HOUSE OF ASSEMBLY.

Wednesday, February 26, 1964.

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

QUESTIONS.

STATE FINANCES.

Mr. FRANK WALSH: As the Commonwealth Government recently indicated to the associated banking institutions that 14 per cent of their deposits must be held by the Reserve Bank, can the Premier say whether this request will be considered at the forthcoming Premiers' Conference, and whether it will have any effect on this State's finances and on public works to be carried out here?

The Hon. Sir THOMAS PLAYFORD: The calling up of the surplus money from the banks is a function controlled by the Commonwealth Bank Board and such call-up is announced from time to time by the Governor of the bank. I am not sure whether the Commonwealth Treasury is ever consulted or whether it advises on this matter. Dealing with the Leader's question, this matter has not been discussed at any Loan Council meeting I have attended, and it would not normally be discussed at such a meeting. As far as I know, no Loan Council meeting is to be held, and I doubt whether one will be held, at the conference. On inquiring of the other States, I found that none had requested such a meeting, and that no notification of one had been received. I understand that the conference will take the form of a Premiers' Conference, and that the main business to be discussed during one or two days will be a new Commonwealth-State Aid Roads Agreement, as the present agreement has operated for five years and is now terminating. At the last Commonwealth election the Commonwealth Government indicated that it would make a substantially larger sum available, and since then I have received a letter from the Prime Minister (which I have no doubt was also sent to other State Treasurers) asking for suggested alterations in the formula under which the new allocation would be made. The answer to the Leader's question is "No". The principal business will be to deal with Commonwealth aid for roads, although no doubt other States will have other items included on the agenda of the Premiers' Conference.

ROYAL VISIT.

The Hon. B. H. TEUSNER: I gather from this morning's *Advertiser* that Princess Marina has accepted an invitation to visit Australia next September. Can the Premier say whether it is intended to extend an invitation to her to visit South Australia then?

The Hon. Sir THOMAS PLAYFORD: This question was posed to me this morning and I said then, as I say now, that I was not consulted in any way on this visit. I heard last night on the news service that Princess Marina would come to Australia and visit Canberra and Sydney only and that in Sydney she would attend the British Exhibition. The announcement was in direct terms and stated that no States other than New South Wales would be visited. That did not seem to me to afford much hope of extending an invitation for her to come here. However, I will examine the question to see whether anything useful can be done about this.

ARMY HOUSING.

Mr. RYAN: Last week I sought information from the Premier about whether Housing Trust rental houses had been allocated to the Department of the Army. I think that the Premier gained the impression that a few houses only were involved, but I believe about 250 houses are concerned. Has the Premier obtained a report from the Housing Trust?

The Hon. Sir THOMAS PLAYFORD: I promised the honourable member that I would take this matter up with the Housing Trust and obtain a report. I have done so and the report is as follows:

The Housing Trust is making available about 200 houses at Athol Park for occupation by families of members of the Fourth Royal Australian Regiment which is being stationed at Woodside. The houses to be occupied are new houses either recently completed or to be completed. None of the houses had been previously allocated to any applicants and withdrawn. The houses are being let to the individual soldiers as tenants of the trust at usual rentals for the particular type of house.

In the general locality where the houses are situated the trust owns over 3,000 houses. The normal rate of vacancies in these houses is sufficient to provide for the needs of ordinary applicants and the provision of houses for the Army will have little effect upon the housing of ordinary applicants who seek to live in the locality. The houses being let to soldiers are being built under money provided under the Commonwealth and State Housing Agreement. Under this agreement the Commonwealth has the right to require the State to make available houses for members of the Armed Forces and what is now being done is in accordance with this provision.

SANDY CREEK SCHOOL.

Mr. LAUCKE: Can the Minister of Education inform me to what stage plans have advanced for the erection of a new school and schoolhouse at Sandy Creek?

The Hon. Sir BADEN PATTINSON: It is hoped that plans and specifications for the new school and residence at Sandy Creek will be prepared and tenders called in the comparatively near future, but it is impossible for me to forecast when these buildings will actually be commenced.

FAUNA EXPORTS.

Mr. DUNSTAN: In a Ministerial statement in December 1959, the Commonwealth Minister for Customs and Excise stated that a ban was imposed on exports of native fauna from Australia, except upon a zoo-to-zoo basis and excluding commercial transactions. Subsequently, in material disclosed to the National Biennial Conference on Fauna it was shown that in 1961-62, of the exports of native fauna from Australia, particularly birds, 75 per cent of those exports, purporting to be on a zoo-to-zoo basis and mainly of birds, were from the Adelaide zoo. The questions I ask the Minister of Lands are:

(1) Did the report which the Auditor-General and the Director of Lands made to the Minister of Lands on the administration of the Adelaide zoo disclose a disquieting situation in the activities of the zoo relating to the export of birds?

(2) Had in fact the zoo appointed an outside agent who was making commercial profit out of these enterprises?

(3) Were members of the council, prior to the appointment of Mr. Gasking, involved in sale and exchange activities for their own aviaries in breach of the quarantine regulations of the Commonwealth, and in fact was Mr. Basse, the President, the person responsible at the zoo for these particular activities, contrary to the proper administration of the zoo, when those activities should have been in the hands of the Director?

The Hon. P. H. QUIRKE: The control of the export of birds comes not under the Minister of Lands but under the Minister of Agriculture and we do not wish to conflict in any way. As the honourable member has asked important questions, I think I should bring down a considered reply, which I shall obtain in co-operation with the Minister of Agriculture.

STRATHALBYN-MILANG WATER SCHEME.

Mr. McANANEY: Can the Minister of Works say when the Strathalbyn-Milang water scheme will be completed, and whether consideration will be given to the applications for single and group extensions to this scheme which have already been submitted?

The Hon. G. G. PEARSON: The Engineer-in-Chief states that he expects the main Strathalbyn-Milang scheme to operate late in 1965. I think there have been six applications for extensions to the scheme as it was submitted to the Public Works Standing Committee, which is the scheme to which I have previously referred. All those applications have been examined in detail and reported upon individually. Some of them are of some size, whereas others are short and involve only small additions. Their overall effect, however, is that they would add considerably to the consumption for which the main scheme was designed, and the Engineer-in-Chief from previous experience in these matters considers that it would be unwise to agree to extensions until the main scheme had operated and been tested for its adequacy and reserve capacity to meet any possible extension. He has therefore recommended to me that for the time being we should decline the request for extensions. I do not mean that this is the last word on the matter, but he has suggested that the request be declined in order to test the main scheme for a summer or two to see how it stands up to the requirements made on it by consumers. I assure the honourable member that the additions he and his predecessor requested have not been declined for all time, but that we desire to see what the capacity of the main scheme is and what reserves it has before making additions to it. I suggest to the honourable member that he keep the matter before me so that as soon as we have had an opportunity to judge the capacity of the main scheme it can be further considered.

NATIONAL PARKS.

Mr. LOVEDAY: On January 20 of this year the *Advertiser* contained a statement about a report issued by the South Australian subcommittee of the National Parks Committee, which recommended that a national park be established in the Flinders Ranges and made suggestions for the protection of certain species of fauna and the preservation of aboriginal paintings and carvings. Has the Premier seen this report, and will he say whether the Government has considered implementing the

recommendations of the subcommittee, particularly those concerning further reserves to be established in the Flinders Ranges and the preservation of aboriginal paintings and carvings?

The Hon. Sir THOMAS PLAYFORD: This matter would not normally be dealt with by the Treasury Department, so I shall have to inquire for the honourable member. The committee to which he referred was, I think, set up by the Academy of Science in Canberra. A survey was conducted by, I think, Mr. Warren Bonython. I shall have the matter investigated and inform the honourable member.

MIGRANT TRADESMEN.

Mr. COUMBE: Is the Premier aware of the grave shortage of tradesmen, particularly in the engineering and metal trades, which is causing a slowing down of important works at the moment? As many migrants come to this State from Great Britain and other countries, will the Premier say whether departmental officers, either on their own authority or through the Commonwealth Department of Immigration, are taking active steps to increase the number of tradesmen coming directly to this State?

The Hon. Sir THOMAS PLAYFORD: Yes. This State has in operation a housing scheme under which houses are sold to approved migrants coming to this State before they leave Great Britain. We have been bringing out various categories of migrant for companies that have asked us to assist them. There has been a problem in that only limited shipping has been available, and some ships coming from England by-pass this State anyhow. About 10 days ago, which was the last time I heard about this, no fewer than 800 approved migrants had jobs, as well as houses on which they had paid a deposit, waiting for them, but they were waiting for ships to bring them here. Last night I noticed that the Commonwealth Government had approved of 10,000 migrants coming to Australia by air before the end of the year. I have also noticed that we are now getting some migrants to this State by air. Indeed, the position relating to shipping for migration appears to be much better. Only this morning I approved of two officers of the Tourist Bureau going to Western Australia to meet about 500 migrants coming in on a ship due soon in Australia. The Government is very conscious of the shortage of skilled labour; it is giving active assistance, and indeed it has brought many skilled categories to this State. The problem has been not so much enlisting labour in Great Britain as arranging the transportation.

HOUSING FOR ABORIGINAL FAMILY.

Mr. McKEE: During the absence overseas of the member for Stuart, a Mrs. Turner, of Port Germein, asked me to help her obtain a Housing Trust house at Port Pirie. Mr. Rice, of the Aboriginal Affairs Department, has tried to assist me, but without success. The trust claims that it has not completely refused Mrs. Turner's request; however, it is not in a hurry to allocate a house to her. Mrs. Turner, who is a widow with five small children all of whom I think attend school, is living in a shack at Port Germein in which there are no washing facilities and no water inside. I imagine that if she is there during the winter it will not be very good for her or her family. Will the Minister of Aboriginal Affairs take up this matter with his department?

The Hon. G. G. PEARSON: Yes, certainly.

FIRE BAN ANNOUNCEMENTS.

Mr. MILLHOUSE: A few weeks ago I saw in the paper some discussion—indeed, criticism—of the fact that on very hot days no fire ban (as provided for under section 65 of the Bush Fires Act) had been imposed. When the temperature was over 100 degrees I was sensitive to this because I live in a bush fire area, and I was a little surprised that no fire ban had been imposed. However, I do not intend to canvass that side of the matter. I find it mildly irritating to hear announcements on the wireless pursuant to that section made in the name of the Minister of Agriculture personally. I think they give the impression that the Minister himself gets up early in the morning and personally decides whether or not a fire ban will be imposed. I understand from the Minister that he does not do this personally, but that he leaves it to competent officers. Section 65 (1) of the Bush Fires Act provides:

> The Minister may by writing authorize any person to cause warnings to be broadcast under this section, and may, by writing, withdraw any such authority.

Will the Minister consider whether the wording of these announcements could not be altered so that, whilst they still would conform to the Act, they would also conform more closely to the practice employed in determining whether a fire ban should be imposed or not?

The Hon. D. N. BROOKMAN: Before bush fires legislation was first introduced it was the practice for the Minister himself to issue warnings on his own judgment. At the time the

Minister, although experienced regarding bush fires, realized that he could not possibly know the conditions for all parts of the State. An arrangement was made between the Premier and the Prime Minister by which the Bureau of Meteorology (at that time the Weather Bureau) would co-operate with the State in issuing these warnings. Since then these warnings have been given on the judgment of officers of the Bureau of Meteorology. I am extremely satisfied with the work that has been done by Mr. Hogan and his officers. He is an expert on bush fire matters, and I invited him to become a member of the Bush Fires Advisory Committee. He is enthusiastic concerning the purpose for which fire bans are used, and he and his officers are working under authority from the Minister of Agriculture.

This is one of those things on which one cannot win. About an equal number of messages are received at the office either complaining that a ban has not been applied or that one has been applied. Often on the same day conflicting messages are received from various people. It stands to reason that there will be considerable variation within a meteorological district of the State, and a dangerous bush fire condition may exist while rain may be expected later in the day. That sort of situation occurs, and it is impossible to be sure that everyone agrees on these matters. It is difficult enough for the Bureau of Meteorology, but it uses a scale operating on various factors and taking into account fuel, wind direction, temperature and other factors. After the scale has been consulted, a decision is made as a result of the computation. That system is more consistent than any person could be without the assistance of such a scale. Nevertheless, there will be days when various opinions may be expressed about existing conditions.

During last summer one feature of the hot days was the lack of wind, and that is why on some hot days that normally would require a ban no ban was issued. The question of whether a ban should or should not be applied is, to my mind, less important than the important factor that everyone who is going to light a fire must first listen to the radio and ascertain whether or not a ban has been applied. That is more important than the actual imposition of a ban or otherwise. I have listened to the national radio stations giving these warnings at 7.14 a.m. and, in fact, I heard this morning's statement. The statements to which I have listened lately have not mentioned me by name, but have stated "the Minister of Agriculture". I suppose that could be altered, but I do not know what particular merit there would be in altering it. I will examine the position and ascertain the views of the Bush Fires Advisory Committee on this matter.

Mr. Hutchens: They have not mentioned your name for weeks.

The Hon. D. N. BROOKMAN: No. I noticed there has been a recent controversy on this matter, but every time I have checked on what has been done I have found that the radio stations have been accurate, as they have agreed to be. All stations give their services free, and we are grateful to the radio stations, as well as to the newspapers, for the assistance they have given us in bush fire publicity.

MANNANARIE TO ORROROO ROAD.

Mr. CASEY: Has the Minister of Works received a report from the Minister of Roads in reply to my recent question about the sealing of the road between Mannanarie and Orroroo through to Wilpena Pound?

The Hon. G. G. PEARSON: My colleague, the Minister of Roads, informs me that the programme for the gang stationed at Black Rock is to complete the road to Orroroo, then to commence work on the Terowie to Paratoo section of the Broken Hill road. From information obtained from the R.A.A., indications are that two-thirds of the tourists to Wilpena Pound wish to travel via Port Augusta or Wilmington. The remaining third travel via Orroroo. The present programme is to complete the Quorn to Port Augusta road and, subject to funds being available, commence construction between Quorn and Hawker.

FLINDERS HIGH SCHOOL.

Mr. FRED WALSH: Recently I noticed in the press that tenders were to be called for the construction of the new Flinders High School in Garden Street, Underdale. Can the Minister of Education say when the construction of this school will commence?

