indulgence. This time the Bill contains provisions relating to restrictive trade practices. These provisions have been tacked on, and, by and large, I favour all the provisions that appear in clause 4.

Mr. Clark: In other words, they are fairly harmless!

Mr. MILLHOUSE: I do not say they are harmless. One or two things need a little tightening up, and I intend at the right time (I know this is not the right time) to move some amendments, but those amendments will not affect the general principles contained in this clause.

Mr. Lawn: You should take on the job of Parliamentary Draftsman.

Mr. MILLHOUSE: No, Sir; I should not be any good as Parliamentary Draftsman. I always rely on the sagacity and general assistance of the Parliamentary Draftsman in drafting amendments, and I have relied on him on this occasion. I tell him what I want to do, and he does it for me. I am in a dilemma: I am still entirely opposed to price control as administered under the Prices Act, but I favour all the provisions relating to restrictive trade practices. No doubt that is why these provisions have been tacked on to this

Bill. I believe it is wrong that legislation of a permanent character, such as the restrictive trade practices legislation contained in clause 4, should be tacked on to an Act we are extending only for 12 months.

Mr. Dunstan: Then let us make it permanent.

Mr. MILLHOUSE: I think we should make these provisions permanent.

Mr. Dunstan: No, the whole legislation.

Mr. MILLHOUSE: If the honourable member will bear with me, I shall explain what I think we should do. In his second reading explanation, the Premier said why these provisions had been included in this Bill. With the greatest of respect to him—and I always speak respectfully of and to the Premier—those reasons are entirely specious. There is no earthly reason why these provisions should not be in another Bill. The Premier said:

> These provisions are experimental: we have not had this type of legislation previously, so it is appropriate to include it in legislation that is automatically reviewed every year.

Earlier in his explanation, in the notes prepared for him by, I think, Mr. Murphy (Prices Commissioner), he had said this legislation was not new legislation, as it borrowed from the experience in the United States of America; but here, in justifying its insertion in this Bill, he said it was experimental. That is rather a contradiction. However, it is specious to suggest that whether we put it in this Bill or in any other Bill that has no time limit we cannot amend it or review it. There is no earthly reason why a separate Bill containing these provisions could not have been introduced. Any member or the Government is at liberty at any time during any session to introduce amendments. I suggest those remarks do not hold water.

I have no doubt that the real reason why these provisions are tacked on to the Bill is so that next year the Premier—or the Prices Commissioner when he writes the explanation—will be able to say, "These provisions relating to restrictive trade practices have worked well. We do not want to lose them. If members do not agree to this Bill, the restrictive trade practices provisions will fall, too. We cannot afford to have that, so you must pass the Bill for a further 12 months." In other words, this is not much better than a trick to make sure that this legislation becomes entirely permanent. It will be one more reason put forward by the Government for extending price control, and I do not like it. Having delivered myself of that, I must say that, because these provisions could be in a separate Bill, I intend again to vote against the second reading.

Mr. Jennings: Will you call for a division?

Mr. MILLHOUSE: I may do so; I will see how the debate goes. However, I am a realist, and I doubt whether I shall have a majority.

Mr. Shannon: You may not be able to count!

Mr. MILLHOUSE: No, that is so. Last year there was a division, and my only supporter was the member for Burra. I had the pleasure and honour of counting him. Unfortunately, however, his opinion on this matter has now been swallowed in the collective opinion of Cabinet and I cannot even expect that I shall have his support on this occasion; certainly, I shall not have it on the floor of the House.

Mr. Clark: That was a very kind way to put it.

Mr. MILLHOUSE: I thought it was, but it was perfectly accurate. I have been robbed of the only support I had last year on this legislation. However, if any other member on either side of the House cares to support me, I shall be delighted to have his support.

The SPEAKER: There is no provision in the Bill for soliciting votes.

Mr. MILLHOUSE: I presume that is why one speaks in this House—to try to get some support for one's point of view.

Mr. Clark: Is that the reason? I have often wondered why you did.

Mr. MILLHOUSE: I thought the honourable member was speaking of his own speeches, not of mine. I have said that I do not intend to answer the arguments put by the Premier. That would be a waste of everyone's time and, in any case, the Bill came in only yesterday with the second reading explanation 24 hours ago. Members have hardly had time to answer points made with such precision, but so irrelevantly, by the Premier. Incidentally, if one compares what I said in last year's debate and the reasons given this year in the Premier's second reading explanation in favour of price control, one finds that most of the reasons given by the Premier are simply answers to the points I made in 1962.

I consider that I should briefly mention the six reasons why, on principle, I oppose price control. First, it is unfair to some manufacturers and merchants who are affected by price control, whereas others are not. Secondly, it is profit control, not price control. Thirdly, it has not been effective in keeping prices down in this State. Our cost of living is much the

same as that in other States that have abandoned price control. Fourthly, South Australia is the only part of Australia (it is an Australian economy as a whole, not six State economies) continuing this control, as other States have abandoned it. Queensland is the last State to do so and there seems to be no disposition in other States to resume control. It is a telling argument against those put up annually by the Premier and the Prices Department in favour of price control. Whether the other States have a Labor or Liberal Government, they have not re-imposed price control. So much then for the imagined benefits of it. Fifthly, it is a waste of time and money, and a greater waste of private time and money than of departmental time. It is a waste that cannot be computed in any way. Sixthly, it interferes, I believe unduly, with personal freedoms.

However, having said that, I leave the general proposition of price control and come now to the specific matters set out in clause 4. I have said that I favour restrictive trade practices legislation. I believe that that is the way to tackle the problem that we, since the Second World War, have been trying to tackle by price control, and I will go so far as to say that I favour the principles embodied in the Commonwealth Government's proposals on restrictive trade practices. They certainly are not in the forefront at the moment, but I hope that after the people of Australia return the Menzies-McEwen Government on November 30 they will be proceeded with, and I am confident that that will happen. All the difference in the world exists between those proposals and price control as we know it. Last January, Sir Garfield Barwick (Commonwealth Attorney-General and author of these proposals) read a paper at the thirteenth legal convention in Hobart dealing with this matter. He had something to say about price control in his paper, and I respectfully agree with the statement and adopt his words. He said:

It should be mentioned that legislation imposing price control has been used in some States as a form of substitute for restrictive trade practice legislation. There is of course a fundamental difference in kind between price control legislation and legislation to control restrictive trade practices.

Mr. Jennings: Are these notes for young Liberals' speeches?

Mr. MILLHOUSE: No, this is the learned Attorney-General, who continued:

The one seeks proper price levels by the maintenance of free and competitive enterprise and the elimination of its distortion by restrictive practices, whilst the other seeks to intrude Government control in order to produce prices desired in point of policy and which are not necessarily related to what competitive conditions would produce.

In other words, the Attorney-General says that price control is no substitute for restrictive trade practices legislation. I entirely agree with him. I am not optimistic enough to think that my opposition will mean that we will not get into Committee, but I refer to a couple of clauses so that when we get to Committee I shall be able to say a little more about them. Clause 4, section 33 (*a*), prohibits the limit of purchases. That is certainly all right in principle, but one danger exists as the provision is now worded. It provides that if there is an advertising or an offering for sale of goods, then a purchaser may come in and demand an unlimited supply, in fact, he can buy out the retailer. In effect, what it means is that the retailer's business is really at the mercy of someone else. Let us take two examples. First, in the case of a smaller business that advertises in this way no reason exists why, at 9 a.m. when the shop opens for business after such an advertisement, a bigger competitor may not come in and buy up the whole stock. There is no defence to that under subclause (2).

Mr. Hall: There is no reason for a competitor to buy it unless it is below cost.

Mr. MILLHOUSE: No, but a cut-price competitor, say a chain store, can buy up the little man altogether.

Mr. Shannon: That would have a deterrent effect on cutting prices.

Mr. MILLHOUSE: Certainly. The member for Rocky River with his vast experience in commerce, pastoral and industrial pursuits probably knows better than I do. Conversely, a big merchant may advertise in this way and a little man may come along and buy up just as much as he wants for himself. In other words he might get it cheaper than wholesale this way. I am not sure that there is not harm in it: I think there is. The Bill's draftsman has attempted, I think ineffectively, to guard against the harm arising in that way by subclause (2), which provides three defences.

Mr. Lawn: This is similar to the Road Traffic Act!

Mr. MILLHOUSE: There is no relationship between this legislation and the Road Traffic Act. Three defences are laid down. The first is that the defendant had not a sufficient quantity of goods to supply the quantity or number demanded. That is all

right. The second is that the defendant was acting in accordance with a practice for the time being approved by the Minister. I shall have more to say about that soon. The third is that the goods in question were in short supply. Nowhere is there any definition of "in short supply". Does it mean that the retailer himself has only a limited supply, or does it mean that the article is in short supply throughout the whole trade?

Mr. Heaslip: Would goods be at a cut price if they were in short supply?

Mr. MILLHOUSE: Apparently that is contemplated by the draftsman.

Mr. Shannon: I can assure the honourable member that goods in short supply are never at a cut price.

Mr. Jennings: The honourable member should be the last person to talk about a short supply.

Mr. MILLHOUSE: The honourable member can explain that to me later. I want to know what the phrase "in short supply" means. It is not defined. It can mean either that the retailer has only a short supply of the goods, or that the whole trade has only a short supply. We should know what it means. Something should be done to this provision, and I am having amendments drafted to try to cover the situation. Let us examine the second defence —that it is a defence if the defendant were acting in accordance with the practice for the time being approved by the Minister. How many members have analysed the meaning of that? Under the provisions outlined by Sir Garfield Barwick one of the requirements was registration of practices. That has been strongly criticized by commerce and industry.

Mr. Heaslip: That is not law yet.

Mr. MILLHOUSE: I know. It has also been criticized by the South Australian Government in some of its pronouncements, yet this provision is tantamount to practically the same thing. What will it mean? It will mean that the Minister—the Premier—will have to know of all these practices, because otherwise he cannot approve of them. In other words this will be a requirement of informal registration—the very thing about which there has been so much comment and criticism in the Commonwealth Government's proposals. I suggest that members should take note of that, because it takes away what we have been told is so desirable—the certainty as to what can and cannot be done. Section 33c deals with attempts to obtain differential terms. It commences:

> A retail trader shall not by any threat promise or intimidation, induce or procure . . .

I cannot see any reason why the word "promise" has been included in this section. I can see no reason at all why if I were a manufacturer and the member for Gouger were a retailer he should not come to me and say, "Look, if you will give me your goods at a certain price, I promise you that I will buy your whole supplies for the next five years." I cannot see anything wrong with that.

Mr. Hall: Do not forget it is an offence to try to do that!

Mr. MILLHOUSE: Yes, and I cannot see anything wrong with it. I will listen with interest to the Minister's defence of that proposal. As I see it, however, the word "promise" should not be included in this provision. The Leader of the Opposition has circulated some amendments. I do not know how they work in practice but I cannot see anything wrong with them in principle at the moment.

Mr. Clark: You will find a loophole somewhere.

Mr. MILLHOUSE: I do not know that I will. They seem to deal with trade rings, and I cannot see anything much wrong with them.

Mr. Clark: We will obviously have to revise them.

Mr. MILLHOUSE: Perhaps I have talked the honourable member out of supporting the amendments. I realize that if I continue discussing these matters I shall be ruled out of order, so I shall not say more other than to reiterate that I am still as firmly opposed to price control as I have ever been, and that I think the restrictive trade practices provisions, although good on the whole, should not be included in the same Bill as price control.

Mr. LOVEDAY (Whyalla): It is most interesting to hear the member for Mitcham come halfway in supporting this measure, and to listen to his reasons. As a matter of fact, we believe that there should be two separate Bills covering the matters included in this legislation. We believe that the provisions relating to restrictive trade practices should be permanent. The member for Mitcham said he thought the cost of living in South Australia was much the same as in the other States that had abandoned price control. However, when it suits him, he supports his Party's propaganda that prices in South Australia are better than in the other States and that the condition of wage earners is correspondingly much better. No doubt today he is finding it extremely hard to be consistent. He should practise consistency and remember that when

that type of propaganda is put forward by his Party he cannot conscientiously support it.

Mr. Clark: Don't you make any error!

Mr. LOVEDAY: He said that the control of restrictive trade practices would be more effective than price control and would encourage more active competition. Even with control of restrictive trade practices I am satisfied there would be a large measure of profiteering, and also price-fixing to the detriment of consumers, which would necessitate the continuation of the Prices Act. Organizations that oppose price control also oppose the imposition of any control of restrictive trade practices, claiming that both are hindrances to commerce and industry. In his second reading explanation the Premier gave evidence that South Australian commerce and industry have not been at all hindered by these particular controls. In fact, according to him, commerce and industry are doing better in South Australia than in the other States. Here again, the member for Mitcham on other occasions will claim that commerce and industry, under the Liberal and Country League Government here, has always been much better off than under a Labor Government elsewhere, and better off than under the Government of any other State. Here again is a tremendous inconsistency and a divergence of view according to the position he finds himself in.

Mr. Millhouse: Which of those divergences do you agree with?

Mr. LOVEDAY: I would not agree with either. Commerce and industry has not been hindered by the Prices Act; in fact, the Act has probably been a big help to industry.

Mr. Millhouse: How?

Mr. LOVEDAY: By preserving the good work of those who do not try to take people down in various directions. I think the honest trader has always welcomed the action of the Prices Commissioner in dealing with people who try to take down consumers. Obviously, it is to the advantage of honest people in industry to have this sort of thing controlled.

The main points regarding restrictive trade practices have been dealt with quite well by our Leader and I will not traverse that ground again. I draw attention to one aspect of price control that I think is particularly valuable in this State: the investigation services rendered people in various circumstances. As far as my experience goes, these investigations have been most valuable indeed, and I am sure that other members have had similar experiences to mine. The Prices Department has the power—and it has used it—to investigate complaints dealing with transactions relating to secondhand cars and the sale of all sorts of things under contracts which are not properly carried out or which have not been fairly executed, and I have found these services of the utmost value to my constituents.

Mr. Heaslip: That would be the department's main function today, wouldn't it?

Mr. LOVEDAY: Not only has it saved my constituents considerable sums but I am sure that the fact that this is known acts as a deterrent in business. I am sure that many people are deterred from attempting to take down consumers and customers because they know that the Prices Department is there and that it has the power to make these investigations. It would be difficult to assess the value to the community of this sort of work, but I am sure that it is great indeed. I am happy to see this Bill come before us again with a view to continuing what I consider to be a most necessary control.

Mr. JENNINGS (Enfield): I support the Bill, and I intend to be blissfully brief. I might say, Mr. Acting Speaker, that I am glad that whilst you occupy your present position you will not be able to interject. We have heard from the member for Mitcham (Mr. Millhouse), the apostle of private enterprise. I have frequently said—and I think all my colleagues agree with me—that the only genuine believer in and supporter of private enterprise and genuine free enterprise is the Socialist. The member for Mitcham, who is chatting with the Minister, is in a position at present where he cannot interject either, so I am taking advantage of these things. Although I support the Bill, I believe that the restrictive trade practices provisions should be in a separate Bill.

Mr. Millhouse: I agree.

Mr. JENNINGS: We agree on that. I do not agree with what the Premier said about the great effect this legislation has had on the South Australian economy, but nevertheless I admit that it has had some good effect. Year after year when the Premier introduces this Bill he finds a different excuse to make it a Bill for one year only. He invariably does that, and he is pretty good at thinking up excuses. He is versatile, but unfortunately he is not imbecile; unfortunately for us, that is, but fortunately for the State. Some objections raised to this Bill could easily be met by our Party, for we would make it permanent legislation. I cannot go along for one moment with this argument

that is put up—that every 12 months it comes before the scrutiny of Parliament. We know that any legislation that affects people comes before the scrutiny of Parliament. We can move amendments to legislation at any time, but there is certainly no security in this legislation for the department, which is doing a tremendously good job, when it knows that it has a life of only 12 months. The employees and the Commissioner (a senior public servant, and one of the best in South Australia, too) have only 12 months to go at any time.

Mr. Bywaters: I think the Premier has given the Commissioner an assurance.

Mr. JENNINGS: I think he has, but really he is not able to give any assurance in this matter, because the Premier will not be the Premier much longer. I think our Party can look after the Prices Commissioner all right, because I think we can make him a permanent Commissioner. We can get the legislation through, because numbers count. We have more than our share of numbers at the moment, but unfortunately we do not have the one who counts the right way—the one who sits in the Chair.

Mr. Bywaters: You think he is a right winger, do you?

Mr. JENNINGS: He is a right winger if the Ayes cross to the right of the Chair. One of the very best features of this legislation is the opportunity it gives members of Parliament, and I think, even members of the public, to approach the Prices Commissioner to ask him to adjudicate on matters where there is some dispute about some transaction. This has become more and more important since hire-purchase, television, and such things. I can assure you, Mr. Deputy Speaker, that I am glad of the good offices the Prices Commissioner has exercised on my behalf and on behalf of my constituents in assuring us that people who have been taken down will receive a fair deal.

Mr. SHANNON (Onkaparinga): I wish to put the Opposition members back on the right road, for when they talk of permanent legislation they are right off the road. There is no such thing as permanent legislation.

Mr. Jennings: I explained that.

Mr. SHANNON: The honourable member did not explain anything of the sort. He said that, if his Party were in power, it would make this legislation permanent, and I point out to him that such a thing is not possible with democratic government. Nor is there any permanent legislation. Changing Parliaments get changing ideas. Have members any idea how many Acts we have changed this year?

Mr. Loveday: There is nothing permanent in that sense.

Mr. SHANNON: I suggest that permanency in life does not exist. If so we would be standing still and it would be a quick road to death. One has either to advance or to die.

Mr. Loveday: You are using the term relatively.

Mr. SHANNON: I am using it realistically. It does not matter to any officer of a Government department whether we intend a Bill to last for one year, five years or 10 years, because he has no assurance that Parliament will be of the same opinion next year. He can have no assurance.