The Hon. Sir BADEN PATTINSON: I will get the information for the honourable member and inform him tomorrow of the exact date of commencement.

VETERINARY AMBULANCE.

Mr. LANGLEY: I have a letter from one of my constituents about the treating of home pets by veterinary surgeons and the charges

for this treatment. I understand that Melbourne has an animal ambulance available to help people who are unable to take their sick animals to the veterinary surgeon. If I give the details to the Minister of Agriculture, will he obtain a report?

The Hon. D. N. BROOKMAN: Yes.

CHOWILLA DAM.

Mr. HUTCHENS: During the ringing of the bells this afternoon it was reported to me that, although some organizations in Australia were capable of testing and providing advice on the types of soil, the siting of the Chowilla dam, the most efficient type of structure and other information, these organizations were not approached or consulted, and were not given an opportunity to tender prior to the appointment of two overseas companies. If this information is correct, can the Minister of Works say why these organizations were not consulted?

The Hon. G. G. PEARSON: One purpose of sending Mr. Dridan (Engineer-in-Chief) overseas recently was to permit him to examine methods and consult with overseas authorities on several serious matters relating to the construction of the Chowilla dam. Mr. Dridan was fortunate in receiving the co-operation of many authorities in the United States, in the United Kingdom, in Italy and, I believe, briefly in India, although I am not sure of that. He had the opportunity to see the laboratories and the methods employed in testing soil structures and construction methods that could be used at Chowilla. Mr. Dridan reported to me on what he had learnt and advised me that, in his opinion, there was not available here the kind of knowledge and research applicable to this particular case, because there had not been opportunities to develop them in Australia. The honourable member will appreciate that the River Murray is a remarkable old river and one of minimum flow most of the year. Its course has varied over the years and in its channel are all manner of strata. This was discovered by the Engineer-in-Chief's drilling teams and by an Australian company that was employed on foundation and pile-driving tests

The consequences of a failure of the dam at any future time are so serious that it was deemed advisable to employ the most experienced consultants in the world on this project. If the honourable member reflects he will agree that the consequences of a failure of this dam could be more serious than most people realize. The Engineer-in-Chief is carrying a heavy responsibility because of that. He suggested to me—and this was not my decision but Cabinet's decision—that it would be advisable to seek overseas consultants because a dam of this type and in these circumstances had not been attempted by Australian scientists and engineers. I am always anxious to develop and utilize South Australian and Australian resources on any project in any possible way, but I think it is obvious in the circumstances that we have done the right thing by the community—particularly those living in the Murray Valley—by taking no chances and by making sure that the most experienced consultants are available. That is why we are employing overseas consultants who have expensive laboratory facilities available simply because they are world-wide authorities. The expensive laboratory and simulating equipment that they have could not be economically maintained by a company that was not a world-wide consultant. The honourable member will appreciate that the reasoning justified the Government's conclusions in making the appointment.

MOUNT GUNSON COPPER MINE.

Mr. RICHES: Has the Premier any knowledge of reported proposals to reopen copper mining operations at Mount Gunson in the north of South Australia?

The Hon. Sir THOMAS PLAYFORD: The Government has undertaken a survey of all known copper deposits that were once economically worked. That survey has included the deposits mentioned by the honourable member. My last recollection of the matter is that bores put down located some ore and the Mines Department asked for a further grant to enable more exploratory work to be undertaken. That request was granted and exploratory work is proceeding. Significant results were obtained with the first boring in the area but they were not sufficiently conclusive so further boring was approved.

STURT RIVER.

Mr. FRANK WALSH: Has the Minister of Works received a reply from the Minister of Roads to the question I asked on February 20 about work being done on the Sturt River?

The Hon. G. G. PEARSON: The Leader asked questions concerning two aspects of this work. The model studies at the university and the design of the channel of the River Sturt are still proceeding. It is expected that the various problems will be resolved and the estimate prepared for submission to the Public

Works Committee in time for reconstruction to commence at the end of this winter, provided the overall scheme is approved. It is estimated that after commencement the scheme will take three years to complete. Approval has been given for the Marion council to clear small trees and undergrowth from the Sturt River channel north of Oaklands Road to prevent local flooding in the area. Work on the flood control dam is proceeding, the estimated time of completion being mid-1965.

BIRDWOOD HIGH SCHOOL.

Mr. LAUCKE: The Birdwood High School Council, Parents and Friends' Association and the student body keenly await the development of land purchased adjacent to the school for a school oval. The interested parties have worked assiduously in raising funds to meet the school's liability in this project. Can the Minister of Education inform me what stage the plans for this development have reached?

The Hon. Sir BADEN PATTINSON: Yes, Mr. Speaker. First, let me say that the interest and the efforts of the parent bodies at Birdwood are very much appreciated.

Mr. Bywaters: They have waited long enough.

The Hon. Sir BADEN PATTINSON: That is so, and perhaps their hopes will be rewarded soon. Detailed plans have been prepared by the Public Buildings Department for the construction of an oval and fencing of the area at Birdwood High School at an estimated cost of £8,280. The Secretary of the school council has stated in writing that arrangements have been made to reticulate and grass the area immediately the oval has been constructed. The Deputy Director of Education has this day informed the Director of the Public Buildings Department that the plans are acceptable to the Education Department. The Director of the Public Buildings Department will immediately seek approval for funds to proceed with the work, and it should be possible to call tenders shortly after approval has been obtained.

SCHOOL BUILDINGS.

Mr. RYAN: The member for West Torrens (Mr. Fred Walsh) inquired earlier about the commencing date for the building of a new school in his area which has been recommended by Parliament. I am also concerned regarding the building of a new school in my district, which project has also been approved by Parliament. Seeing that there is possibly only one day left of this session, will the Minister of Education bring down tomorrow a list of the schools that are likely to be commenced this financial year and their expected commencement dates, as this would obviate the necessity of members asking questions?

The Hon. Sir BADEN PATTINSON: I will do my utmost to supply the information, but I hope the honourable member will realize that as I am not the constructing authority it is not within my power to do so. However, in collaboration with my colleague, the Minister of Works, or the Director of the Public Buildings Department, I shall try to obtain what information is available tomorrow. I would not like to be held to that, nor do I think my colleague or his Director would like to be held to it, because there are a variety of reasons why the best of plans may go astray. However, I will see what I can do by tomorrow to assist the honourable member and other honourable members.

SMALL BOATS.

Mr. BYWATERS: Has the Premier a reply to a question I asked last week concerning the control of small boats?

The Hon. Sir THOMAS PLAYFORD: Mr. Sainsbury, the General Manager of the Harbors Board, reports:

The matter of a committee to consider measures for the control of small boats was referred to previously in the House on August 4, 1959, by Mr. Bywaters. However, he was informed by the honourable the Premier of the reasons for the Government's decision not to take any action. Subsequently, the Municipal Association of South Australia formed a committee to consider the matter and invited the board to be represented. Cabinet decided against representatives from Government departments attending the meeting but, after further representations from the association, the honourable the Minister agreed to a representative of the board attending meetings of the committee in an advisory capacity.

As the honourable the Minister is aware, section 667 of the Local Government Act was amended in 1959 to permit councils to make by-laws (subject to the approval of the board) to control small boats within areas adjacent to council boundaries, and the committee formed by the Municipal Association is endeavouring to prepare model by-laws for its members. The board has consented to a number of by-laws made under this section and submitted by certain councils. The Murray Lands District Councils Association (through its Adelaide solicitors) recently submitted for the board's comment a draft of a model by-law to regulate the use of motor and speed boats on the River Murray. Following discussions with the honourable the Minister, the association has been

informed that the board is not prepared to approve the proposed by-law as drafted, as it includes the registration or licensing of small boats which is opposed to Government policy. It has been suggested that the by-law be reframed to provide only for the control of the behaviour of persons in charge of small craft.

BELAIR SCHOOL.

Mr. MILLHOUSE: I have today received a letter from the Secretary of the Belair School Welfare Club which reads, in part, as follows:

At our Belair School Welfare Club meeting last Tuesday, with 83 mothers present, it was unanimously agreed that I should write to ask you if something could be done to have a white painted children's crossing line in front of our Belair Primary School.

The letter goes on to say that an approach has already been made to the Mitcham council and the Highways Department with no response, and that is the reason I have raised the matter directly in the House rather than with the Road Traffic Board first. The letter further goes on to point out the dangers and difficulties that are being experienced at the school because of the lack of a crossing. Will the Minister of Works be kind enough to take up this matter with his colleague, the Minister of Roads, with a view to investigating the need for the installation or painting of a crossing in front of that school?

The Hon. G. G. PEARSON: Yes, Mr. Speaker, I will do that.

PORT PIRIE OCCUPATION CENTRE.

Mr. McKEE: My question follows a conversation I had with the Minister of Education regarding the establishment of an occupation centre for mentally retarded children at Port Pirie. I know that some children there require this type of teaching. The Minister told me that he would take this matter up with his colleague. Has he done so, and has the matter been considered?

The Hon. Sir BADEN PATTINSON: I have considered the matter, and I am asking that the Chief Psychologist of the Education Department and some assistant or assistants visit the area and make a proper survey of the estimated number of children there and the degree of their retardation so that I can get a proper assessment of the position. I assure the honourable member, as I have assured other honourable members in this House before, that I am especially interested in this subject of opportunity classes and occupation centres. So far as it is possible for me to do so, I endeavour to give priority in the building of these centres and in obtaining proper teachers for them, because I think the degree of urgency in endeavouring to provide a special class of teaching for retarded children is much higher than it is for the thousands of hale, healthy and hearty children.

ANGASTON WATER PRESSURE.

The Hon. B. H. TEUSNER: Can the Minister of Works say whether any action is being taken to improve the poor water pressures in the Warren trunk mains experienced at Angaston and Vine Vale during the last summer?

The Hon. G. G. PEARSON: Yes. The honourable member made representations to me in this matter and I took them up with the Engineer-in-Chief, who is the responsible authority. The consumption in the township of Angaston has increased substantially this year and in recent years. The pumping plant is adequate on most occasions, but during some spells of hot weather this year it has been somewhat inadequate, with the result that certain essential supplies to the town have been depleted. The department has prepared a comprehensive scheme for improvements to Angaston. This plan is not yet complete, but arrangements have been made to put a temporary booster at the Nuriootpa pumping station, and this can be brought into operation at any time if required during the rest of the summer. A small booster pump has also been installed near Vine Vale to improve supplies to this locality. The honourable member can be assured that the position will be watched this summer with a view to ensuring supplies by temporary mains, and that a permanent improvement will be effected as soon as possible.

WHYALLA AERODROME.

Mr. LOVEDAY: Has the Minister of Lands a reply to a question I asked yesterday about the old aerodrome at Whyalla?

The Hon. P. H. QUIRKE: Designs for the subdivision of the former aerodrome at Whyalla were submitted to the City of Whyalla Commission, the Broken Hill Proprietary Company Limited and the Town Planner in March, 1963. The plan was approved in general and a minor alteration was made to provide more open spaces adjacent to two

small shopping groups on the suggestion of the Town Planner. Surveys of two small groups of allotments totalling 53 residential sites and a St. John Ambulance site were effected and accepted in August, 1963, in addition to the large areas made available for a trade school and the South Australian Institute of Technology. Plans showing eight residential sites proposed to be dedicated and placed under the control of the institute were tabled in Parliament on February 18, 1964. Further detail designs are in course of preparation so as to be ready for survey to dovetail in with the plans for sewering this area, as portion of this land is unsuitable for unsewered housing. In another location north of Jenkins Avenue in the western portion of Whyalla, a design for 295 double-unit sites and 111 single-unit sites was submitted to and approved by the City of Whyalla Commission in September, 1963. The commission retained a copy of this plan and suggested names for the streets. The survey of 161 allotments involving acquisition of a small portion of section 70, hundred of Randell, from the B.H.P. Company Limited, and being the eastern portion of the design I have mentioned, has been effected and the diagrams are at present undergoing examination. The policy of submitting designs to the commission and providing copies of all accepted survey diagrams is being maintained.

FLAGS.

Mr. MILLHOUSE: I have recently received the February edition of *Comment*, the official journal of the Adelaide Junior Chamber of Commerce, of which I am a member. The editorial, under the heading of "Empty Flagpoles", states:

Did your observant eye register with disapproval the empty poles over the Australia Day weekend? Requests were publicized for flags to fly from all poles from Friday a.m. until Tuesday a.m. This was based on the need to celebrate whilst the public were at work on Friday, at play Saturday and Monday, and at rest and worship on Sunday. It is hard to understand why firms and buildings have flagpoles if they are not used on national occasions. Some are neglected and dirty with broken ropes (such as the old Legislative Council building—now the prosperous Land Tax Department). The difficulty of not having a resident caretaker is overcome by the permission to fly flags over the weekend. Perhaps these "foreigners" will get out, or hire, a flag to dress up for the visit of Her Majesty the Queen Mother—we hope so.

This editorial was obviously written before the lamented cancellation of the Royal Visit. The article concludes:

An empty flagpole on a national occasion is an insult.

I did not see the city of Adelaide on the Australia Day holiday, but yesterday I noticed that the flags at Parliament House and on the railway station building were at half mast for the late Sir Josiah Francis but the flagpole on the old Legislative Council building was empty. It certainly is depressing to see a flagpole empty on such an occasion as this. I agree with the sentiments expressed in the editorial. As I think it is important that flags should be flown on such occasions from all flagpoles, will the Premier say whether steps will be taken to see that this is done on Government buildings?

The Hon. Sir THOMAS PLAYFORD: The practice has been for the Commonwealth Government, which is the co-ordinating authority, to advise the State on the procedure to be followed. When advice has been received, flags are flown in appropriate places. Many flagpoles in the city are on buildings where nobody is in attendance over the weekend. Indeed, I do not think it has ever been the custom to fly flags on those buildings, but I will consider the honourable member's question in that respect. However, I am not sure that I agree with two statements in the editorial. The first of these is the statement about the prosperity of the Land Tax Department, and the second that it is rather doleful to see a pole without a flag on it. I would have thought it was better to see a pole without a flag on it than a flag at half mast. However, that is a matter of opinion. Normally flags are flown in this State when the Commonwealth Government advises on the procedure to be followed.