Mr. Lawn: You were right when you said the Government was dying.

Mr. SHANNON: The honourable member for Adelaide has been with people who have been talking to animals on their deathbeds and he knows, but I have not had the pleasure of going down to the zoo. In this instance the Government is branching into a new field. I know of no State with similar legislation dealing with certain trade practices. We are more or less facing a problem, and I do not know of anyone who knows the proper answer. We all know that certain trade practices exist in business at present that are not in the best interests of the small man, to put it politely. He is being squeezed by certain trade practices used by large businesses. I am not sure whether we have gone as far as we should go with this legislation, but I should like to see it operate. The Government's intentions are good but whether they will achieve their purpose only experience and trial will tell us. I support this legislation: it should be given an effective trial to try to save the small man from being squeezed out of business by the many devious means operating today. It would be impossible to enumerate the practices being used by big business to make it difficult for the little fellow to get a crust in his business. However, this is at least a start and I favour reviewing it at the end of 12 months to see whether any additions are needed. Certainly we will not be subtracting from it, but we might be tightening up aspects of this legislation. The Premier made a speech that is difficult to answer.

Mr. Millhouse: Don't say he brainwashed you, too.

Mr. SHANNON: He dealt with certain aspects of our economy that obviously have had a beneficial effect upon our society. The

case he put forward and the examples of the various States he quoted with assistance from the Commonwealth Statistician make it difficult for anyone to answer him. I am not going to try. The honourable member for Whyalla referred to the Prices Department which I have used to assist me, particularly with services. Certain people in various types of industry, thinking they can get away with it, will make a fat overcharge on a job. I know of these instances, and almost invariably a widow or a similar unfortunate person has been shockingly overcharged for a service rendered, and upon investigation the charge has been reduced materially: sometimes it is reduced to a point where I should be ashamed to have issued the original account. I have occasionally referred cases to the Prices Department where a hire-purchase agreement has been involved, and where a company has harshly treated the hirer, who is really in trouble through no fault of his own and cannot keep up the payments. If given a chance he could conclude the purchase, but the company has taken advantage of him and makes more profit than it would have under the original agreement.

I have found the Prices Department useful in similar cases. Everyone has clear recollections of the Prices Commissioner's work in the matter of grape prices when dealing with the problem that arose a few years ago between the grapegrower and the wine maker. He ironed that out to most people's satisfaction: perhaps not to everyone's. It was done without his really having any authority in that field at all. It was done by moral suasion, so to speak, and the Premier made this point clearly when he said that at least the power vested in the Prices Department encouraged honest trading. I favour free enterprise but I do not want freedom to become licence, nor should it be permitted to become licence. No-one would agree that because somebody had a stranglehold on a section of industry he should be permitted to charge anything he liked when offering goods to the public.

From this side of the House it sounds unreasonable for me to support the Premier when in the past the honourable member for Mitcham (Mr. Millhouse) has looked upon me as one of his own stalwarts. I suppose that I am like other people in that I can be convinced at times, and I am convinced that some good will come of this legislation. Having had firsthand experience with the Prices Department, I am convinced of its need and am prepared to support this legislation. If I am swallowing some of my principles (as no doubt some people will say I am), then those principles can be swallowed without doing any harm. One should not have fixed principles that cannot be changed. They cannot be left like the Ides of March to come automatically without change or possibility of variation because of changing factors. If we get to that stage then we are reaching the sere and yellow when Father Time should greet us.

Mr. Clark: Speak for yourself.

Mr. SHANNON: I am speaking for myself. I have had some experience of life and I am one that thinks experience is a good teacher. I am accepting the teaching of experience in this matter. If I am surprising some of my friends opposite, I do not apologize for that. Nor do I think the answer to this problem is State enterprise. I think that properly regulated private enterprise is probably much more desirable. A marriage of private enterprise and central government would be the ideal set-up. Private enterprise would know then that if it did not behave central government would take action.

Mr. Clark: That is what is being done here.

Mr. SHANNON: And that is why I am approving of it.

Mr. Clark: I am delighted to hear that.

Mr. SHANNON: The honourable member has heard me on other occasions when I have not been so reasonable.

Mr. Dunstan: It must have been the general feeling in the air.

Mr. SHANNON: The honourable member may sway with the wind, but I do not. I prefer to be guided by experience. I hope that the proposed legislation will overcome some of the unsatisfactory practices associated with trading. I know of my own knowledge that some unfair practices are carried on in industry and in the wholesale and retail trade. If this legislation can rectify the situation I am happy to support it.

Mr. CLARK (Gawler): I do not claim to have anything new to say on this matter, but up to the present no-one else has said anything new, except the member for Onkaparinga who is now prepared to accept the teachings of experience. I sincerely hope that experience will guide him in his attitude on other matters which are dear to the Opposition but which he has always opposed. Although this debate is by no means finished, it appears that the member for Mitcham is the last of the diehards here. I admit that it was pleasant to hear him agreeing with us in some respects. As a matter of fact he used arguments that I

intended to advance in support of a claim that the matters contained in this Bill should have been incorporated in two separate Bills. The Leader also referred to this. It is not a valid argument for the Premier to claim that because this is experimental legislation it is appropriate to include it with legislation that is reviewed annually. After all, we know that if it becomes necessary to amend an Act that can be done at almost any time.

I do not object to what the Premier is seeking to do in respect of restrictive trade practices. I do not think that he is doing much, but at least it is a start. Admittedly the member for Mitcham is entitled to his opinions, and I give him credit for sticking to them, but obviously he still holds the misguided belief that regulations of any type cannot be justified.

Mr. Fred Walsh: He might profit from experience.

Mr. CLARK: He might, but judging from what he said this afternoon it is likely to be several years before he gains sufficient experience. In fact, I am inclined to think that he could be a hopeless case so far as his views on price control are concerned.

Mr. Bywaters: You think he takes a long while to learn?

Mr. CLARK: I think he takes a long while to change his opinion. He still thinks that any form of interference by way of regulation is clumsy. Indeed, he probably regards it as a wicked interference with the sacred and complicated laws of supply and demand and the rights of the individual.

Mr. Millhouse: You have put it very well.

Mr. CLARK: Several members opposite once held similar views, and I cannot believe that they have all changed. The member for Mitcham detests any form of price control. I believe he still suffers from the delusion that price control is another wicked scheme invented a few years ago by wicked Socialists. Of course, the word "Socialist" is a dirty word to the member for Mitcham. People who think as he does forget that private monopolies have also engaged in price regulation for their own ends. I need only mention the famous diamond syndicate which, through agreements, obtained prices that were not competitive. That was not price control, but price juggling or price cornering. I do not think the member for Mitcham would deny that price juggling and price cornering still persist. I believe that price control prevents victimization of the most economic unit in the community—the individual.

I commend the Prices Commissioner and his staff for their work. Over the years I have taken many matters to him and he and his staff have always helped my constituents to the utmost of their ability. I said that the member for Mitcham probably regards price control as a new Socialist idea. I am reminded that almost 10 years ago I referred to two old English cases relating to attempted price control. In 1351, in connection with the presentment before the Justice of Labourers there were two interesting cases. I quote from the old English transcript. One case was as follows:

> Further they say that Robert Grys of Danbury, potter, makes brass pots, and sells them at threefold the price which he did against the Statute in oppression of the people.

Apparently even in those days price control was necessary.

Mr. Fred Walsh: You could go back further than that.

Mr. CLARK: Yes, to the time of the Romans, and even further back. Some years ago the member for Onkaparinga gave an interesting dissertation on the history of price control. However, I do not want to do the same. The gentleman I was just referring to—this Robert Grys—apparently had the same sort of idea as certain other people I recall. We do not know what penalty that person suffered for selling above the fixed price. Let me quote just one more unusual and amusing happening, which relates to the efforts of a person to try to corner the market in rather an unusual direction. The person I refer to was a vicar, and the circumstances of the case were:

> John Galion, vicar of Nazeing, will not minister to any the sacrament of marriage unless he have from each man 5s. or 6s., and in this manner by extortion the said John has taken from John Wakerild 4s., from William Gurteber 5s., from John Mabely 9s., and from many others the sum of 20s. in oppression of the people by tort and against the peace.

Members will see that it was necessary even in those times, 500 or 600 years ago, to try to have some sort of price fixation in an effort to stop these people who will take advantage of somebody, because, after all, even in those days there was a strong demand for people to get married, and apparently in that area this vicar was trying to corner the market. I have said on other occasions—and other members on this side of the House have said it also—that I should like to see permanent price control in South Australia instead of this sort of serial story where we get an instalment one year and

another one in the following year. I know that if the legislation were made permanent it would deny us the opportunity of hearing the member for Mitcham year after year, but, after all, who but he would care if that happened?