ELECTRICITY CHARGES FOR PUMPING.

Mr. BYWATERS: Along the River Murray many private irrigators take advantage of the night tariff for electricity for pumping. As the Premier is aware, the night tariff is much cheaper than the day tariff. It cuts in at 9 p.m. and cuts out again, I think, at 7 a.m. It has been suggested that, if possible, it would be much more convenient for these people if it could cut in at 7.30 p.m., or even 7 p.m. when it is daylight and these people can adjust their sprinklers if some are not working, whereas in the dark it is awkward for them if the sprinklers are not functioning properly. Will the Premier take up with the Electricity Trust the possibility of having the night tariff put forward to 7.30 p.m., particularly during the summer, even to the extent

of taking off the time at the other end, to assist these private irrigators?

The Hon. Sir THOMAS PLAYFORD: The reason for the low tariff at night is that there are then no other calls for electricity and if the low tariff were not provided some plant would be idle. The low tariff is really not much more than is needed to cover the cost of fuel, and it is applied because it is an off-peak period and plant would otherwise be turned off. If the honourable member stops to consider that, he will immediately see that that type of tariff cannot be applied to peak loading, because its whole purpose is to encourage people to use electricity when other people are not using it. The time he mentions is a heavy usage time. The peak consumption of electricity is, I think, in the evening, so from the trust's point of view it would not be possible to entertain this request. Although the night tariff is lower, private irrigators can still set the plant going in the daylight and adjust the sprinklers. The charge for the short period they would be operating on the day tariff would be very small; it would scarcely be registrable in the cost system at the end of the month. I doubt whether any person limits himself these days to night tariffs. In my district it is rarely done now. I will refer the suggestion to the Chairman of the trust, but I do not hold out any hope that it can be entertained.

PENSIONERS' CONCESSION FARES.

Mr. DUNSTAN: During the Budget debate earlier in the session I and other members on this side of the House raised with the Premier the question of further concessions on public transport for pensioners. At that time the Premier told me and other members who raised the matter that he would have a comprehensive report prepared on the various concessions given in this and other States so that the matter could be discussed further. Has the Premier had that report prepared, and when is it expected to be available so that the matter can be discussed further?

The Hon. Sir THOMAS PLAYFORD: I ask the honourable member to ask that question tomorrow.

CLEAN AIR COMMITTEE.

Mr. RYAN: Last year the Health Act was amended to provide for a Clean Air Committee, and that committee has now been appointed. Can the Premier say how a person can get a complaint to this committee for its consideration? Upon receipt of that complaint, how long will it take the committee to reach a decision?

The Hon. Sir THOMAS PLAYFORD: Any complaint would be immediately referred to the committee. How long it would take to investigate whether it was justified—

Mr. Ryan: How does one get it to the committee?

The Hon. Sir THOMAS PLAYFORD: Any complaint about impurities can be referred to the committee forthwith. How long it will take to decide what action should be taken I cannot say. It would depend whether it was a simple or a complex matter. If the honourable member has a complaint and he gives it to me or to the Chief Secretary, it will be forwarded to the committee.

COOBER PEDY WATER SUPPLY.

Mr. LOVEDAY: Last year I asked the Minister of Works about boring for water and the desalting plant at Coober Pedy. Can the Minister say whether boring has succeeded in finding useful water, and what progress has been made with the desalting plant?

The Hon. G. G. PEARSON: From memory, I think we have, by boring, discovered a reasonable supply of brackish water which, although too brackish for use in its present form, we hope to beneficiate by a plant used for that purpose. The department was about to call tenders for a plant to supply the needs of Coober Pedy but, from memory, I am not sure whether or not tenders were called. At about that time an officer of the department was sent to Western Australia to look at the plant that the Western Australian Government had installed at Rottnest Island. Unfortunately, this plant had been plagued by all sorts of problems and was virtually completely unsatisfactory in operation for various reasons that may or may not apply to the Coober Pedy situation. In Sydney last Friday, at a meeting of the Water Resources Council, I discussed the matter with my counterpart from Western Australia (Mr. Wyld), and he confirmed that the Rottnest Island plant had given much trouble. The Western Australian Government hopes that the troubles can and will be overcome, but there seems to be some uncertainty. Therefore, the position at Coober Pedy is rather difficult to determine at present. I assure the honourable member that we

want to solve the problem because the cost of supplying Coober Pedy with water by other means is extremely high, both for the residents and the Government, which bears most of the cost. I cannot give the honourable member a definite assurance on this matter.

RADIOGRAPHERS.

Mr. DUNSTAN: Will the Premier inquire from his colleague, the Minister of Health, whether he is aware that at the Queen Elizabeth Hospital it has been the practice to roster radiographers for shift work from 3.30 to 11 p.m. on the evening shift, and then leave them on call until 8.30 on the following morning? In some cases they have to be available for duty for 17 hours at a stretch on five consecutive nights. Occasionally, this has meant that 12 hours of straight duty has been worked apparently with no official meal breaks and, in consequence, with tired radiographers doing urgent and essential work. Will the Premier ask the Minister of Health to examine the situation, particularly as I understand that this matter has now come to a head with the suspension of a radiographer who has objected to being on call for such a long time? Will the Minister ascertain whether some other method of rostering cannot be used so that there is no question of radiographers having to work such long hours in straight duty?

The Hon. Sir THOMAS PLAYFORD: I will have the matter investigated.

CALLINGTON WATER SUPPLY.

Mr. BYWATERS: Frequently, I have raised with the Minister of Works and his department the question of a water supply for the township and district of Callington. I was told that the chief hope would be from the main from Murray Bridge to Adelaide when it was eventually operating. Can the Minister say what progress has been made with the proposed new pumping station at Murray Bridge, and when the work on the main will commence?

The Hon. G. G. PEARSON: I am unable to give the honourable member any information because the scheme has not yet been fully prepared and, of course, requires consideration by the department, by Cabinet, and by the Public Works Committee before work can be commenced. I cannot give the honourable member an assurance about the date on which the project may be further advanced.

FERRIES.

Mr. CURREN: Has the Minister of Works a reply from his colleague, the Minister of Roads, to my recent question about ferry approaches at Berri and Kingston?

The Hon. G. G. PEARSON: My colleague, the Minister of Roads informs me that the ferry approaches at Kingston are expected to be completed during April, 1964. A short delay involving recalling of tenders occurred at Berri when the necessity to move a P.M.G. cable was discovered. This work is now in hand; tenders have been called and will close on March 10. Work should commence during April and will probably be completed during August of this year.

RENMARK PRIMARY SCHOOL.

Mr. CURREN: Last year I had the pleasure of introducing to the Minister of Education a deputation from the Renmark Primary School Committee which pointed out the need for new buildings at the school. Can the Minister say whether consideration has been given for this urgent work to be placed on the programme for the next financial year?

The Hon. Sir BADEN PATTINSON: I acknowledge the need at this school, which I have visited several times. I am not proud of the present situation and I should like to see a new school of solid construction as soon as possible. However, this is one of the many schools recommended. I cannot give any assurance as to when this school is likely to be planned, let alone commenced.

MINISTERIAL STATEMENT: SCHOOL BUILDINGS.

The Hon. Sir BADEN PATTINSON: I ask leave to make a Ministerial statement.

Leave granted.

The Hon. Sir BADEN PATTINSON: Several members have told me that they desire to ask me questions concerning proposed new schools in their districts, and one composite reply might be helpful and save your time, Mr. Speaker, and that of the House. There must be at least 15 large new schools or substantial solid construction additions to existing schools which have been approved by the Public Works Standing Committee and by the Government, but on which work has not yet commenced; and there are another 35 similar proposed works which the Director of Education advises me are urgently necessary, but for which preparations of plans and specifications have not been commenced. I think that most

members in this House have been pressing me for information regarding those schools. A short time ago I received the following report from the Director:

The net enrolments in the primary and secondary schools of this department are at present increasing at the rate of 6,000 to 7,000 every 12 months. Of these about 3,400 are in our primary schools and the balance in our secondary schools.

It is estimated that about 90 per cent of the increased enrolments in our primary schools and nearly 80 per cent of the increased enrolments in our secondary schools are in newly developed or still developing areas. The primary schools in many of our older suburbs are either static in numbers of actually declining.

Apart from the net increase in enrolments, however, there is the movement of families from older suburbs to newly developed areas. This movement is going on at such a rate that there are approximately two children in newly developing areas for every one child in the net increase. In consequence, a far more accurate guide to our annual requirements for new schools is to be obtained from the number of new houses occupied each year. Experience shows that on the average there is at least one child of primary school age for each new house occupied in a newly developed area. It is clear that we must provide a new primary school for every 800 new houses occupied.

The total number of new houses occupied in 1963 was 9,700, excluding flats. The figures for each of the last four years are similar. In consequence, we have to provide about 12 large new primary schools every year. The total cost of each of these schools is about £190,000 plus the cost of the site and the necessary furniture, furnishings and equipment.

In the same way we should, too, provide five large new high or technical high schools annually and can expect 600 to 700 students in each. In view of the tendency to stay at school for longer periods, each new high school should have a planned capacity of 900 to 1,000 and each technical high school of 650 to 700. The cost of each of these schools may be as high as £250,000 or more, plus the cost of the site, furniture, furnishings and equipment.

I might add that during the whole of the 10 years that I have been Minister of Education, the Treasurer, with the generous co-operation of my other colleagues in Cabinet, has supplied the utmost of his resources to school buildings, furnishings and equipment. However, there is a limit to the sum that can be devoted to this purpose, and unless we can receive money from some other source, such as the Commonwealth Government, I think that many members of Parliament and members of the public will necessarily be disappointed at the slow rate of our building progress in the Education Department.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION.

The Legislative Council intimated that it had appointed the Hon. G. J. Gilfillan to be one of its representatives on the Joint Committee on Subordinate Legislation in place of the Hon. C. R. Story.

JOINT COMMITTEE ON TOWN PLANNING ACT APPEALS.

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

That the members of the House of Assembly appointed to the Joint Committee on Town Planning Act Appeals have power to act on that Joint Committee during the recess.

Motion carried.

ALCOHOL AND DRUG ADDICTS (TREATMENT) ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

ROAD TRAFFIC ACT AMENDMENT BILL (TYRES).

Adjourned debate on second reading.

(Continued from February 19. Page 2006.)

Mr. FREEBAIRN (Light): I rise to briefly support the second reading of this Bill, which was introduced by my colleague, the member for Gouger (Mr. Hall). As is well known, its purpose is to increase the number of safety measures incorporated in the Road Traffic Act and, in particular, to ban the use of regrooved tyres on private passenger vehicles. It has been brought to my notice that there has been some misunderstanding as to the precise meaning of "regrooved". Two other terms are used in the motor tyre trade; one is "recapping" and the other is "retreading", but it is to be understood that regrooving is a different process and one which is not accepted in the legitimate tyre trade. One of the purposes of this amending legislation is to afford some regulation to cover the secondhand motor trade, because it is in the secondhand motor trade that the undesirable influences of regrooved tyres are becoming evident. I am informed that the Interstate Standards Committee has recently passed a resolution recommending the complete prohibition of regrooved tyres on private passenger vehicles.

During his second reading explanation the member for Gouger intimated that it was his intention not to force this legislation through this House and through the Legislative Council in the dying hours of this session, but to give the motor trade due notice of his future

intentions. He will be happy if the second reading stage lapses so that he can reintroduce the legislation in the next session of Parliament. I understand that, if the second reading is carried, then the legislation will not be able to be brought forward next session.

The SPEAKER: The honourable member is not in order in anticipating debate or what is likely to happen in this Chamber.

Mr. FREEBAIRN: I ask leave to continue my remarks.

Leave granted; debate adjourned.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

It makes a small amendment to section 18a of the principal Act which was enacted in 1950. Subsection (1) (*g*) of that section empowers the council of the university to make regulations to regulate the parking of vehicles on university grounds and to empower authorized persons to remove any vehicle from the university grounds without assigning any reason. It was considered that that provision, together with a further provision in the same section empowering the University Council to make by-laws generally to regulate traffic on the university grounds, would enable the making of a by-law prohibiting the parking of vehicles on the university grounds. However, it was recently held in proceedings in the Adelaide Police Court that an existing by-law purporting to have been made under the Act was invalid on two grounds, one of which was that the power to regulate parking did not include or extend to a prohibition of parking.

In view of this decision the council has requested an amendment of the relevant section to remove any doubts that exist as to the power of the council to make by-laws not only to regulate parking but also to prohibit parking. This Bill accordingly inserts, by clause 3, the additional power in the subsection which I have mentioned. At the same time, the clause re-arranges the powers to regulate and prohibit parking, and to empower the removal of vehicles by setting out each power in a separate paragraph in accordance with the general scheme of section 18a. Members will, I think, appreciate the need for the amendment. It is clearly necessary under modern conditions that the council should be in a position to prohibit, either absolutely or subject to prescribed conditions, parking or leaving of vehicles on the university grounds.

The second subclause of clause 3 provides that certain by-laws made by the council in December shall be deemed to have been made under the Act as amended by the Bill. Part of the magistrate's decision rested upon the form of the by-laws under which the proceedings in the Police Court were taken. In consequence of this, fresh by-laws were made in December and, at the urgent request of the council, were approved by His Excellency the Governor in January. To preclude any argument which may arise concerning the validity of the new by-laws on the grounds that they may prohibit and not only regulate parking, paragraph (*c*) of clause 3 provides that these regulations shall have the same force and effect as though the present amendment to the by-law making power had been in force when the new by-laws were made. I point out that the amendment does not of itself validate the by-laws in the sense of precluding any arguments that would go to power—it still leaves it open to anyone to argue that they do not come within the terms of the power as extended by this Bill.

Later:

Mr. FRANK WALSH (Leader of the Opposition): I realize that this Bill is in the interests of the university, particularly as it relates to the parking of motor vehicles in the university grounds. The University Council was under the impression that the matter was properly covered, but because some bright student took court action an anomaly was detected in the existing legislation. This Bill has been considered seriously by and has received the blessing of the Legislative Council and I would not upset the views of its members, so I support the second reading.

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

POTATO MARKETING ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from February 18. Page 1960.)

Mr. FRANK WALSH (Leader of the Opposition): Over the years more and more people have come to realize that in order to ensure reasonable prices, as well as a reasonable return to the producer, a system of orderly marketing is necessary with primary production. If this is not achieved there tends to be

periods of glut, followed by periods of scarcity, leading to instability and uncertainty throughout the industry.

During the war years the Commonwealth Government purchased all potatoes under the powers granted by the National Security Regulations, because the potato industry was recognized as vital to the war effort. These regulations expired in 1948, and to provide for the continuation of orderly marketing at the request of many people engaged in the industry the first State Potato Board was appointed. When the board was formed it was recognized that a co-operative was the best way to achieve orderly marketing, but in a recent case it was decided by the Full Court of the Supreme Court in this State that the board did not have power to direct the grower to sell potatoes to a merchant who was an agent of the board. This successful challenge by a grower is apparently the reason for this Bill being before the House. It is aimed at strengthening the board's powers to overcome the situation.

The Bill also contains provisions for the control and regulation of the washing of potatoes and the marketing of washed potatoes. Potato washing is a process that has developed appreciably in recent years and it operates to a large extent both in South Australia and Western Australia. With an effective board there are not wide fluctuations in prices, and growers are able to wash the potatoes. Where there are no boards, and consequently wide fluctuations in prices, there is too much risk involved in holding on to stocks of potatoes prior to their being washed. It is a remarkable thing that a housewife is prepared to pay up to 1½d. a lb. or more for potatoes washed before she buys them, but the first thing she does when preparing them for a meal is to wash them again prior to peeling. However, if a person desires to purchase clean potatoes it is not for the Government or the Potato Board to say that he shall not do so. Instead the board should aim at achieving orderly marketing, and should seek to serve a two-fold purpose. It should seek to give an adequate return to the growers and all other persons providing a service to the industry, but at the same time it should see that the public are charged a reasonable price for the final article.

I notice that in section 25 of the principal Act there is a very strong protection for the growers in that they can circulate a petition, and so long as they obtain 100 signatures the petition can be presented to the Minister of Agriculture for the holding of a poll to abolish the board. In view of this protection in the Act I believe that substantial powers can safely be given to the board so that it can institute stable marketing in this State.

The number of amendments on the file indicate that, if accepted, there will be little left of the original Bill. I have perused the section mainly proposed to be amended and I believe that the wording of clause 5 is practically the same as section 16 of the principal Act, which it amends. Those who have perused the judgment of the Full Court of the Supreme Court will readily agree that the Chief Justice indicated that under present circumstances the board was unable to succeed in the selling of potatoes. The Bill is designed to overcome the difficulty. The board's first consideration should be the interests of the potato growers. I will move amendments in Committee, because the Opposition believes that the board, as at present constituted, should be the authority to sell potatoes in the interests particularly of growers. There should be no need to establish another organization. I support the second reading of the Bill to enable it to be given further consideration in Committee. From information I have received it seems there have been many complaints about potato washing. This is an important matter. If the public demands the type of commodity that is more suitable for its requirements, I consider that Parliament has an obligation in the matter. If certain people who have set up in the business of washing potatoes desire to continue doing so but have been told by the board or some other organization that they shall no longer have a licence, I believe it is the obligation of this Parliament to see that those people have a right of appeal in the matter. As I have already stated, I support the second reading. Certain amendments are on the file. I firmly believe that the Potato Board should be functioning in the interests of the potato growers and should not be leaving it to somebody else.

Mr. SHANNON (Onkaparinga): I support the measure. In dealing with a commodity of this character, we are not in any new field or breaking new ground in setting up, as we have done, a board that is predominantly producer-controlled. The original legislation fell short in certain respects, particularly regarding the granting of powers to enable the board to operate. We did not hamstring certain other boards that I have in mind, where commodities have been handled by producer-controlled boards. In those cases sufficient powers were granted to enable boards

to deal adequately with the orderly marketing of that produce. The Potato Board has been seriously embarrassed because of certain action that was taken. A large percentage of the potato-growing population resides in my district of Onkaparinga, ranging from the Mount Barker and Hahndorf area right down through the valley to Echunga and Meadows and down to Kangarilla, and I think there is only one grower in my district—and he is a very small grower—who wants to disband the board. A deputation of 14 or 15 growers waited on me yesterday, and when I asked whether anybody wanted to be rid of the board this one small grower said that he would be pleased to see the end of it. The others, many of whom came from my district, said that that was the last thing they would vote for, and that they would not expect their industry to flourish without some form of orderly marketing.

I admit frankly that there was some criticism of certain aspects of the present set-up. Some of my own growers have a feeling that there is too much of the merchant interest in the actual marketing of their potatoes, and they put that point of view to me yesterday. I pointed out to them that up till then the board had not had sufficient authority to do the things which the growers wanted done, that this amending legislation was designed to put the power in the hands of the board to adequately control the marketing of potatoes, and that surely to goodness, since they had five members on the board who were elected by themselves, they could get the board to do the things required. I do not think the growers deny the right to the merchants to be represented on this board. We do not deny them the right to have a voice in this business, since they themselves have been in it for many years. However, there is a school of thought that the merchant is too smart for the average grower and puts it over him, as they say. I think that is rather a weak argument. Surely any grower knows on which side his bread is buttered, and if he is there representing growers on the board he ought to be able to go to the board with sufficiently firm ideas about the policy to be pursued by the board, to make sure that the growers were not overridden by a minority. Nor do I think that will happen.

A fear also exists in the minds of a few growers that the powers granted to the board to issue licences of various types will not be in the best interests of growers themselves. I do not know why they think that, and I fail to understand their reasoning in that respect. If they have any fear at all, it is they who are to blame for putting the wrong people on the board. If they have had any doubts at all about the board's honesty of purpose, they have had ample opportunity to discover that, yet I did not hear one member question the honesty of the present board. However, I do not think there is anything to complain about on that score.

Some people who do not understand the workings of the board are inclined to think that the Potato Distribution Centre is merchant controlled. There is a factor in this which I must admit creates an atmosphere for some suspicion, for Mr. McCullagh is not only in charge of the Potato Distribution Centre but also, of course, is interested in selling potatoes through Mr. Peter Joseph. Some growers say that he is trying to serve two masters, and I admit quite frankly that that does create an atmosphere where suspicion might be expected to creep in, particularly with anybody who had any doubts at all about how the board was operating. Whether or not that can be overcome by the board when we grant it these new powers, I do not know, but I would not think it would be a difficult task to find a capable secretary to handle the affairs of the board itself. I would approve of that being done, because it would take away that feeling that creates the suspicion in people's minds that there might perhaps be too much of a merchant interest in the Potato Distribution Centre. I do not think that anything is being done by the present board that is not in the best interests of the grower. I have spoken to some leaders of the potato industry who happen to reside in my area and have a strong organization. In that area I have some good friends whom I do not now represent but who still consult me. I call in occasionally at their councils. They will not leave me alone. The members of the potato-growing industry are thoroughly satisfied that there is no skulduggery going on, which is something some people fear. After all, these people are earning their living in an industry; they understand a little bit about business practices and principles. (These days one has to have a brain in any industry.) Some of these men are astute and clever. I believe that they strongly favour giving their own board the power we now intend to give it, as they realize that without these additional powers their board will not be able to work in the growers' interests, as it should.

I do not intend to debate the many amendments on the file, but there is an aspect of this proposal under clause 5, which is the

clause mostly criticized by people who have been assiduously lobbied since the Minister introduced this Bill, and which reads:

The board may—
(*a*) buy or take a lease of any premises.

Whatever for? Why do we give the board that power? It is inherent in its powers that it will want premises if it sets up its own distribution organization. It will then require premises.

Mr. Dunstan: Everybody supports that.

Mr. SHANNON: I hope so. As the board gets into the saddle and finds it has the means of carrying on this business—not only the physical means of the necessary property but also the skilled personnel to operate it—it is within the powers of the board to secure that. We admit that that is a desirable objective. That is the first power we give the board.

We also give the board an unfettered and important power in the matter of granting, refusing or delicensing. That power is contained in practically every marketing Bill. I do not know of a marketing Bill where a board has not that power. It is the one real power the board must have if it is to be effective in achieving the results the grower wants it to achieve. Those powers are a "must". Some say that we are giving this board an open cheque, but I do not agree. After all, a power that can be given can also be taken away. If this board is approving certain people who do silly and bad things and do not represent the growers in a proper manner, then Parliament can take away that power just as quickly as it gives it. I am not concerned that anything we do in the granting of a power to the board will be abused. The board will be just as concerned to keep good faith with the people who grant it power as it will want to keep good faith with the grower. That is obvious for the success of any marketing organization.

There will be another opportunity to speak on this measure in Committee. I say only this in conclusion. The Bill now before us is the result of the labours of the department of the Minister of Agriculture, of the existing Potato Board, and of the leaders in the potato industry outside the board, who have also been consulted. They all approve of the Bill and have asked me to support it as drafted. If, as a result of our deliberations in Committee, amendments are moved that in my view seek to rob the board of the powers it will require, I shall strenuously oppose them because under the legislation we are not giving anybody any power to which he is not justly entitled.

As for the taking away of a man's living, the Wheat Board delicenses receivers without compensating them; the Barley Board does the same thing, without compensating receivers. I do not think anybody would ask for it: it is inherent for orderly marketing that it has these powers. Without them, the position becomes chaotic. In other words, I can bring a sack of potatoes down and sell them on my own. That is the very thing that has been smashing the Potato Board's operations; it has been ruining the potato industry. A man goes out and hawks potatoes around to the retailers, and that is the biggest bugbear of any industry. It will break down any agreement that the growers may make for their own benefit. If the board has no power over this section of our potato industry, we may just as well not worry about a board.

However, if the debate continues, we shall see whether there are any valid objections. If there are, I want to hear them. One opponent introduced a delegation to me yesterday after he had given the reasons for coming to see me. Some members of that delegation were my constituents. After about 10 minutes (and I was there for half an hour) the gentleman who introduced the delegation excused himself, went out, and left me to the growers, with whom I had no trouble. They are willing to accept this Bill in its entirety on the promise from me (and I make it here) that, if they have valid reason for changing the legislation, I shall be the first to support them when the House meets again towards the end of this year. With that undertaking, I have no objection to the passing of this measure. There was a fear in some quarters that some people would not get a licence. I am willing to trust the board to decide whether or not certain people are proper people to have a licence in this industry. The board is there to decide that. If Parliament says that so-and-so shall have a licence and so-and-so shall not, then leave me out; I do not want to be in that dog fight. I leave it to somebody else who is in the business and knows about it.

I support the Bill and trust it will have a pleasant passage that will cause no trouble. I know how difficult it is for the Minister in charge of the Bill to deal with everybody's criticism. I do not doubt that there will be some criticism. I have read some of the amendments and I am not very keen about them. If this Bill is defeated, members will be flying in the face of not less than 90 per cent of growers.

Mr. LAUCKE (Barossa): I, too, support this Bill. I believe it is of paramount importance that as we consider its provisions we must bear in mind that the Potato Board is the growers' instrument that seeks to stabilize the potato-growing industry in South Australia. In viewing all measures before the House, one must have at the back of one's mind the vitally important aspect that we are viewing the requirements of a section of our primary producers. During the years we have supported orderly marketing of various primary products, and there have been three prerequisites to orderly marketing schemes. The first is that most growers in a given field of production desire a certain scheme of marketing of their product. The second is that the scheme should in itself be constitutionally valid.

Mr. Millhouse: What do you mean by that?

Mr. LAUCKE: That it should be so clothed legally that the intentions of the growers will be fully carried out and that the producers and growers will not be impeded through some lack of legal background in enabling the organization to fulfil the purpose for which it was set up. In matters of orderly marketing generally, justice must prevail.

Mr. Millhouse: Do you believe it does here?

Mr. LAUCKE: I certainly do. The third prerequisite is that growers themselves should have a predominant control of the scheme. The Potato Board matches up to these three requirements. It exists and it is perhaps not perfect; that we have the Bill now before us is well explained in its purpose. In the Minister's own words:

> It is primarily designed to clarify and strengthen the position of the South Australian Potato Board to enable it more efficiently to regulate the sale and distribution of potatoes and to ensure—

this is important—

> —the continuance of orderly marketing in the State.

If certain weaknesses have been evident in the past and action is taken to overcome those weaknesses, if those weaknesses have been noted by the growers themselves which they desire to have closed, and if that is done, that is ensuring a continuation of orderly marketing. I do not object to action taken to ensure that the growers' organization is soundly based and in its set-up is effective in achieving the things that the growers set out to achieve through their organization. I have discussed this matter with growers in my district, which embraces some important potato-growing areas, and I have not met even one grower who objects to the board or to any of the provisions of this Bill. I have been asked by those growers to support the Bill as presented by the Minister, and I intend to do that. I firmly believe in an orderly approach to the distribution and sale of primary produce. When I note that in a board of nine there are five potato growers, giving a predominance of control to growers, I know that the affairs of the board are directed by growers themselves.

Mr. Millhouse: Don't others count?

Mr. LAUCKE: They do, but the growers themselves have power through the ballot box to elect to the board those members they consider will most effectively and ably represent them and their ideals on the board. Bearing in mind the present construction of the board, that it has been of real value to the industry in this State for 18 years, that the growers desire a continuation of the system, and that the Bill provides for strengthening of the position of the board, I warmly support the provisions of the Bill. Where there are weaknesses in any organization they can be corrected. Some weaknesses have been referred to me in recent days.

Mr. Millhouse: Aren't we correcting them in this Bill?

Mr. LAUCKE: We are correcting some weaknesses now, and I hope we shall have the support of all members in doing so. When one hears criticism such as has been heard in recent days, one considers that it is desirable to give full strength legislatively to the board to enable it to control its affairs fully. Where doubts are expressed as to any phase or operation of the board, such a defect can be remedied at the request of growers.

In short, I am completely in favour of that which the Minister proposed that we accept in this House as something which is of vital importance to the industry and which is sought, as far as I can determine, by the majority of potato growers in this State. I support the second reading.

Mr. DUNSTAN (Norwood): I support the second reading of this Bill. All members on this side of the House favour an adequate orderly marketing provision for the potato industry, and we are keen to see that growers are properly represented and properly protected within the industry and that an orderly marketing scheme operates without loopholes. We are also keen to see that the Potato Board, upon which growers will have adequate and predominant representation, will effectively control an orderly marketing scheme. Having said that, I have certain objections to some

clauses of the Bill because I believe they leave open objections to the existing marketing scheme that Parliament should see are corrected at this stage.