On examining the provisions in this Bill regarding restrictive trade practices we find that they are all quite worthy. If those practices were stopped it would be of some value to the buying community. However, the provisions are quite minor ones, and I consider that most of us could think of many other things that could just as easily, and possibly more suitably, have been included. The phrase "restrictive trade practices" is a nice one; it appeals to the general public because the public does not want to be taken down. I think that in the main this legislation to stop the restrictive trade practices is more or less a smoke screen, a kind of camouflage. After all, it has given the Premier an opportunity to appear on television and again pose as the friend of the people and the little man's idol; it is wearing a little around the edges, but at least he can still make an attempt to pose as the poor man's idol. However, I submit that will not last very long. As I say, I support the legislation, but I think we can improve it by amendment in Committee.

Mr. DUNSTAN (Norwood): Mr. Deputy Speaker, I support the second reading of the Bill. After what has been said by honourable members in the second reading debate I do not think there is any need for me to talk about the necessity for maintaining price control in South Australia. Price control can achieve certain things in this State, and it is the view of members on this side of the House that benefits can accrue from administration of this kind. However, I wish to sound what is perhaps an unusual note of warning from this side about the administration of price control. It is inevitable that, where there is an administrative control of the kind which is given to the Prices Commissioner and his officers under this legislation, anomalies will occur from time to time. Much good can be done for the people of South Australia under this legislation, but it behoves us as members in this place to scrutinize very carefully the considerable and arbitrary powers that are given to the officers of the Prices Department.

Mr. Millhouse: This is music in my ears.

Mr. DUNSTAN: If I may respectfully instruct the honourable member for a moment, it is a basic principle with members on this side of the House that while we believe that some form of State regulation is at times necessary for the protection of the small people of this community, as Democratic Socialists we are libertarians: we are concerned with the maintenance of the liberty of the subject, and with the constant scrutiny of arbitrary administrative power. In consequence, I draw attention to things that can happen and from time to time do happen under prices legislation in this State, just as they have under prices legislation of the Commonwealth.

Mr. Millhouse: It is a pity you did not support me a few years ago.

Mr. DUNSTAN: I would not support the honourable member, because I think the principles embodied in the Prices Act are good ones, provided we do our job in this place. There are occasions when the Prices Commissioner or his officers take under notice certain contracts which are made by people in South Australia in relation to declared goods and services, and there have been somewhat unfortunate consequences to some perfectly legitimate traders from time to time. Some people who are suppliers of declared services have had complaints made to the Commissioner about their charges. It is not possible for them to complain to the Prices Commissioner about the fact that people are not paying their bills regularly, but the people concerned may go to the Commissioner, who calls for these people's books and examines the contract and as a result things are held up for a period while he has a look at them. Then after some time the Commissioner concludes that there has been no breach of the Act and that the services have been supplied in accordance with the provisions of the Act; but he still suggests, despite that fact, that the trader, to get agreement with the person who has complained to the Commissioner, should knock his price down a little. In some cases where the people have declared goods and services and the price of the services is calculated on a cost-plus system, those supplying the services operate on a pretty narrow margin. That is particularly so in the plumbing trade in South Australia. When a man has rendered a legitimate account that cannot be faulted under the Prices Act he is held up for a considerable time while the Commissioner has a look at it, and then the Commissioner says, "I cannot see that there is anything wrong with the account; it is all right; but I suggest you knock it down £15 or £10, and if you don't this man is going to jack up on you for a period." I think that is going a bit beyond the bounds of what the

Commissioner should be doing, and some officers of the Commissioner are doing this. I have seen instances where it has happened, and I do not think that is what we ought to be doing here.

I support the principle of the prices legislation, and I think many good things can come from it, but I think we must be careful about that sort of thing and watch closely to see that the arbitrary administrative power is not used to impose upon people who are giving a reasonable service in this State.

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr. DUNSTAN: The restrictive trade practices provisions in this Bill touch only a small portion of the restrictive trade practices about which complaints have been made in this country for many years. For some time there has been agitation for such legislation here and, indeed, restrictive trade practices and monopoly legislation (or an attempt at such legislation) is not new to this country. The original Commonwealth legislation failed not merely because of section 92 of the Commonwealth Constitution but because of the judicial interpretation the Privy Council, in the Coal Vend Agreement case, placed upon the word "monopolies" in the original legislation. Attempts by the various States have proved unsuccessful in some measure, although Western Australia made a serious attempt to do something about restrictive trade practices under the Hawke Government. South Australia has some legislation of this kind on its books. The Fair Prices Act was enacted by the Gunn Labor Government in South Australia.

Mr. Jennings: That has not been used at all.

Mr. DUNSTAN: It has not; the present Government has refused to use it. I cannot suggest that it would cover all the things we want to deal with today; in fact, since it was passed, experiments with restrictive trade practices legislation in other countries have shown that much more needs to be done than was done in the old Fair Prices Act. The Commonwealth Constitutional Review Committee recommended that the best way to proceed in this matter was to revive an interstate commission that was set up under the Commonwealth Constitution, and to have it investigate restrictive trade practices and then to legislate to make subject to penalty any carrying out of the restrictive trade practices that the commission held to be contrary to the public interest. In other words, the committee recommended a situation similar to that existing under the Canadian legislation, which would penalize restrictive trade practices found to be in principle contrary to the public interest. That was the kind of legislation originally proposed by the British Monopolies Commission. However, when that commission reported to the Conservative Government, its recommendations were not implemented by that Government, which decided instead to introduce the Swedish-type legislation, which was to make compulsory the registration of restrictive trade practice agreements and for those agreements to be subject to an examination by a commission, which could have cited before it agreements that had been registered, and which could then allege that these agreements were contrary to the public interest. If these were found to be so, they had to cease upon pain of penalty.

That is basically the kind of legislation proposed by Sir Garfield Barwick to the Commonwealth Parliament, although the legislation has not yet reached the floor of that House. As Sir Garfield Barwick can be the Commonwealth Attorney-General only until November 30 (I am afraid he will not even be the member for Parramatta after that date), it is unlikely that that kind of legislation will be proceeded with, because the Labor Party, which will be the Commonwealth Government after November 30, has made it perfectly clear that it intends to proceed with the recommendations of the Constitutional Review Committee on these lines. However, the Commonwealth Attorney-General has done some things of value and has given us information that may be useful to this House. He has set forth in his various publications a list of the restrictive trade practices that have come under his notice or have been commented upon by Government authorities. I do not intend to give the whole list, as it is a big one, but it contains many things about which we should be doing something in this State and on which so far, as I have said, the Government has been only scratching the surface in the proposals contained in this Bill. The following is his table of practices that have come directly under his notice:

1. The carrying out of agreements between the principal manufacturers of a product that
   (*a*) they will supply only those resellers whose stocks of that product are manufactured exclusively or predominantly by parties to the agreement,
   (*b*) they will fix an agreed price for their product, and will fix different discounts for different classes of resellers and users of the product.

(*c*) the class to which a particular reseller should be allocated, and the discount he should be allowed, will be related to his turnover—but final decision as to the class to which he is allocated will remain in the discretion of the manufacturers, or in the discretion of a trade association of the favoured resellers, and

(*d*) they will refuse to supply, or will supply only at reduced discount, any reseller who cuts the manufacturers' fixed retail price in an effort to improve turnover.

2. The carrying out of agreements between a trade association of the principal manufacturers of a product and a trade association of the principal resellers or users of that product (each of the trade associations having restrictions on admission to membership)—

We have many of this kind in South Australia.

Mr. Jennings: Particularly in the furnishing trades.

Mr. DUNSTAN: Yes.

—that—

(*a*) members of the manufacturers' trade association will supply, or will grant preferential discount, only to members of the trade association of resellers or users,

(*b*) members of the trade association of resellers or users will buy only from members of the manufacturers' trade association, and

(*c*) members of the manufacturers' trade association will not sell, or will sell only at reduced discount, to members of the trade association of resellers who cut the manufacturers' fixed retail price in an effort to improve turnover.

3. The carrying out of agreements between the principal suppliers of a particular service that they will supply only persons who observe a policy of dealing exclusively with those suppliers.

4. The carrying out of agreements between manufacturers of a product to limit the life, or the quality, of their product.

5. The carrying out of agreements between manufacturers to refrain from supplying the customers to each other (*i.e.*, to divide the market).

6. The supplying of a product by manufacturers at a price fixed by agreement between the manufacturers.

7. The reselling of a product at a price fixed by agreement between the resellers.

8. The reselling of a product at a price fixed by agreement between the resellers and the manufacturer of the product.

9. A concerted refusal by resellers of a product to buy from a manufacturer unless he withholds supplies from a reseller who is offering competitive prices or terms to the consumer.

10. Tenders submitted to public authorities and showing evidence either of price agreement between the tenderers or of agreement to divide up between the tenderers the successive contracts in respect of which tenders have been invited. Tenders of this kind have been consistently submitted to public authorities, both Commonwealth and State, in respect of a very wide range of commodities.

11. The carrying out of agreements between resellers of a product (usually the members of a resellers' trade association having restrictions on admission to membership) to require the manufacturer (or manufacturers) from whom they buy that product to observe a policy of selling only to them, or of giving preferential discounts only to them. Restrictions on admission to membership of the association often take the form of requiring the reseller seeking admission to the association to have a certain minimum (but substantial) turnover.

12. The observance by all resellers of a product throughout Australia of the resale price fixed by the manufacturer of the product.

13. The supply by the manufacturer of a product on the condition that the reseller handles no-one else's brand of that product, or that the reseller handles no other Australian brand of that product.

14. The supply by the manufacturer of a product on the condition that the reseller takes all his requirements of that product from that manufacturer, or on the condition that the reseller purchases a minimum quantity of that product from that manufacturer.

15. The supply by the manufacturer of a product on the condition that the reseller takes other products of that manufacturer—sometimes the manufacturer's "full line" of products—whether the reseller wants the other products or not; or the supply by the manufacturer on the condition that the reseller buys other products from other designated manufacturers.

16. The exacting of disproportionate discounts from manufacturers by a powerful reseller.

That is what is happening to some South Australian manufacturers; the bigger stores are demanding disproportionate discounts from manufacturers of household goods.

Mr. Bywaters: Particularly canned fruits.

Mr. DUNSTAN: Yes. This list continues:

17. The combining of powerful sellers to undercut a competing seller in the locality where the competing seller operates, or in the line of business upon which the competing seller depends.

18. The taking over or the buying out of all the existing businesses in an industry, sometimes after the adoption of exclusionary tactics, *e.g.*, the tying up of the available reseller outlets for the product concerned.

Then Sir Garfield gives several instances of the kind of thing to which the earlier schedule refers and upon which reports have been made by Government authorities. Plenty of evidence is available that trade associations are working and doing two basic things. They are responsible for resale price maintenance, and unless the reseller or retailer sells at the price determined by the wholesaler or manufacturer then he gets his supplies stopped, and not only

supplies of that article but supplies of associated articles as well. A man is disposed to cut his margin to the consumer (and this happens often enough in suburban stores) in order to try and attract local business. This is the essence of free competition about which the member for Mitcham so often speaks. Here is an example from the district of the member for Hindmarsh. A general draper writes:

To survive in the face of city competition we find it necessary to price our goods slightly below city stores. Because of this we have been subject to a boycott by a number of suppliers over the past 18 months. A total of 19 suppliers have either stopped or threatened to stop our supplies unless we sell at the prices which they impose. This is simply a device to ensure higher profits for large organizations, which buy the same goods at lower prices, but with a virtual guarantee that they will not be undersold.

That is the sort of thing that we have to get at, and a serious attempt should be made by the House at this stage to do two things in addition to what the Government plans. We should endeavour to break up the wholesaling rings or the imposition of price maintenance agreements by manufacturers' or wholesalers' rings upon resellers; and secondly, we should see to it that no resale price maintenance operates and that people are not boycotted or do not have their supplies stopped because they are prepared to cut slightly their retail margin in order to attract business.

The SPEAKER: The honourable member realizes that this is not in the Bill.

Mr. DUNSTAN: I appreciate that, but I suggest that if we are to do anything effective to combat restrictive trade practices in South Australia we should do something about it now. I am not suggesting that, at this late stage of the session and with the necessity of passing the Prices Act before the end of this year for it to be maintained, we could introduce a comprehensive code. But there is something we can do now, and this House should take the first step towards breaking up these trade rings and restrictive trade associations, and towards breaking up resale price maintenance agreements and their enforcement. If we take that step we shall do something about restrictive trade associations that has been done effectively in Canada and in other countries including some European countries.

Mr. HEASLIP (Rocky River): I support the Bill for two reasons. When price control was introduced in this State it was a different proposition from what it is today. I think it was the member for Mitcham who said that price control was profit control. I opposed the legislation when it was first introduced and do not apologize for that, because in those days it was profit control. The efficient people were penalized under price control as it existed then, and the more efficient they were the more they were penalized. The situation meant that the more one spent the more one was propped up, especially under the cost-plus system. The higher the cost, the higher the profit with inefficiency all along the line. For those reasons I opposed it.

Mr. Millhouse: It is the same today.

Mr. HEASLIP: It is not the same today. Today most commodities have been released from price control. Price control is different today from what it was, as it has become a watching eye so that, when anyone blatantly abuses normal pricing practices, then the Prices Commissioner is called on to rectify the matter. I am sure that every member appreciates the Commissioner's actions on these occasions. The honourable member for Onkaparinga (Mr. Shannon) stated a case today about grape prices, and I recall cases where cornsacks, superphosphates, spare parts, agricultural machinery and many other commodities have been investigated by the Prices Commissioner and injustices rectified. I consider that today price control is entirely different from what it was originally. The member for Enfield said that the member for Mitcham was the apostle of private enterprise. Apostles from time immemorial have been persecuted, although many have done a good job. In this case the member for Mitcham is being persecuted. I do not agree with his views in this case, but he believes in them and sticks to them.

Mr. Jennings: Don't you agree that the real supporters of private enterprise are the Socialists?

Mr. HEASLIP: Where would we be without private enterprise? How far would Australia have advanced without it? It was the private people who pioneered this country.

Mr. Coumbe: Some were transported from England.

Mr. HEASLIP: It does not matter: they were private individuals, and good Australians. No Socialist Government has any money. All the money it has is what it takes from private people and what is handed to it.

Mr. Clark: Where did that come from?

Mr. HEASLIP: It does not matter where it came from. No Government makes money.

The money it handles is the money it takes from private people. Private people made this country.

Mr. Loveday: What about our woods and forests?

Mr. HEASLIP: All the money that has been devoted to establishing our forests has come from private individuals.

The SPEAKER: Order! Will the honourable member come back to the Bill? This is not Socialism.

Mr. HEASLIP: I am referring to private enterprise. The member for Mitcham was attacked for his attitude to private enterprise. A Government cannot carry on without the private individual. Price control (or profit control as it once was) destroyed the private individual. The member for Mitcham was branded as the apostle of private enterprise, but he was defending the private individuals who made Australia what it is today. Price control today is not profit control as it once was. The Prices Department is the watchdog to whom anyone can appeal if he believes he has been overcharged. The Commissioner and his staff have performed a valuable service for this State.

The SPEAKER: Members may speak on the Bill, but I hope that they will keep to it. I have been most liberal in this debate.

Mrs. STEELE (Burnside): I support the Bill. I have not spoken on this subject since I made it one of the main topics of my maiden speech. Though I pride myself on being a Liberal, and though I believe in free enterprise, I believe there is room in this State for price control. Following my maiden speech the member for Mitcham (Mr. Millhouse) said he was disappointed and surprised with the views I expressed. He said:

> She is a housewife and I have no doubt an efficient one, and she may be therefore pardoned for looking no further than her shopping basket to get some support for her contention that price control is necessary.

Since I have been a member of Parliament I have had less time to consider my shopping basket, but I still believe that price control legislation is good. With the passing of years more articles have been removed from the controlled list. I am particularly interested in control on some services. I have had personal experience of this aspect of price control. Constituents have approached me with complaints about service charges and I have gone to the Prices Commissioner to see whether their complaints could be substantiated and whether anything could be done to reduce the high charges for the services. In every instance where the charges have been found to have been excessive they have been considerably reduced as the result of the Prices Commissioner's intervention. As the member for Rocky River said, so that a watchful eye can be kept on these things this legislation is good and should be retained. Obviously country members are particularly aware of the advantages that have accrued from the Prices Commissioner's supervision of prices. I need only mention superphosphate and the price of petrol and oils. It is on figures produced by the Prices Commissioner that petrol and oil prices throughout Australia are based.

Although this may be irrelevant I think that most members are alarmed as they drive around the metropolitan area at the number of service stations being erected by the newer companies. Properties are being purchased on which to erect service stations. Petrol prices are obviously satisfactory. Other members, too, view this situation with some concern, if not alarm. No-one is better able to know what is going on in the community than are members of Parliament. We hear complaints from various sections of the community about the continuance of price control, yet as members we can appreciate its value. We are familiar with trade practices that are not altogether proper. Complaints are made to us, and we are better able to assess the situation than are other members of the community. Small shopkeepers have complained to me that they have been obliged to sell their businesses because of the establishment of chain stores and supermarkets nearby. Frequently the shopkeepers are widows maintaining families on the proceeds of their small shops. They have not been forced out of business, but they realize that they will lose custom to the bigger establishments that can offer better prices to induce people to patronize them. It becomes extremely difficult for small shopkeepers to carry on and earn an even modest income. I commend the Government for introducing legislation concerning restrictive trade practices, because such legislation is most necessary. At the same time I cannot help commending the member for Mitcham for his strength of purpose and the principles he has upheld year by year in this House, even though he admits that he is probably a lone scout in this regard. However, I consider that this is commendable legislation, and I have much pleasure in supporting it.

Mr. RICHES (Stuart): I, too, think this is commendable legislation. I suggest to the

member for Burnside (Mrs. Steele) that she has been here long enough now to appreciate the necessity for it; it has been introduced year after year, and I think that each time either by voice or vote she has considered it desirable and good.

Mrs. Steele: I commended it in my first year.

Mr. RICHES: I agree. I suggest that it is good enough legislation to be left on the books until Parliament decides that it might be altered; I suggest that to the honourable member very seriously. Most legislation that Parliament passes remains a Statute and members know that if circumstances necessitate an amendment, Parliament can amend it. However, this Government year after year has adopted the extraordinary attitude of limiting the life of this legislation to one year, so that every year as Parliament assembles members are told (usually at the end of a session) that this legislation must be renewed or this important office will go out of existence.