I have had the advantage of many consultations with growers and with representatives of growers and the industry. I am indebted to them for a copy of the submissions forwarded by the South Australian Fruitgrowers and Market Gardeners Association, and to the Chairman of the Potato Board as to what he thinks should be done in the industry. Some submissions have not been adequately paraphrased by the Minister. I do not suggest that he was intentionally not paraphrasing them. Perhaps it would be of assistance if I put before the House exactly what the references were. They stated:

Firstly, The Potato Marketing Act 1948 be amended to:

(*a*) Provide the Potato Board with sole and complete control of and direction over, all potatoes grown in South Australia in all forms (including seed). Such control to be exercised right through from grower to retailer.

(*b*) Require the registration in South Australia of all washing and processing plants.

We agree with both points. The references continue:

Re (*a*): This requirement is self-explanatory, and all that needs to be additionally said is that only by such statutory power can effective and orderly marketing control be achieved.

Re (*b*): Experience has clearly shown that processing and washing plants are playing an increasing part in distribution, and, as a result, are creating delivery and marketing problems. Compulsory registration appears to be a workable solution to the problems.

I do not know of any washing plant in South Australia (I have two of them in my district) that objects to a provision of that kind. The references continue:

Secondly, Board Functions.—In considering board functions as distinct from powers conferred by the Act, it was recommended that:

(*a*) The board appoint a secretary or executive officer who is a full or part-time servant of the board and not in any way connected with the distribution of potatoes.

The Bill does not do that as it stands. The references continue:

(*b*) The board to appoint an agent to act for and on its behalf in the distribution of potatoes. This agent could be . . .

i A staff set up by and directly controlled by the board, or

ii A body or organization employed by the board to carry out its marketing policy.

The proponents of these recommendations have not understood what "agent" is, because in *placitum* i they are saying that the board is to carry out the function of orderly marketing and distribution by its servants and not by an outside agent. They put the alternative that the board could appoint an organization outside the board. As I understand their submissions, they are recommending (and this point has only just been made clear to me) that not the present distribution centre but some growers' organization be appointed distributing agent. The Bill does not provide for any such restriction. This is where I think we have to look carefully at the Bill. It does provide that the board will now have the powers to operate an orderly marketing scheme itself, fully and effectively. The board may take premises, it may buy and sell potatoes, it may carry out the necessary work in inspections to see that its requirements for orderly marketing are being provided for, and it may see to it that there is not a delivery of potatoes to anybody other than itself. It can make certain that it has control of the distribution and marketing of potatoes.

Mr. Riches: Does it need much capital for that?

Mr. DUNSTAN: No. It does not involve much capital. In many cases the distribution centre itself does not handle potatoes directly and is not directly involved in anything other than the book work in relation to the potatoes. There is no difficulty about the board's undertaking these functions. Indeed, all growers and people associated with the industry to whom I have been able to speak—and many of them have made it their business to speak me since the introduction of the Bill—have agreed that the proper thing is for the board to take over the orderly marketing and run it itself. Unfortunately, the Bill allows for the present situation in certain respects to be maintained. And what is the present situation?

The board itself now does not directly control the distribution of potatoes. It has employed an outside agent, the S.A. Potato Distribution Centre Limited, a private limited company. A total of 9,991 shares in the company are held by the Wholesale Fruit Merchants of Adelaide Limited, with the other nine shares being held by the directors, each of whom holds one share as his qualification for office. The manager of this private limited company is the secretary of the board, and directly interested in the company are two merchant members of the board, Mr. Joseph

and Mr. Bishop. This company has been making a charge per ton on the distribution of potatoes in South Australia. It has not published its balance sheet and requests that it do so have not been met.

It is clear from the judgment in the Full Court case, which occurred last year, that in fact the board had attempted to constitute this private limited company, in which merchants in South Australia had a direct financial interest, into a private monopoly for the distribution of potatoes in this State. Where these merchants had a direct financial interest it was to the detriment, to some extent, of their business competitors in the industry. I frankly do not think that that is a proper way for an orderly marketing scheme to be run.

Mr. McKee: One would hardly say that it is orderly.

Mr. DUNSTAN: Or proper either. I cannot see how the growers' representatives on the board were content that someone would undertake this work when they could not get the growers' organizations to undertake it. If we are to give the board these wide powers given to it under the Bill, I see no harm in the board's taking over all the functions directly, so that it is a publicly accountable authority which must publish its balance sheets under the Act, which is conducting the distribution centre, and which is not some private financial interest.

It is unwise to include in the new section 16 a provision that the board should appoint agents to carry out its functions. The board should carry out its functions itself. No justification exists for the board to appoint an outside agent with powers of search and inquiry. What could that lead to? Under the Act the board could authorize some private outside organization. Perhaps the employees of the Potato Distribution Centre would be authorized to search the premises of their competitors. Yet that is the power proposed. What harm is there in restricting the powers of entry and search to the servants of the board, a public authority? That is the only proper way to proceed. Is there any justification for allowing the board to delegate this authority to someone else? Its powers should be used by the board or delegated to its servants in writing. The Minister has explained that it was clear from the case last year that there were loopholes in the existing legislation. Undoubtedly that was the position. I agree that urgent action must be taken to plug the loopholes and to ensure that there are no gaps in orderly marketing legislation in this field in this State. However, I do not want this measure used to strengthen the hand of the private interests.

Let us examine what the court said about these private interests. I should explain the exact nature of the case. Atkins, who was the respondent in the appeal, disregarded an order of the Potato Board and sold 17 bins of potatoes grown by him to Tailem Fruit Supply, a person other than South Australian Potato Distribution Centre Limited, and the order of the board required him to sell to nobody other than the Potato Distribution Centre. Tailem Fruit Supply is a firm conducting the largest potato-washing plant in South Australia, and it is operating in my district. In his judgment the Chief Justice said:

On the argument before us the evidence tendered at the original hearing has been supplemented by information as to the constitution of the company, that is, the South Australian Potato Distribution Centre Limited. It appears that it was registered and incorporated as a company with limited liability on October 28, 1949. Amongst its objects is "to enter into an agreement with the South Australian Potato Board for the purpose of receiving from the growers thereof all or any part of the potatoes grown or produced within the State of South Australia or elsewhere and for the disposal or distribution thereof by sale or otherwise in such manner and upon such terms as may be agreed".

The Chief Justice listed the shareholdings of the company. I have already given this information to the House. His Honour then referred to section 20, under which the order was purported to be made. That section allowed the board to make orders regulating and controlling the sale or delivery of potatoes by fixing the quantity or proportion of his crop which a grower may sell or deliver at any time or place specified in the order or otherwise. The Chief Justice said:

I think that the purpose, which is apparent on the face of this section, is certainly not to discourage the growth or sale of potatoes, but is "orderly marketing", in that the intention is to ensure a regular supply in quantities that the market can absorb and dispose of. I think that this view is supported by subsection (2) which provides that the prices fixed by an order under subsection (1) may vary according to the time place or conditions of sale, and by subsection (3) which provides that orders may be of general application or may apply only to persons named therein.

It seems to me that, upon a fair reading of this section, it is directed to the regulation and control of a market, in which growers are free to sell to anyone that they please, so long as they do so in the quantities, and on the terms and conditions prescribed by the orders of the board. I can see nothing in the

language of the section which authorizes an order prohibiting the sale to anyone, but—*a fortiori*—to anyone but a monopolist who is under no compulsion to buy.

That is what the board attempted to do. If this Bill goes through in its present form the board will be able to do just that. It will be able to say, "You are not going to sell to anybody but Potato Distribution Centre whether or not they want to buy your potatoes." Later in his judgment the Chief Justice said:

It seems to me that section 19 which entitles merchants to be licensed is inconsistent with a reading of section 20 (1) which authorizes the board to make an order which excludes any particular merchant from the trade, and, *a fortiori*, which gives a merchant (who is not registered under the National Security Regulations) a monopoly of the trade.

That, of course, was what was being given to the Potato Distribution Centre. His Honour Mr. Justice Hogarth (in agreeing with the Chief Justice), after having reviewed the matters before the court, said:

The practical result of the foregoing is that, although the Legislature in terms has conferred on the board powers which are more limited than in the case of similar Acts dealing with other commodities, the board, through the medium of the company, has attempted to create a monopoly which it does not possess itself and which lacks the safeguards against abuse which this Legislature has provided where monopolies have been granted by other Acts. I have no doubt that the board in so doing has attempted to do something which is not authorized by the terms of the Act.

I think it comes back to this: that if we are to create a monopoly—and for the purposes of orderly marketing in South Australia the growers desire a monopoly to be created (and nobody disputes that that would be proper, given the proper safeguards and the kind of monopoly which should exist)—then that monopoly should be a public monopoly of the board itself and nobody else; and the board, of course, would have to account publicly for its actions.

I turn now to other clauses of the Bill which seem to me to give rise to some disquiet. I am not happy with the licensing provision in the Bill which simply leaves it to the discretion of the board, with the consent of the Minister, to refuse a licence. I believe that whilst it is proper for it to be the original licensing authority and for it to exercise a discretion, there should be a right of appeal. I suggest this because of the board's history on this particular score. I know that there have been disputes between the board and some growers and Tailem Fruit Supply—the biggest potato washer in South Australia—but whatever view one takes of those disputes or abuses as to what was proper conduct under the existing legislation, it is difficult to account for the board's administering the existing licensing provisions as to potato merchants in the way it has seen fit to do in relation to this company. I will now recount for the House the history of this particular business, because it discloses the board's administration on this occasion. On January 20, 1961, the Secretary of the Potato Board wrote to Tailem Fruit Supply as follows:

Your application dated January 10, 1961, for a wholesale potato merchant's licence was considered by the Potato Board today, and I have been instructed to advise that your application is still under consideration.

That letter was dated 10 days after an application was made in 1961. The next communication was dated December 15, 1961. Tailem Fruit Supply is a firm of large-scale operators: it has the biggest potato-washing plant in the Southern Hemisphere and it pioneered the existing type of marketing (namely, washed potatoes in plastic bags) in this State. On December 15 the secretary of the board wrote to a member of Tailem Fruit Supply as follows:

Your application for a wholesale potato merchant's licence was considered by the board at its meeting today. The board desires to confer with you *re* certain matters, and suggests that you meet a subcommittee appointed to discuss relevant matters on either next Tuesday or Wednesday.

That was almost one year after the application was originally lodged before the board. On March 5, 1962 (14 months after the application was made to the board) no decision had been made by the board concerning the application for a wholesale merchant's licence. On March 5 the solicitors for the firm concerned wrote to the board as follows:

Unless this application is considered and dealt with within the next 14 days, my instructions are to take such proceedings in the Supreme Court of South Australia as may be necessary to compel the board to determine this application.

On March 16 the board replied as follows:

Your application for a wholesale potato merchant's licence has been considered by the board, and I have been instructed to advise that your application has been refused.

No reason was given: these applicants were not told upon what grounds the Potato Board had refused the application for a licence. The solicitor for the firm then wrote to the board, pointing out that the board had no right to refuse the application because the prescribed

form had been completed, the applicant was prepared to pay the fee, and there was nothing the board could do to suggest that the applicant could not carry on business as a potato merchant. He went on:

The board was only entitled to refuse my client's application if, with the consent of the Minister, it was satisfied that in the public interest it was undesirable that my client should be registered as a potato merchant. On my instructions the consent of the Minister was not obtained to the board's decision—

that is the way the board was administering this licensing provision—

and the board has made no finding that in the public interest it is undesirable that my client should be registered. In these circumstances, my client considers the board's decision both incompetent and invalid. However, I would like to know whether the consent of the Minister was, in fact, obtained and, if not, why not?

Then an appointment was obtained with the Minister, and on March 26 the Secretary of the board wrote to the solicitor for the firm as follows:

The application for the wholesale potato merchant's licence by Tailem Fruit Supply, 50 King William Street, Kent Town, has been considered by the board and the granting of a licence refused. The applicant has been advised of this decision.

No mention again of the consent of the Minister. It had been pointed out to the board previously that it was necessary for it to display the balance sheet in accordance with the Act. The Secretary's letter continued:

Re the infringement of the provisions of section 15 of the Potato Marketing Act, 1948, reported by your client: I advise that a copy of the last balance sheet and statements of receipts and payments have always been affixed in the office of the secretary of the board and available to the public. However, a copy is now displayed in an outer office which is also open to the public. There is nothing in the Act which requires the board to display the balance sheet of the S.A. Potato Distribution Centre Limited, and the board will not comply with this request.

Then, Sir, a letter was dispatched to the Minister in June, setting forth the objections that were raised to the board's conduct regarding this licensing provision, and on July 13 there came at last from the board the following letter:

In accordance with the following resolution: "That the application of Mr. M. F. Humphris on behalf of Tailem Fruit Supply for a licence as a potato merchant under the Potato Marketing Act, 1948, be with the consent of the Minister refused", I am instructed to inform, (*a*) that the Minister has consented to the board's refusal of a licence; and (*b*) that the above resolution has been passed.

So some 19 months after the application, at last the board complied with certain of the provisions of the Act. Then, Sir, an appeal was made to the Minister in relation to this matter under the section of the Act which allows an appeal to the Minister, and, so far as I am able to discover, nothing further was heard. Perhaps the Minister would correct me on this if I am wrong, and I should be glad if he would, but, as I understand it, the appeal to the Minister on that particular matter is still pending.

The Hon. D. N. Brookman: What date was the appeal to the Minister?

Mr. DUNSTAN: I think it was on June 26, 1962. If I am misinstructed on this, I should be glad if the Minister would correct me. My understanding is that the appeal is still pending. On April 19, 1963, the two private limited companies in which Mr. Humphris and Mr. Monaghan, members of the firm of Tailem Fruit Supply, were directly involved, applied for a licence under section 19 of the Potato Marketing Act. This was for a licence as potato merchants. The application was made by limited companies and not by individuals. On May 10 the solicitor for those firms wrote to the board asking whether a decision had been reached, and on May 28 a refusal of this licence, with the consent of the Minister, was communicated by the board. An inquiry was then directed to the board as to the grounds upon which this refusal was made, so that an appeal could be lodged, and that was not finally disclosed in fact until, after considerable correspondence, on January 2, 1964, the secretary of the board wrote to Mr. Matison, stating that the grounds upon which the applications were refused were that the applicants were not, on October 1, 1948, registered wholesale potato merchants, and, secondly, that the board was satisfied that in the public interest it was undesirable that the applicants should be registered as potato merchants.