One might be forgiven for asking the reason for this. Members agree that it is good legislation, and no satisfactory explanation has been given by the Premier or by any of the other members for the necessity to renew the legislation annually. The Premier has said that it is good legislation, that the legislation should come under review, and that such a course gives members an opportunity to discuss it. I will take advantage of that opportunity and mention an item that I think the Prices Commissioner might look at. I believe that the Prices Department performs a service to this State that could not be performed by any other department. I think all members agree that it is highly desirable that there should be some organization with experience and authority that is not abused whose services can be called on in any circumstances where attention has been drawn to unsatisfactory practices. If the office of Prices Commissioner were allowed to lapse and this legislation were allowed to lapse, then in any case of abuse we would have to call in inexperienced officers to conduct an examination or an inquiry and to advise either the Government or the public on the situation. An inquiry conducted under those circumstances would not enjoy the confidence that the State has been accustomed to place in a decision by the Prices Commissioner.

I suggest that the Prices Commissioner has established such a reputation for efficiency and fairness that even in the circumstances that arose a few years ago, when in a purely voluntary capacity he inquired into grape prices, his decision was accepted by both parties. That is eloquent testimony to the efficiency of this department. We could not expect results like that from a department that was called into being suddenly for the express purpose of conducting a special inquiry. I think that such a department needs to have at its disposal experienced officers, and we cannot expect to get the best results from officers who feel that their services are engaged only from year to year.

It is not necessary for me to go over the ground already covered by previous speakers giving instances of the value of the work of the Prices Commissioner in South Australia. However, I make the point that so adequately has the value of these services been demontrated again in the course of this debate that this legislation should be left on the Statute Book until Parliament has reason to amend it. I think that is not an unreasonable proposition to put. Another matter mentioned by previous speakers is that this year the Premier has included amendments governing trade practices. For the life of me, I cannot understand what would be wrong in allowing that legislation to remain on the Statute Book because, if it did not operate as Parliament wanted it to operate, it could be altered. It should be allowed to operate as long as it is operating successfully. Of course, one possible explanation for the Premier's attitude (whether or not it is the right one is for members opposite to demonstrate) is that he finds this power handy to have; he finds the Commissioner a convenient authority to consult, and he does not want that officer to be available to any succeeding Government. It is a power that the Premier has while he is there, and as long as this time limit is placed on it the legislation lapses as soon as this Government is defeated. If that happened, I maintain that the Legislative Council would see that the legislation was never resuscitated, for a Labor Government would never be vested with the powers this Government accepts.

The Hon. P. H. Quirke: Labor Governments have abandoned it in other States.

Mr. RICHES: I think it may well be that the life of the Prices Department is limited to about 18 months; as soon as this Government goes out, the legislation will lapse, and then a Labor Government would have to introduce the legislation in the face of a hostile Legislative Council. That is a matter of cold fact that we have to face up to, and it is the

only possible reason for this time limitation that is put on the legislation each year. If the Government really believed that the legislation was good (and it does believe that) and it was prepared to allow this legislation to operate as long as it was operating in the interests of the State, then it would not place this time limitation on it; but it gives a power that members opposite are not willing that anybody but themselves should possess. That is its effect. For once, the member for Mitcham and I agree.

Mr. Speaker, there are practices which the Prices Commissioner looks at and on which the very existence of his office has a salutary effect. I believe that if the office did not exist there would be many more abuses than we now have. I suggest to the Premier that he might get the department right now to look at practices in the film industry as it operates in South Australia. I am not referring to film exhibitors who are facing competition from other sources and who may not be operating at a profit, but I am suggesting from information placed at my disposal that film distributors have a monopoly and that they are indulging in practices which are not in the best interests of the State and which in fact amount almost to exploitation. Nobody can say that authoritatively unless he can conduct an exhaustive examination, and the only authority that could investigate this is the Prices Commissioner.

It is well known in the country (and I presume this would apply in the city as well) that when a film is produced that will be viewed with favour by the public the distributors dictate to the exhibitors the price that is to be charged and the number of times the picture may be shown. Invariably they force up the price so that all the exhibitor gets is a small percentage of the total takings for the whole of his work in showing the film in country centres. I have drawn the Premier's attention to some of the increased prices charged at Port Augusta, and I understand this takes place everywhere. I have been told that this is under the dictation of the distributors and that the exhibitors cannot do anything about it. Prices increase by as much as 50 per cent but, despite this, the exhibitors get a lower return than they usually get on a normal show. Apart from this, the increased prices have damaged their businesses. Of course, they must buy the film or go out of business, and I think the Prices Commissioner should examine this matter. Apart from this, there are many other things; I have mentioned this matter only because it may not have been brought to the notice of the Government before.

I support the Bill, including the clauses dealing with restrictive trade practices. I should like the Government to change its attitude and allow this legislation to remain on the Statute Book without a time limit, as is the case with most other legislation.

Mr. LAUCKE (Barossa): I support the Bill. At this stage, I have no desire to reiterate what has been said in this debate, but I should like to clarify my attitude towards the legislation. The Prices Act has won firm support because it has prevented exploitation. Through the years I have learned that there must be some legislation under which to refer cases where individual freedoms could be trodden on or exploitation could exist. That is the only basis for price control, and that is why I support it.

I support the provisions concerning restrictive trade practices, but I sound a warning that we must not intrude too greatly into accepted trade practices. Collective bargaining is the proper method of approach in so many ways. We have on the one hand collective bargaining by our working friends, the employees, and collective trade associations on the other hand. I see nothing wrong in such associations.

Mr. Lawn: Do you believe in the penal clauses of the Industrial Code?

The SPEAKER: Order! There is nothing about that in the Bill. The honourable member for Adelaide is out of order.

Mr. LAUCKE: That is a different matter. We must not regard businessmen as scoundrels. I have a high regard for businessmen generally and for the way they conduct their businesses, and I deplore any attitude that could arise wherein doubts could be expressed as to the general decency of businessmen in this community. In legislation such as this, certain things are done to protect the individual rights of people, and that is good. However, anything that tends to destroy business confidence is dangerous. The buoyancy of the community is based on the confidence within the community through the gamut of management, employees and the rest of the system. There must be an atmosphere and a spirit of fairness to all sections; people or associations that do not harm society as we know it should not have their individual freedom trespassed on unduly.

Mr. Ryan: They have nothing to fear from this legislation.

Mr. LAUCKE: Not at all. The provisions of the Bill are excellent, but it is high time for us to pause for a moment to make sure that we do not unduly regiment business generally when such regimentation is not necessary. That is all I am saying. As I completely favour the Government's proposals, I support the Bill.

Question—"That this Bill be now read a second time"—declared carried.

Mr. MILLHOUSE: Divide.

While the division was being taken:

The SPEAKER: There being only one member voting for the Noes the division is called off, the question being decided in the affirmative.

Second reading thus carried.

Mr. FRANK WALSH moved:

That it be an instruction to the Committee of the Whole House on the Bill that it have power to consider amendments relating to the prohibition of resale price maintenance and restrictive trade associations.

Motion carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Enactment of new sections 33a, 33b and 33c of principal Act."

Mr. MILLHOUSE: I move:

After "sale" in new section 33a (1) (*a*) to insert "under cost"; after "sale" in new section 33a (1) (*b*) to insert "under cost"; after "sale" in new section 33a (1) (*c*) to insert "under cost"; after "asked" in new section 33a (1) (*d*) to insert "(where such price is under cost)"; and after "demanded" second occurring in new section 33a (1) (*d*) to insert "In this subsection 'under cost' means 'at or for a price which is less than the total price (including packing, freight, insurance and delivery charges) paid or payable for the goods concerned by the person who has those goods in his custody or under his control for sale by retail' ".

New section 33a prohibits the limitation of the number of articles or the quantity of articles that can be purchased. In his second reading explanation, the Premier told members why this prohibition was required. Now that the second reading has been carried, I agree broadly with the principle of these new sections. Their aim is to prohibit or discourage the practice of offering goods at or below cost. The amendment, as it has been drawn, does not stipulate that it will apply only if the goods are offered for sale at or below cost price. My amendment provides that the new section would apply only if goods were sold at or below the cost price to the retailer. Let us take an example of what could happen under the clause as it stands. As a retailer, I may advertise or have in my window a number of articles for sale at 4s. 6d. I may have bought those articles at 4s., therefore, I am not selling them below cost. I have marked them up to a proper figure. Another retailer, in business in a big way, could come into my shop as soon as he saw these articles and, as the new section now reads, he could demand to buy them all.

Mr. Shannon: You would not want to make a better profit than what you are selling them at!

Mr. MILLHOUSE: That is so, but this course of conduct could be adopted for the specific purpose of taking away my goodwill and driving me out of my business. If my opponent were big enough to do that he could do it every day on every line in my shop. I could be making a profit as long as this continued, but what is going to happen to my regular customers and my goodwill? A person comes into my shop at 9.5 a.m. and buys all my supplies.

Mr. Shannon: That would be a take-over.

Mr. MILLHOUSE: At 9.15 a.m. an ordinary customer comes in and asks to buy one or two of the items, but I have none. Surely it is obvious that if we legislate in this manner we shall give people an opportunity to exercise an unfair trade practice, because we shall make it obligatory on a retailer to sell all of his stocks of a particular item—or, indeed, the whole of the stock in his shop—and not necessarily at a price below cost.

Mr. Hall: At a price fixed by him.

Mr. MILLHOUSE: Yes, but surely if that is done it will not be long before the retailer has no goodwill left. The draftsman has obviously realized that there is some difficulty with this provision because in subsection (2) he provides three defences. I suggest, however, that the defences are far from watertight.

Mr. Shannon: Subsection (2) (*c*) is a good safeguard.

Mr. MILLHOUSE: Perhaps the honourable member will tell me what the term "in short supply" means. It is not defined. Does it mean that the retailer has only a limited supply of goods, or does it mean that an article is in short supply in the trade as a whole? This is one of the problems that I am trying to overcome in my amendments. In subsection (2) (*b*) the defence is that the defendant was acting in accordance with the practice for the time being approved by the Minister.

What does that mean? It can mean only that the Minister must personally know and approve of trade practices. This is the very thing that the Government has complained about in the Commonwealth proposals relating to the registration of trade practices. This provision can apply only if the Minister is informed what a retailer intends doing and the Minister approves of it. It is as wide open as anything could be, yet I thought that in this Bill we were trying to get certainty as to what could and what could not be done. This will be entirely in the Minister's discretion. The Government's declared policy is certainty, so I cannot reconcile the two things. My amendment would provide that this new section should apply only if the retailer were selling or offering for sale an article under cost.

Mr. Heaslip: Why stop him doing that?

Mr. MILLHOUSE: The honourable member and I have changed sides on this. I agree entirely with the Premier on this. I think it is an undesirable practice and needs to be stopped. I suggest my amendment would cover the situation. I have provided a definition of "under cost". This is more than the Government has tried to do with its phrase "in short supply". We must be careful about what we do because we could conceivably put one man's business at the mercy of another man, particularly if he were obliged to sell at his offered price. The only time we should impose that obligation is where the advertised price is below cost.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): Notwithstanding the honourable member's arguments, I hope that the Committee will not accept the amendments. This provision in the Bill was designed to prevent a person with strong financial means from knocking some poorer and smaller competitor out of business. I do not agree that that honourable member's definition of "under cost" is good. It leaves as much to be desired as my term "in short supply". I think that on balance my term is probably easier of definition than his term. Subsection (2) (*c*) states:

> The goods in question were in short supply and that the defendant refused or failed to supply the goods in the quantity demanded solely for the purpose of retaining a sufficient quantity or number thereof to satisfy the estimated reasonable requirements of his normal customers.

Mr. Shannon: That is a good definition of "in short supply".

The Hon. Sir THOMAS PLAYFORD: I do not think it is an unreasonable definition. The Government departed from its usual practice with this legislation of canvassing it around the street. There are always some weaknesses in canvassing legislation amongst the interested parties, for we get all sorts of pressure for provisions to be slightly amended. We realize that this legislation is cutting new ground. Actually, I promised the numerous deputations that when we had a draft of the legislation we would send it along for examination and that we would consider any suggestions. About 50 copies of the draft legislation were distributed to various authorities. The recipients of those copies included the Retail Storekeepers Association, the South Australian Food Industry Consultative Council, the Retail Tobacco Sellers Association, the South Australian Mixed Businesses Association, the Chamber of Commerce, the Chamber of Manufactures, the Retail Traders Association, the Australian Primary Producers Union, and the South Australian Dairymen's Association. I believe that copies were also sent to two other organizations whose names I have not listed here.

I do not want members to assume that every provision in this Bill has been approved by every one of those organizations, for that is not so. For instance, the comment of one of the retail associations was that the Bill did not go far enough, whereas I think I could sum up the view of another trading association as being that the Bill is rather wide. Therefore, we have a conflict of interest even among trading organizations. Every *bona fide* suggestion for an improvement of the Bill was studied very closely, and as a result of that consultation I believe the Bill was strengthened considerably because these organizations know where the problems arise. Secondly, I believe that the Bill is now more realistic inasmuch as probably it is capable of being better administered than it would have been as originally drafted. The amendment would be difficult to administer. Further, the definition the honourable member has provided is not a true definition of "cost", for it does not cover many costs that have to be considered.

Mr. Millhouse: What have you in mind?

The Hon. Sir THOMAS PLAYFORD: I could give the honourable member many costs. For instance, no overheads are provided for. Apart from that, it is extremely difficult in many instances to get precise costs, and by the time the department could catch up with

the precise costs the whole incident would be over and probably we could not get a conviction. This legislation has been closely scanned, and of necessity it will be before Parliament in a year's time. I would say that a general comment of many organizations was that they would like to have the provisions in a permanent Bill.

Mr. Jennings: That is what we have said.

The Hon. Sir THOMAS PLAYFORD: I appreciate that the honourable member said that. I believe the legislation will commend itself to honourable members after it has been actively administered in practice. Although the Bill provides for the Prices Minister in one instance to agree or otherwise to a practice, I point out that while the present Prices Minister has been acting as Prices Minister he has year by year taken away from the honourable member for Mitcham one supporter after another until this evening the honourable member has lost his last remaining supporter. The administration could not be so bad, because it has stood the test of time to the extent that Parliament is almost now unanimously in favour of the type of administration that has been provided.

Mr. SHANNON: I remind the member for Mitcham of the practice in the softgoods and fashion goods business. Firms buy large quantities of certain fashion goods and put them in their windows at a reasonable profit mark-up. Those firms sell during the season as much as they can of the stocks they have purchased, but frequently they have a surplus of an article at the end of the season and they put it in the window at considerably under cost in order to clean up their stocks, knowing that in the following season they will have to buy something entirely different for the public. Those people are not actually selling at a loss: they have made enough profit on their earlier sales of the article to be able to sell the balance of their stocks of that article at a certain figure. That is common practice in the trade; whether or not it applies in other trades I do not know.

I agree with the Premier that the member for Mitcham has drawn a very loose definition of "cost". The honourable member has not provided for many items in the cost structure. It is not so difficult for a vendor or shopkeeper to be able to prove from his own records that he has certain stocks in his business that he can reasonably expect to be demanded by his customers over a period. In the case of the sale instanced by the member for Mitcham, if a man were still in business he could re-stock his shelves. I oppose the amendments.

Amendments negatived.

Mr. MILLHOUSE: I move:

In new section 33c to strike out "promise".

I have no quarrel with the prohibition of a threat or the intimidation by a manufacturer or a wholesaler. The provision is aimed to cover the case of a retailer drawing supplies from a weaker or smaller manufacturer or wholesaler. I agree that a large retailer should not be able to threaten or intimidate, but I cannot see why a retailer should not be able to go to a manufacturer and say, "If you sell me all your tables for £X for the next five years, I promise to draw all my supplies from you." Nothing is wrong with that, as it is a business arrangement. It is almost tantamount to a contract, and for that reason should not be prohibited. This legislation, as drafted, prohibits that type of deal taking place. I am all for prohibiting undesirable things, but by using the word "promise" we are making it far too wide.

The Hon. Sir THOMAS PLAYFORD: Perhaps the member for Mitcham, to a certain extent, has missed the purpose of this clause, which is to prevent discriminatory discounts being given. If this amendment were carried it would enable one retailer, dealing with the same firm, to completely under-sell another retailer. In the first place we provided for a complete embargo against discriminatory discounts: not those based on quantity or something similar, but discounts where two people trading under the same conditions with a manufacturer receive different discounts; that is, a preferential discount to one person. Originally it was provided that no discriminatory discounts would be allowed at all. However, the Government is advised that in South Australia we have much trade in the South-East that has enjoyed in many instances a more favourable price from manufacturers than has the remainder of this State. If an embargo against a discriminatory discount were provided we could lose some of the South-East trade to Victoria. In those circumstances, and after consultation with organizations that I have mentioned here, the provision was altered to make it an offence to demand a discriminatory discount. The trade pointed out that little difference existed between a threat and a promise. If I go to a manufacturer and tell him that if he gives me a better discount than he gives to the Leader of the Opposition I will

give him my trade for the next three years, that is a promise. Alternatively, I go to the same manufacturer and tell him that, if he does not give me a preferential discount over the Leader of the Opposition, I will not give him my trade. What is the difference between the two? Obviously, in both cases pressure is used to obtain a discount. The word "promise" was not used originally by the Government, but it was advised that a discriminatory discount could be achieved by either of two means. I believe that a manufacturer should supply on simple trading conditions. If that position does not obtain then the man who has the largest business and the biggest influence, and who can make the most satisfactory promise or utter the most dangerous threat can obtain a bigger discount at the expense of the smaller trader.

Mr. Riches: This does not prevent discounts for quantity purchases?