The board did not give any reason, or say what led it to its conclusion. These people have a heavy investment in this particular industry, an investment worth, as I understand it, some £80,000, and are quite substantial employers of labour involved in the industry in my district. While it is necessary for the board properly to consider and exercise its discretion in relation to applications for licences under this Act, I feel that it is only proper, in view of what has happened and the way in which the board has seen fit to administer the existing licensing provisions, that there

should be some right of appeal to an independent authority before whom evidence could be called publicly, so that there could be a due and proper safeguard for people in this industry and so that there would be no apparent use of the licensing provisions to restrict licensing within an industry.

Sir, I hope that the House will agree to providing a right of appeal from the decisions of the board in relation to licences. Although I am not permitted to advert to what is going to happen in Committee, Mr. Deputy Speaker, I imagine that I can say that a little bird told me there was some proposal likely to be discussed at a later stage that before licences should be finally removed from anybody under this Act by the decision of the board there should be a conviction before a court for a breach of the Act or of the terms of the licence granted under the Act. I should think that that was proper. I believe the proposals (of which I have been given some knowledge) that will come from members opposite will provide some safeguard, and that is proper. Several growers have now raised this matter with me, and I should think that, before giving a board an arbitrary authority to remove a licence, it was proper that it be required to prove some breach publicly and in the normal way before a police court or similar tribunal so that one could be certain that a man's livelihood would be removed from him not by an arbitrary action but only on proper proof of guilt.

The only other clause to which I wish to advert is that which provides further powers of direction and regulation for the board. That is the clause that replaces portion of section 20 of the principal Act, about which the court gave a decision last year. I believe this will give the board very wide powers indeed, and very necessary powers with one exception. I do not believe that the board should have power to prohibit the delivery of potatoes to any person other than a person nominated by it. I believe it should have power to prohibit delivery to anyone except itself or its servants properly appointed by it so that it will be able to see to it that there is no contravention of the orderly marketing provision, but I do not believe it should have power to prohibit delivery to anyone except the Potato Distribution Centre, as that would revive the very thing the court passed judgment upon. I hope that in Committee we shall be able to reach some agreement on this matter.

As far as I can judge of the growers' wishes, as expressed to members on this side of the House and in written submissions made to the Potato Board, the Bill as amended in the way I have suggested will meet their wishes. They desire an adequate orderly marketing organization but they are not particularly impressed with the idea of retaining the South Australian Potato Distribution Centre Limited as the distributing agent. Indeed, strong representations were made in the written submissions that the board and any distribution centre should be entirely divorced, but they were in favour of the board itself, through its servants, operating a distribution centre. If that is done—and I believe it should be done—all the safeguards that should be provided in an orderly marketing scheme will be there, but if the board is to appoint the Potato Distribution Centre, a private outside organization, to carry out some of its functions under this Act, I believe real public harm could result and that there would not be the proper safeguards and public accountability that should exist under an orderly marketing scheme.

Mr. MILLHOUSE (Mitcham): I believe that once a member of Parliament is elected it is his duty to scrutinize all legislation that comes before the House, whether it happens to concern his own district directly or not. In this particular matter, I have been approached by a constituent who is a principal of Tailem Fruit Supply, the company that has already been referred to by the member for Norwood (Mr. Dunstan). It was he and another man who is almost a constituent of mine—but not quite—who directed my attention on this occasion to the Bill. The member for Norwood has canvassed their case extensively this afternoon and I do not intend to say anything more about it except that I am concerned in anything that affects people in my own district. However, I do not base my views of this Bill or the principal Act on this particular case in which Tailem Fruit Supply and Messrs. Humphris and Monaghan are engaged. I believe that the Bill, on the face of it, has very many defects, and also that the principal Act, on the face of it, has very many defects. While this Bill is before the House it is our opportunity as well as our duty to do our best to put those defects right.

I do not like the way in which the scheme of the Act has worked since it was introduced in 1948. I am told, and I accept, that the same man is Secretary of the Potato Board, Manager of South Australian Potato Distribution Centre Limited, and (here I am open to

correction) Manager of Wholesale Fruit Merchants of Adelaide Limited. That man is Mr. McCullagh. I do not say that there is anything irregular in what has been going on. Indeed, having discussed the matter in the presence of the Minister with the Chairman and two members of the board, I am prepared to accept their assurance that everything that has been done has been entirely above board. However, it certainly does not look good for the man who is secretary of the board, which is the statutory body set up under an Act of Parliament, to be also the manager of an agent of the board, and that is the position.

In the last week, since this Bill was introduced, there has been much discussion about it among members. I say here and now that I do not think Parliament discharges its duty to any industry by abrogating its responsibilities and handing them over holus bolus without strings to a board to run, but that is precisely what was done in this case in 1948 and it is precisely what we are trying to renew with the present Bill. In 1948 Parliament gave the Potato Board a blank cheque to do what it liked with the industry. When some of its actions were challenged before the court and decided upon by the Full Court of the Supreme Court (as the member for Norwood has told the House this afternoon), and some holes were found in the Act, the Government tried to stop up those gaps so that the cheque is again blank in favour of the board. I do not believe that that is the way we should run the affairs of this State. We do not discharge our duty to any industry by simply handing it over, without having any rules of fair play or any other rules, to a board. We have a duty to everyone in this State.

Mr. Shannon: Isn't it common practice to block up holes in legislation where offences have been difficult to prove because of the lack of strength in the law?

Mr. MILLHOUSE: Yes; I have no objection to that at all, but what I do object to (and I am sure that the member for Onkaparinga will understand this) is giving the board *carte blanche* to do what it likes—and that is what we are doing by this legislation.

We have a strong duty to the consumers, the growers and merchants but I do not think we should overlook our duty to the consumers in favour of or for the benefit of the growers and the merchants. But what do we find if we look at the principal Act? Section 18 provides for the registration of growers (I have little to say about that) and section 19 for the licensing of wholesale potato merchants. Licensing in itself is no bad thing but, if we look at the proviso to section 19 (2), we find that—

> the board, with the consent of the Minister, may refuse an application for registration if—
>
> (i) The applicant was not on the first day of October, nineteen hundred and forty-eight—

almost 16 years ago now—

> a registered wholesale potato merchant under the National Security (Potatoes) regulations.

I do suggest that after this length of time the time is more than ripe to get rid of that provision. Then—

> (ii) the board is satisfied that in the public interest it is undesirable that the applicant should be registered as a potato merchant.

In other words, the board has the absolute right, it seems to me, with the concurrence of the Minister of course, to say whether or not a man shall be a licensed potato merchant, and the only criterion and one that is so vague as to be meaningless, is that in the public interest it is undesirable that the firm or man should be licensed as a merchant.

Mr. Riches: How would you deal with a merchant who deliberately set out to smash the board?

Mr. MILLHOUSE: If the member for Stuart—

Mr. Riches: That is an honest question.

Mr. MILLHOUSE: I know, and I am trying to give an honest answer. If the honourable member likes to look at certain amendments on the file, he will see how I would deal with that position. I hope that in the course of my speech I shall refer to it. That is the position, that the board with the concurrence of the Minister can refuse anybody a licence. That is what it comes to. Then let us look at new subsection (3), which reads:

> Every licence shall unless surrendered or otherwise terminated, remain in operation for the term mentioned therein.

That means that, even if a licence is given, it can be given for as short or as long a time as the board likes to give it. It can be three weeks, three months or three years. That, too, is something that should be tightened up.

Then, under section 20, we find the powers of the board set out. Those powers give it an absolute control of the industry because of their width. Last year of course there was the prosecution that has been referred to. Shortly, the court decided that while the board under the Potato Marketing Act of 1948 had power to regulate the industry, it did not have

power to prohibit any particular individual from engaging in the industry—and that, of course, was what the board was trying to do and that is the power it wants to get from Parliament now.

As I have said, this Bill is simply an attempt to stop up the holes that were set out by His Honour the Chief Justice in his judgment, and it is obvious that the Parliamentary Draftsman has read very carefully His Honour's judgment in drafting this Bill, because every point taken by the Chief Justice in his judgment is covered in this amending Bill. But it goes even further than stopping up the holes that were discovered by the court last year, because it provides for the first time for the licensing of potato washers. It provides much the same scheme there as is already in the Act in the case of merchants, except that, instead of its being in the public interest to refuse a licence for a washer, we find a slight twist. The public interest is ignored and is no longer the criterion in refusing a licence for a washer: it is the interests of the potato industry itself only that count in that particular case.

Also, there is provision here for the cancellation of a licence at a fortnight's notice—again without the board's being really answerable to anyone. Of course, the board has to be satisfied that the licensee has committed a breach or that he has contravened or failed to comply with the provisions of the Act, but what does that mean? It means, in effect, that the board can cancel a man's licence. It does not have to give any reasons and the man does not have to be convicted or even accused openly of any offence under the Act. I believe that that is absolutely wrong because it is entirely unjust that a board should have at its mercy the livelihood of people engaged in an industry. We heard the member for Barossa (Mr. Laucke) speaking this afternoon. He is a flour miller. I do not know whether he would be prepared to allow his right to continue as a flour miller to be determined by a committee of his fellow flour millers—

Mr. Shannon: The Australian Wheat Board can delicense him tomorrow.

Mr. MILLHOUSE: I certainly should not like my fate as a member of the legal profession to be in the hands of the Law Society without further ado.

Mr. Heaslip: That is totally different.

Mr. MILLHOUSE: It is not totally different. We are giving the board a power to take away a man's livelihood at a fortnight's notice. That is wrong. I would not submit to it and I do not think that we as a Parliament should ask any section of the community to submit to that. I do not know whether the member for Rocky River (Mr. Heaslip) thinks he should be able to put his fellow graziers out of business at a fortnight's notice.

Mr. Shannon: A member of your profession can be struck off the roll.

Mr. MILLHOUSE: If the honourable member thinks about that just a little more, he will realize that no-one is struck off the roll as a legal practitioner unless he has been found guilty of an offence—and that is precisely what I suggest should be inserted in this legislation. I do not know whether the member for Onkaparinga is complaining about that. That is the very point of my objection to this particular provision, that one does not have to be found guilty by anybody of any offence: one's fate is entirely in the hands of a board. That is absolutely and utterly wrong.

The SPEAKER: The honourable member will be found guilty if he does not address the Chair.

Mr. MILLHOUSE: I was addressing you notionally, Sir. However, having said that, I want to make it clear that I am not here to upset the scheme of orderly marketing laid down in this legislation. I am prepared to accept it so long as the price we pay is not too high, and when I say "the price we pay" I mean the risk of injustice to individuals. If that risk is too high I am not prepared to support the Bill. I believe that that risk will be too high if the business of individuals is put at the mercy of the board as under the Bill at present drawn.

Mr. Hall: Don't you think the board is a responsible one?

Mr. MILLHOUSE: I am not willing to trust any board with the power of life and death over anyone. This legislation could be improved without upsetting the scheme of it at all if licences were given for a fixed period instead of at the will of the board. I understand that the Chairman of the board would not object to this.

Mr. Shannon: Irrespective of any offences committed during that period?

Mr. MILLHOUSE: If the member for Onkaparinga will allow me to develop my argument he will get an answer. That should be provided for. Secondly, we should provide for an appeal, not to the Minister but to a Supreme Court judge, against a refusal of the board to grant a licence either as a merchant or as a washer. Thirdly, I do not believe

that the board should have the power to cancel either type of licence except after the licensee has been convicted twice of an offence against this Act.

Mr. Shannon: What is your reason for allowing him one offence?

Mr. MILLHOUSE: The reason for not making it once is that an offence can conceivably be committed by inadvertence, and everyone is entitled to the benefit of one chance.

Mr. Shannon: Would a man be convicted under such circumstances?

Mr. MILLHOUSE: Yes, it often happens. A similar provision is included in the Licensing Act. A licensee should be given the benefit of one doubt, and if he commits two offences the overwhelming chances are that he is following a course of conduct that is inimical to the legislation, and the board should have the power to cancel or suspend the licence.

Mr. Riches: How would you deal with a man that is out to smash the industry and every other grower in the State while he is waiting for a court action to take place?

Mr. MILLHOUSE: In my proposals it would not be necessary for a court action to take place. I point out to the member for Stuart that a complaint under any Act can be laid, be heard and a conviction recorded (if that is the court's decision) within a matter of weeks.

Mr. Hall: What do you think could happen to potato growers in a matter of weeks?

Mr. MILLHOUSE: I cannot help that. I am not willing to place a man in jeopardy within a fortnight.

Mr. Hall: Whose property do you think the board is dealing with?

Mr. MILLHOUSE: What does the honourable member mean?

The Hon. P. H. Quirke: Who owns the potatoes?

Mr. MILLHOUSE: The growers, the merchants, or the retailers. I cannot see the relevance of that question.

Mr. Hall: They may be dealing with their own goods.

Mr. MILLHOUSE: If we want to give the board rights of that nature we can do it under this legislation, but we must safeguard the rights of the individual. That is all I intend to do by means of the amendments I have on file. I will support the second reading but, unless the amendments such as I have on file or similar amendments are inserted in the Bill, I will not vote for the third reading.

Mr. McANANEY (Stirling): I support the Bill generally. I have had about 15 years' experience in primary-producing organizations and have advocated orderly marketing at all times. I consider that to have a satisfactory orderly marketing scheme the board must have full powers. The member for Mitcham has said that the board was originally given a blank cheque. If it were, somebody must have taken the pen away, because the board did not have the necessary powers that were available to the Wheat and Barley Boards. The Potato Board's powers were restricted to the extent that it could not carry out its job properly. These amendments will give the necessary additional power to the board and it will remain a grower-controlled board. If we give it the necessary power to operate an effective orderly marketing scheme, it is up to the growers to eradicate the weaknesses or conditions in which they are disappointed, so that the board can operate the scheme satisfactorily. Incidents have occurred in the past. I agree with the member for Onkaparinga, who said that there was an atmosphere of suspicion in the industry because of things that have happened. These incidents have not occurred with the Wheat and Barley Board. Some growers opposed these boards in the first place, but now agree that both boards work well, and support them. I have heard little criticism of their administration.