The Hon. Sir THOMAS PLAYFORD: No, provided the discounts are not obtained by intimidation or procured by threat or bribe. Our trading structure depends on discounts, and there is nothing to prevent discounts from being given. However, this provision is aimed at discriminatory discounts that are obtained through threat or promise. We do not believe it is desirable to completely eradicate small businesses in the community. Such businesses play an important part in the community and render a valuable service. We would not want to reach the stage where the strongest get the big discounts and the weakest get nothing. This provision has been closely considered by interested parties and all arguments have been fully evaluated. I ask the Committee to reject the amendment.

Amendment negatived.

Mr. FRANK WALSH (Leader of the Opposition): I move to insert the following new section:

33e. A manufacturer or wholesale trader shall not sell or offer for sale to any retail trader any goods (whether declared or not) upon condition—

(i) of the sale by retail of those goods by the retail trader at a minimum price; or

(ii) of the membership by the retail trader of any trade association or group.

Penalty: Five hundred pounds.

A wholesaler should not be able to say to a retailer that unless he belongs to a specific trade association or group and unless he is prepared to sell goods at a specified price he will not be supplied. Normal trade practices should operate. Because a retailer is not a member of a retail trade association he should not be debarred from obtaining goods from a manufacturer. A retailer should be entitled to conduct his own business and if he wants to be a member of a particular trade association or group, that is his prerogative, and no wholesaler should be able to tell him that he will not receive goods because he is not a member of another association.

The Hon. Sir THOMAS PLAYFORD: I believe that this proposed new section has far-reaching ramifications. I have many reasons for asking the Committee not to accept the amendment. I have active knowledge of associations in South Australia that have been formed to protect their members from competition. I know that in some instances those associations have made agreements with other associations to strengthen their position. Some of the agreements, if not policed by the Prices Commissioner, could be used to secure an unfair advantage at the expense of the consumers. I point out that this is a situation that we have been able to handle effectively through our general prices legislation. I shall not mention any particular association because that could create an invidious distinction, but even if an association says that it will not deal with persons other than members of that association, that does not necessarily enable the association to exploit the public or any individual. Under our general prices legislation two important powers can be used if occasion demands. First, we can compel a supply. Indeed, we have done that. Secondly, we can fix the price of commodities. If a certain association decided that it would fix a common price for an article, even if it were not a controlled article, we could investigate it, and we have done so. From time to time we investigate prices, particularly if we see a tendency for prices in this State to increase more than those in any other State. When that happens we immediately have a thorough investigation of that industry to see where the fault lies. We can deal with trade associations with our present legislation. We can also control prices.

The Leader's amendment goes much further than that because immediately it would bring into its ambit, for instance, the co-operatives. I remind the Committee that co-operatives are a form of association that I believe every honourable member would support. Undoubtedly, the amendment would bring in many things. I believe it would bring in the

organizations set up by the small retailer to enable him to buy collectively in quantity, and certainly it would bring in something that I believe has been very important in the main to the consumer in Australia. Many manufacturers with a high reputation for serving the public have stipulated that they will sell their goods only if those goods are resold in accordance with certain ethical standards. That has been most important to the consuming public, and we in South Australia have had great benefits from that in many instances. For instance, where an Australian price has been determined by manufacturers in Sydney we in South Australia have had the commodity supplied at the same price as that charged near the place of manufacture.

I very much doubt whether we could police the amendment as it would apply to manufacturers in other States. I think the member for Norwood will agree that there is a problem there. I ask the Leader not to press this amendment. During the Parliamentary recess I will ask the Prices Department to study the ramifications of this matter to see whether something can be devised to remove the bad elements of this type of trading without destroying what frequently are good elements. If the Leader is prepared to agree to that course, I believe that would be a sound way of dealing with the matter. I know the motive behind the amendment and the purpose for which it is introduced, but I cannot help feeling that in aiming at the crows we frequently shoot the magpies. I will obtain a report from the Prices Commissioner, and I will send a copy of it to the Leader or table it in this House as soon as it is available.

Mr. DUNSTAN: I appreciate the Premier's offer, which I think is acceptable to the Leader. However, I want to add a word or two before this matter goes to the Prices Commissioner for investigation. I cannot agree with some objections the Premier has raised to this amendment, although I appreciate that he has not had time to consider it at length. I do not think the amendment will adversely affect any co-operative society in South Australia, certainly not any co-operative society set up under the Industrial and Provident Societies Act.

Mr. Bywaters: Does it affect group buyers?

Mr. DUNSTAN: No, it does not affect group buyers unless there is an exclusive agreement for sale and purchase: it would still be possible for groups of retailers to purchase. The only question here is whether there is an exclusive arrangement to that group of retailers and whether no other group of retailers can get supplies from the manufacturer or wholesaler.

Mr. Riches: Does this affect the direct sale by retailers?

Mr. DUNSTAN: No, this affects only the manufacturer or wholesaler: it does not affect the direct sale by retail. The new sections in the Leader's amendment cover the sale by a manufacturer or wholesaler to a retailer and the conditions that will be imposed by the wholesaler or the manufacturer on the retailer. Those conditions we seek to strike at exist in many cases in South Australia. One is that the retailer may not sell at less than a minimum price. This does not affect agreements, for instance, where an Australian manufacturer fixes an Australian maximum price. The maximum price to South Australia that the Premier has pointed out is a benefit to us is not affected by this, because here we are striking only at minimum prices; that is, at resale price maintenance. Many small businessmen are concerned to see that they are able to get supplies and to compete effectively. Many of them now buy at the usual wholesale prices from a manufacturer. In order to attract business to their areas so that people will shop locally rather than at the large emporiums in the city, they must price their goods slightly below city prices. This is often the case; it is certainly so on the Norwood Parade and in many other suburban shopping areas. However, no sooner do they do that than their supplies are stopped at the behest of city stores, which buy at lower prices than the prices at which they buy.

The Hon. G. G. Pearson: But the minimum price protects them against the big storekeepers.

Mr. DUNSTAN: That is true, but they cannot attract business to their own areas. Certainly they are not protected by minimum price agreements, and they do not get minimum price retail agreements in some manufactured goods because the big stores are forcing big discounts out of South Australian manufacturers and are then able to undersell suburban stores considerably. Minimum price agreements, at which we aim here, are often enforced by the bigger stores as against the smaller traders. Secondly, we strike at the retail trade associations that exclude many legitimate retail traders and at the same time enforce price agreements amongst themselves. In my district are

several furniture retailers who are not members of the Retail Furniture Trade Association. That is a fairly exclusive body that is not easy to get into. Mr. Justice Travers in the Supreme Court recently spoke about the difficulties of entering certain sections of the furniture trade and his remarks were mentioned by the Commonwealth Attorney-General in lectures and public addresses. One retail furniture trader at Norwood, who is a returned serviceman, as are his employees, sells good solid furniture at a reasonable price and to the benefit of people in my district. He has a good business and does a good job by the district, yet one supplier after another has cut off his supplies because he is not a member of the association and refuses to agree not to sell the article at a price less than the association fixes. If he does this, his supplies are stopped. He is prevented from trading legitimately, and this sort of thing we want to see stopped.

Although, in view of the Premier's undertaking, the Leader is prepared not to press the amendment, I think steps must be taken on these two scores to ensure that retail price maintenance and restrictive trade associations are prevented from operating in the future.

Mr. HALL: I do not know how the Leader regards the advent of discount houses, which have a big effect on what we are trying to cure in this Bill. As I understand it, they would not be denied a supply by any wholesaler on the ground that they did not belong to any association, and they would not be restricted to any minimum price. This seems to lay the ground wide open to the ruination of the small man who has given individual service to the community in which he has lived; this is not given by discount houses. If discount houses become prevalent, they will reduce the efficiency of the trade and when times are against them they will disappear, leaving local people without a service. I do not know how the amendment could have been better drawn in their favour, with no restrictions of their being in a trade association and no restrictions on price. We have all seen signs saying that a certain cheap grocer is coming to a certain position. Such people are prevented from spreading because wholesalers will not supply them with the quality goods they need. I trust that legislation can be framed which will not allow free rein to discount houses and which will protect the worthy industries mentioned by the member for Norwood (Mr. Dunstan).

Mr. HUTCHENS: I appreciate the Premier's offer, which I am prepared to accept. As has been stated, I received a letter from a draper who had been serving the community in my district for 18 years. Several other drapers drifted away from the district because they were not able to cut prices so as to attract people into their shops. They had their supplies stopped and moved from the area. I will let the Premier have the letter, but I am glad to have his assurance, as I realize that the amendment introduces complications. I do not desire to have legislation enacted that creates further complications. The stores that have been affected have provided a service, although they may not be as spectacular as city departmental stores. They save much travelling by housewives, and should be protected. I hope that when we re-assemble in the new year we shall then consider legislation to meet the circumstances.

Mr. FRANK WALSH: I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Remaining clause (5) and title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS).

Returned from the Legislative Council with amendments.

RURAL ADVANCES GUARANTEE BILL.

Returned from the Legislative Council without amendment.

ADJOURNMENT.

At 9.35 p.m. the House adjourned until Thursday, November 14, at 2 p.m.