When this legislation was mooted I began inquiring and, after speaking to many growers during the last three months, I believe that they are not happy about some aspects of the Potato Board's operations. However, the board should not be opposed: it should be given an opportunity, through its grower members, to operate the scheme successfully. During the next few months the board should be able to put in a scheme in which the growers have confidence and which will overcome the points of dissatisfaction. It is entirely in the growers' hands and they should be given the opportunity to do it. No restriction should be placed on the board that would hinder it in putting this scheme into effect. I have little legal knowledge, but I consider that the amendments regarding one conviction would not be entirely satisfactory. If a person was determined to defeat the objects of an orderly marketing scheme he could delay and prevent the board's working in the way it should. We should not do anything to lessen the opportunity of the growers to put through their own orderly marketing scheme under conditions they consider are satisfactory, but

should do everything to clear the air of suspicions of the board that existed in the past.

With these additional powers the board will have no excuse and will not be able to say that it cannot do what is wanted because it has not the necessary money or power. I represent an area containing some of the largest producers in this State, and they are vocal in their opposition to certain aspects of the board's operations. These growers object to the fact that the Secretary of the Potato Board is manager of S.A. Distribution Centre Limited, which is owned by the Wholesale Fruit Merchants of Adelaide Limited of which he is the manager. He is also secretary of the price fixing committee of the Potato Board. The growers consider that a secretary not associated in any way with merchants' interests should be appointed to replace him. However, it is up to them to do that and, as they have the numbers, they should see that that position is corrected. As I have said, I have been a member of primary producers' organizations for some time, and without casting any reflections I believe the growers are as efficient as, if not more efficient than, the people handling their affairs. These primary producers are busy people. At a meeting they meet the representative of the merchants, who has all the facts and figures and market trends to put before them. They cannot be expected to be able to combat the evidence given to them by the secretary of the organization. It is difficult for them to argue against the case put to them. It is essential that the secretary shall be a qualified accountant with no other interests in the industry. We should not place any obstacles in the way of the growers putting their board in order. We should give them the necessary powers to enable that to be done.

Mr. BYWATERS (Murray): I support the second reading. Like other members, I represent some potato growers, for in my district, particularly around Murray Bridge, potato growing has come into its own a great deal in recent years. We have some large producers of potatoes. I have made inquiries from interested people about this Bill. What has been said by the members for Norwood, Mitcham and Stirling contains much merit. Without exception, every grower I have spoken to favours this Bill and wants orderly marketing. When the measure was being drafted they thought other alterations should be made to the Act, but they accepted a compromise to get some form of protection in the industry. The member for Norwood (Mr. Dunstan) mentioned some of the matters the market gardeners would have liked incorporated in the Bill, but as they could not get them they were willing to accept the Bill as drafted, in order to maintain stability in the industry. All the growers want stability. The need for the Bill arose out of a court case in which Tailem Fruit Supply was involved. People have different views about Tailem Fruit Supply, but I do not intend to go further into that matter because it is irrelevant to the question before us. However, because of the action of Tailem Fruit Supply it has become necessary to tighten up the Act. My main objection to the Bill as drafted is that a grower can be victimized by having his licence cancelled, or not given a licence when he applies for one. There is only the appeal to the Minister, but often, because he does not know the real position, the Minister accepts the board's decision. I think that also applies in other departments, where the advice of senior administrators is accepted. Because of this difficulty about the appeal, there is concern about a fair go being given.

Mr. Freebairn: You agree there should be a board to control the marketing?

Mr. BYWATERS: Yes. I do not agree with the member for Mitcham (Mr. Millhouse) that all the board's powers should be taken away. All I want is the right of appeal to another body, and a suitable body would be the Supreme Court of South Australia. All growers with whom I have discussed this matter want the Bill to pass, but they all agree there should be another tribunal to which an appeal can be made. Other matters, of course, arise for consideration, but we can deal with them later. I believe that the present situation in the potato industry is similar to the position under other orderly marketing schemes, where things have worked very well, and, generally speaking, they have worked well for the Potato Board. However, now that representations have been made for protection for the growers, there should be another body to which an appeal can be made. It has been said that potato washing is a new industry and that Tailem Fruit Supply was the originator of that method of handling potatoes. I have been told this by some people, but others have told me that Mr. Schubert of Balhannah was the first to introduce it. I reserve the right to discuss in Committee any amendments that may be moved. Meantime, I support the second reading.

The Hon. D. N. BROOKMAN (Minister of Agriculture): I want to briefly refer to a number of points raised by members in this debate. We must remember that the Bill is seriously wanted by potato growers. It will be of interest if I give some of the history of the Potato Board, which arose from National Security Regulations during the Second World War. There was no control from the time the regulations lapsed and the Act was passed. In 1948 the industry asked for legislation which was provided, subject to its being accepted by a poll of potato growers. The growers voted in favour of it. The Act provided for the abolition of the board by the growers on a vote of the growers, and that provision is extant. One vote was taken after the board was established, but the growers voted for its retention, and since then its existence has not been challenged. However, the provision remains and the board can be abolished if the growers so desire. The board comprises five grower members, all of whom are elected by the growers. This, to me, is important. It is essential for Parliament to set the pattern to enable a primary industry to organize itself. Parliament has always insisted that before a board is established the producers should intimate that they want it, and then should control it. Those requirements have been satisfied in this legislation.

We have heard much talk inside and outside of this House concerning the Potato Distribution Centre, various acts of the board, and other features, but I point out that this Bill seeks merely to enable an industry to run itself. People should remember, when they worry about who comprises the Potato Distribution Centre, that that centre is the board's agent. The board has no power to buy or sell potatoes: it has to operate through an agent. If the centre is doing something wrong (and I do not say that it is, although there are many wild statements being made in criticism of it) then it is the board's responsibility to do something about it. As a matter of fact the industry is discussing various aspects at present, and subsequent to the successful passage of this Bill it will be considering the future of the centre as the agent of the board. The board is in a receptive frame of mind to accept some solution of the various problems that have arisen.

This board deals with a perishable commodity on which heavy freight rates apply and it is subject to pressure from other States. The marketing of grain is simple by comparison. The annual production of potatoes in South Australia is 53,000 tons. Western Australia produces 57,000 tons, of which about 10,000 to 12,000 tons is surplus; Victoria, 254,000 tons; New South Wales, 133,000 tons; Queensland, 86,000 tons and Tasmania 70,000 tons. One can appreciate the tremendous difficulties that South Australia faces from competition from other States—competition about which the board can do nothing. The board has not attempted to control trade from other States, nor should it. The original Act set out to prevent the board from interfering with such trade, but in so doing it went further than was necessary. It is now considered advisable to remove that provision from the Act. The question of trade between the States will be subject to the operations of section 92 of the Commonwealth Constitution, governed in this State by the Acts Interpretation Act. We naturally want trade from the other States to be *bona fide* trade, not trade carried on under the cover of section 92.

The prosecution that revealed a weakness in the board's powers to regulate and control the sale of potatoes has led to this amending legislation. The court held that the board could not prohibit the sale of potatoes as the board thought it could. The board has asked for the Act to be amended to give effect to Parliament's intention in 1948. If this Bill is not accepted the situation will deteriorate rapidly. The boards in Victoria, New South Wales and Queensland have ceased to exist.

Mr. Millhouse: Why?

The Hon. D. N. BROOKMAN: I do not know. I have not examined the position. I should imagine that similar problems arose there from disunity and from competition from other States. The power to be given to the board has been criticized. However, the board will not have as much power as is conferred on other boards. The Wheat Board has far wider powers. Members will recall that in the Wheat Industry Stabilization Act, which we considered last year, the following provision was incorporated:

> Subject to this section, the board may license, subject to such conditions as are specified in the licence, a person, firm, company or State authority to receive wheat on behalf of the board, and may cancel or suspend any such licence.

That provision is typical of the powers given to other boards, including the Egg Board, Honey Board and Barley Board. The Potato Board is subject to all of these outside pressures and now we are being asked to reduce further its powers.

The Bill will provide for the issuing of washers' licences as well as merchants' licences. The board seeks to separate the two types of licence. It seems to me that virtually everybody who is a washer now will get such a licence. I cannot make any promises, because I have not examined the names of the various firms involved, but I cannot see any reason why they should not receive these licences. By the same token the same should happen with merchants who will be licensed. As this matter will be dealt with in Committee I do not wish to discuss it further except to refer to the assertion of the member for Murray that the Minister when he heard an appeal would not know the true position and would have to rely on advice from the board or from his senior officers. It is certainly correct to say that the Minister would listen to advice and would make up his own mind about these things but I point out that, if he has to learn anything about the industry, a court has to learn at least as much, because the Minister at least has some day-to-day responsibilities in these matters. As a Minister I have heard an appeal against a decision of the board under the Barley Marketing Act in which a Queen's Counsel appeared. A general discussion took place lasting several days and the result of the appeal was satisfactory to both parties. I do not think that anybody left the room with the idea that the Minister was not the proper person to resolve such a matter. The member for Norwood (Mr. Dunstan) mentioned that he had received much correspondence describing the terrible difficulties that beset some people in his district. These people are remarkably widespread for I believe they also exist in the district of the honourable member for Mitcham (Mr. Millhouse).

Mr. Bywaters: They can live in one district and carry on business in another.

The Hon. D. N. BROOKMAN: One point rather shook me; the honourable member apparently had been supplied with copies of correspondence, but not all the correspondence. If I understand the position correctly, the honourable member said that on June 26, 1962, the appellant wrote to the Minister asking him to hear an appeal against the decision of the board to issue a merchant's licence. He also said that an appeal had never been heard.

Mr. Dunstan: I did not say "heard"; as far as I knew it had not been determined.

The Hon. D. N. BROOKMAN: True, it had not been determined, for the very reason that no evidence had been forthcoming. The honourable member read a letter dated July 27, 1962. I wrote to the solicitor representing the person concerned and, after acknowledging receipt of the letter of June 18 I said:

I now regard myself as having validly before me your appeal in accordance with section 23 of the Potato Marketing Act, 1948.

I went on to say that I was prepared to hear the appeal and listed the conditions under which I would do so. I concluded by saying:

I do not propose to set any formal time limit to the furnishing of the information or arguments which you are entitled to submit but I should be grateful if they could be placed before me within three weeks of the date of this letter.

I never heard from the person again although subsequently, in 1963, there was a similar appeal from a different source—a partnership, I think. When the honourable member suggested to me just now that nothing further had been heard of the matter I asked one of my colleagues to ring my office to make sure that my original letter had actually been sent. It was checked out as having been posted on the day I wrote it and it was never returned so I can only assume that it was delivered. I must admit it was not posted as a registered letter but the General Post Office does not lose many letters. I am surprised that the people making the accusations did not give the honourable member the full correspondence relating to this matter. The growers require the Bill and they are not in any way frightened of powers that may be given to the board. In fact, I think most growers are happy with boards that receive wider powers than this one would. There are some amendments which I intend to discuss in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"General powers of board."

Mr. FRANK WALSH (Leader of the Opposition): I move:

In new section 16 (*d*) to strike out "either" and "or by any agent or agents".

If my amendment is carried, new section 16 will provide that the board may "buy and sell potatoes by its servants appointed in writing under the seal of the board". I do not wish to take away from the board its right to sell potatoes or its right to appoint officers, but I cannot see why it is necessary to mention "agent or agents" in this paragraph. There have been disputes concerning prices and unwashed potatoes, whereas I believe in orderly marketing. I believe that the grower should have a reasonable return for his commodity, and that the public also is entitled to see that reasonable prices are fixed.

The Hon. P. H. Quirke: You mean that there will be no agents and the board will buy all the potatoes?

Mr. FRANK WALSH: Under my amendment the board, by its servants, will buy and sell potatoes.

The Hon. P. H. Quirke: That means that the board will buy and sell all potatoes and finance all potatoes.

Mr. FRANK WALSH: I do not see why the board could not appeal to the State Bank for finance, if necessary.

The Hon. Sir Thomas Playford: Does the Leader propose that only the board would be able to buy and sell potatoes wholesale?

Mr. FRANK WALSH: We cannot have it both ways. I am sticking to the board, five members of which are to be growers' representatives and another two are to be appointed by the Governor. Out of the nine members, five will be growers' representatives on the board, so the growers will have ample authority and under these proposals they will be able to dictate policy in accordance with their desires.

The Hon. Sir Thomas Playford: If the Leader's amendment is carried, the board will be the only wholesale dealer in potatoes.

Mr. FRANK WALSH: It can buy and sell potatoes by its servants.

The Hon. Sir Thomas Playford: Under the amendment, the board will not be allowed to license agents.

Mr. FRANK WALSH: Servants will be appointed by the board if necessary. I am putting the control back to the board itself, so that orderly marketing will be assured. I am not interested in getting somebody else to do the job. I have heard it said today that 15s. a ton is being paid in respect of the control of potatoes; I do not know if that is so, but apparently the growers themselves, through the board, have raised no objection to it. As far as I can see, the constitution of the board will not be altered. I believe that the growers themselves should be able to go to the board; if they are not satisfied, provision exists for them to upset anything that may be undesirable. Under my amendment the board can appoint servants, and, by its servants, it can buy and sell potatoes.

The Hon. Sir Thomas Playford: I presume the honourable member means "employees"?

Mr. FRANK WALSH: They can be appointed to sell. Under my amendment the provision would read:

> The board may buy and sell potatoes by its servants appointed in writing under the seal of the board.

The Hon. D. N. BROOKMAN (Minister of Agriculture): I ask the Committee not to accept this amendment, which would completely alter the structure of the industry as we know it. At present, the board may not buy and sell potatoes, and therefore it has to appoint an agent to do its business. Under this Bill the board may buy and sell potatoes, but if the amendment were carried it would not be able to appoint agents. Frankly, not only is that impracticable but it would be storing up trouble for us for years to come. We grow about 50,000 tons of potatoes yearly, so it would mean that the board would have to buy about £1,000,000 worth of potatoes during the season and then have to resell them again.

Mr. Harding: What bank would finance that?

The Hon. D. N. BROOKMAN: That is not a bad question, particularly as every third year the growers have the opportunity to vote the whole Act out of existence if they wish, and I do not think many banks would be satisfied with that obvious lack of security. Storage problems are tremendous with potatoes, and therefore this matter is something that clearly must be left with a number of private persons and not just in the hands of one organization, which of necessity would require a tremendous capital outlay to handle it on its own. It is well known that potatoes quickly deteriorate under storage, and heavy losses can be incurred through mishandling and, even with good handling, through bad luck.

Let us contemplate what would happen if crops in other States failed or, on the other hand, they were much heavier than in South Australia and we were faced with possible dumping of potatoes from elsewhere. An organization such as the board would have to pay out tremendous sums of money and would then have to sell its potatoes on a market that was suddenly glutted. It seems to me that this amendment is undesirable in every way. For the present figure of 15s. a ton, this work is done by an agent; that amount is only a small component (about one-twentieth) of the present price of potatoes to the growers. It would be one-thirtieth, or about three per cent, of the price of the finished product, and that would not finance the buying and selling programme. This scheme would be impracticable, and I should be happy if the Leader would withdraw the amendment. If he will not, I will ask the Committee to oppose it.

Mr. LAUCKE: I believe the Leader is well-intentioned, but what he suggests is far too precipitate. What he suggests would mean that there would not be an agent to handle the

distribution of potatoes, and the board could not operate. The idea of empowering the board to do certain things in its own time is good, but to act with such precipitation is dangerous and would render the orderly marketing of potatoes impossible. Under the amendment we would be leaving the industry out on a limb and there would immediately be chaotic conditions in the industry. We should not force the issue at this stage, as that would be highly dangerous and most undesirable, bearing in mind the need for the continuation of orderly marketing. I hope the Committee will not accept the amendment.

Mr. DUNSTAN: The Minister and the member for Barossa (Mr. Laucke) spoke about the difficulties the board would face. They know more about the way it works than I, so if I am wrong I should be glad if they would correct me. The Minister suggested that if the board were the buying authority it would have to provide great storages, which would involve it in great expense, and it would immediately have to finance the purchase of the whole South Australian potato crop and directly bear losses on any dumping in this State. The alternative he suggested was to authorize the existing distribution centre as the agent of the board for purchases. If the centre were the authorized agent, it would still be the board doing the buying and responsible in law as the principal. I am speaking now about what will happen under the clause if the board chooses to buy or sell. It does not need to buy or sell, but if it buys through an agent the law relating to buying and selling applies. Even if it appoints the distribution centre as its agent, it is legally responsible.

Mr. Hall: How do you know it will be granted?

Mr. DUNSTAN: It is the centre nominated by the Minister.

Mr. Hall: You don't know that it will be available.

Mr. DUNSTAN: I hope it will not and that the board will do this itself. The distribution centre does not operate as one great authority. Potatoes are not always delivered to it; they are directed by the centre to ultimate purchasers, and that could still happen under the board. The centre acts as an agent for the distribution of potatoes. If the board is to be basically responsible, why cannot it do this instead of an outside company doing it? I do not understand the Minister's statement that the board would require great capital to provide facilities, as I understand that the distribution centre has no facilities now. It is a means of directing growers to various merchants. I am distrustful of having the centre, which is a private limited company, not publicly accountable. I do not think the amendment will produce the chaos suggested by the member for Barossa. It will merely mean a transfer in organization, and organization is not beyond the capacity of the board. If the board chooses to buy and sell through an agency, it will be basically responsible financially just as much as if it did these things itself, as it will be the principal in law.

It has been suggested to me that growers may be interested in terminating the agency of this centre and setting up their own distribution organization. If it were clear that that would happen and that it would be publicly accountable to the board, I do not think members on this side would object. Members opposite suggest that this amendment will immediately require the board to become the only wholesaler in the business. That is not so, because although power is being given to the board to buy and sell it is not a power that the board now exercises, and it does not need to exercise it until it wants to do so.

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

Mr. DUNSTAN: Before dinner we were perhaps arguing a little at cross purposes. I shall endeavour to clear up some of the misunderstandings and misconceptions that may have arisen about the Leader's amendment. I do not think that some honourable members opposite have understood the precise effect of the amendment. As things stand at the moment, the board has no power to buy or sell potatoes. It does not exercise any power of buying or selling. It is purely a regulatory authority. When a grower wishes to sell his potatoes, he goes to the distribution centre, which directs him to the place of the merchant to whom he is to deliver his potatoes. He goes to the merchant, who examines them and satisfies himself that the potatoes are of the required condition and standard; and the delivery there takes place.

The bookkeeping is done through the distribution centre. If anybody acts as an agent for anybody, it is that the distribution centre acts as an agent for the grower. The grower has no contract with the board and, if he were not paid by the merchant, could not sue the board because the board is not a principal, a buyer or seller, in the transaction. That is the present situation and, in fact, that does

not need to alter under the Bill as it now stands until such time as the board itself decides to initiate buying and selling. When the board decides to buy and sell, it may buy or sell to the extent it deems necessary. It does not have to become the sole buyer or seller but it may buy or sell if it chooses to do so having set up its means of handling the sales or the purchases in due course.

The amendment provides that, when the board decides eventually to buy or sell, it will do the buying or selling directly and not by means of some agent. The board can buy from a grower and sell to a merchant. Indeed, what the board could do in those circumstances would be to do largely what takes place now, but the legal effect of the transaction would be different: that is to say, the grower would go to the board, which would now have no separate distribution centre as its agent, and the board would say to its servants, "You deliver your potatoes to such and such a merchant." He examines them and receives delivery of the potatoes. The merchant pays the board and the board pays the grower. The grower's contract is with the board and not with the merchant.

If the clause were left as proposed in this Bill, the difference in legal effect in the transaction would be this: if the board appointed an agent in the buying and selling, then the contract would be made with the agent on behalf of the board but, if the agent defaulted, the board could still be sued as the principal buyer or seller in the matter. All that the amendment does is to say that, at the time that the board decides to enter into buying or selling, there will be no separate distribution centre or similar organization acting as its agent in the buying or selling but the board will act directly as a principal in the matter. This will not in any way affect delivery or sales to merchants; it will slightly alter the legal aspect of the matter and there will be no bookkeeping done by the outside organization; the bookkeeping responsibility will be directly that of the board.

During the adjournment, I understood that some members opposite and the Premier felt that striking out the word "agent" would make the position of wholesale merchants difficult; but it would not affect their position in any way. They would still carry on in the manner in which they now do but their transactions instead of being with the growers would be with the board, and the growers' transactions instead of being with the merchants would be with the board. Instead of doing the bookkeeping through a distribution centre and having his contract with the merchant, the grower would have his contract with the board, and the merchant would have his contract with the board. But, of course, this does not need to happen tomorrow, because the board does not need under this section to choose to undertake buying and selling until such time as it is ready to do so.

It is suggested that one of the purposes of giving the board power now to buy and sell is to enable it to make purchases from markets in other States when that is necesary for the purpose of maintaining supplies in South Australia. But again, of course, that it should make those purchases directly and not through somebody whom it appoints as its agent to purchase does not really present the board with any greater difficulties. The important thing about having the board acting as principal throughout in this matter is to ensure that, when these transactions take place, they shall take place through an organization that is publicly accountable and is the principal administering authority under the Bill.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I have been trying for some time to understand the purpose of this amendment. I am still not very clear what that purpose is. I am assured that it is not proposed in any way to interfere with the functions of the merchants operating in the market but that this amendment is directed against the distribution centre; that in future there would be no distribution centre; that the board would not be able to operate through the distribution centre; that the distribution centre would be eliminated.

I do not know how it would be done, but by some mysterious means the board would undertake the functions of the distribution centre. I hear that the distribution centre is raking off 15s. a ton and that the purpose of this amendment is to stop that practice. If that is wrong, I should like to be corrected before I proceed to discuss this amendment, because that is what I believe it is proposed to deal with. What is this distribution centre, how did it come into being, what are its functions and why is it that a board nominated by potato growers stands for something that is useless, according to my friend opposite, and is unnecessarily making a rake-off from the industry? After all, the Potato Board is nominated by potato growers. Why is it that they are keeping this distribution centre going, what are its functions and why is it a good thing to wipe it out? In the first

place, the history of the distribution centre is that it was established by the Chifley Government in war-time.

Mr. Dunstan: Not this distribution centre.

The Hon. Sir THOMAS PLAYFORD: It came about as a result of a recommendation of the Fruitgrowers and Market Gardeners Association and others associated actively with the market. It was established in war-time and has been maintained ever since the war. It undertook on behalf of the Commonwealth Government in wartime the function of organizing the production and sale of potatoes, because at that time they were in short supply. When certain legislation was passed in this House after the Commonwealth war-time legislation lapsed, the Potato Board continued to use the organization that had been established. Several things have happened since then. On one occasion an honourable member queried the use of the distribution centre and the levy of 15s. and as a result I obtained a report from the Prices Department about this particular agency. Speaking from memory, I understand that there were no criticisms from the Prices Branch of the way the centre functioned or of the charges levied. It is true that while the distribution centre has operated it has accrued considerable assets. As far as I know, it has never paid any dividends to the members, because any surplus resulting from its operations has been retained for the purpose for which the centre was established.

I tried to confirm whether any payments were made to merchants. A person closely associated with the industry and held in the highest repute told me this evening that as far as he knew (and apparently it had been a subject of some discussion) the component parts of the distribution centre did not look upon the centre as a revenue-producing activity, but as a servicing activity for the industry. One or two changes have been made in the procedure since I had a special knowledge of it. At one time a grower, having been authorized by the board to deliver a certain tonnage of potatoes, automatically contacted the distribution centre. Recently, some growers and merchants desired to deal directly with the agents with whom they had associations in other forms of trade, and that was permitted.

Whether the distribution centre takes the potatoes or authorizes the distribution of them, or whether the potatoes are taken to accredited merchants, the distribution centre is responsible to the grower for payment for the potatoes. I understand that the centre is used considerably for financing the purchase of potatoes by merchants. It thus serves as the agency for the grower who may not have the private market connections to enable him to make private arrangements for his deliveries. I do not know how this type of grower could function and how this type of deal could be financed without the distribution centre. Before introducing this type of legislation the matter is referred to growers. Not only is this legislation of benefit to the grower, but the consumer will receive a tremendous advantage. With instability in the industry the consumer may at times obtain potatoes at a glut price but on the other hand there will be shortages too, as we have seen in the past, that can be inimical to the interests of the consumer.

Stability in the industry is an advantage to the consumer and to the grower. The legislation provides that if at any time in a three-year period the growers decide that they do not want this legislation, a petition of 100 of them is sufficient for a poll to be taken on whether the operations of the marketing board shall continue. This is legislation where the board itself is under continual and critical analysis from the industry. The last attempt to disrupt the board was made about 11 years ago, but following the petition a poll can be held for the repeal of the legislation and the dissolution of the board. This is something that is producer-controlled: it is wanted by the producer. On many occasions I have heard members opposite criticize people receiving the advantage of organization but not wanting to pay anything into organization or contribute to the rules of organization, and they call that all sorts of names, the least of which is "scab".

Here is an industry trying by legitimate means to maintain stability. I understand from what I have heard from members opposite that their action is not a result of requests from the industry but merely a result of their own ideas in connection with it. They have decided that they are going to alter the present arrangements by removing one of the essential cogs that has made potato marketing a partial success: I will not say a complete success. Complete success in potato marketing is unlikely until there is an Australia-wide organization. Until that time this legislation will give to our local producers some stability, and some rights to decide how their produce should be sold. For the life of me I cannot understand the attitude of my friends opposite.

I speak as a grower (though not of potatoes; I do not grow them), and one important

question for primary producers, particularly those who have perishable commodities, is to have outlets for their commodities. The moment those outlets are upset in any way the grower's return is depreciated and his marketing problems are increased. Potatoes are not the only item dealt with at the East End market, where merchants deal with many commodities. If the satisfactory flow of potatoes from the recognized channels is disrupted by any means at all, what happens? If a merchant should find his business disrupted because of amending legislation he could send a telegram to Melbourne and have potatoes delivered to him within two days. He does not have to deal in the South Australian market. In potato production South Australia is relatively small fry. One of our problems is to see that our potatoes are marketed here and not pushed off the market because of interstate competition. I hope the Leader does not insist on his amendment, because it would not aid potato marketing but seriously dislocate it. The Leader's proposal has not been sought by the board and is not in the interests of the consumer or the producer.

Mr. FRANK WALSH: Why has it been necessary to propose amendments to this Bill? Section 20 of the principal Act provides for the control of sale, delivery and price of potatoes. It says that the board may make orders providing for all or certain matters set out in the section, such as fixing the quantity of potatoes or the proportion of his crop of potatoes which a grower may sell or deliver at any time or place specified in the order.

Mr. Shannon: Have you read clause 8 of the Bill?

Mr. FRANK WALSH: Has the honourable member read section 14 of the principal Act, which says that the board may appoint such officers and employees as it requires to assist it in the administration of the Act? We propose to give the board power to carry out its functions. It was set up for a specific purpose and under the Act has wide powers. Under section 20 it may make orders for regulating and controlling the sale and delivery of potatoes. I do not care whether or not there is a distribution centre. Nowhere in the principal Act is there a reference to a distribution centre. We want to establish a board so that it may buy or take a lease of any premises and buy and sell potatoes by its servants appointed in writing under the seal of the board. I cannot accept the Premier's interpretation of my amendment. I said earlier that we wanted to adhere to the principle set out in the principal Act. I insist on my amendment.

Mr. SHANNON: The member for Norwood (Mr. Dunstan) is an expert in draftsmanship and no doubt he assisted the Leader in the drafting of the amendment, but I think it has been poor drafting. If the amendment is accepted, paragraph (*d*) of new section 16 will read:

> Buy and sell potatoes by its servants appointed in writing under the seal of the board.

Has anyone ever heard of the servants of a company being appointed under seal? It would be something new, so new that it would be almost unique. Obviously the phrase is required if the section is to remain as it stands, because under it outside agents are to be appointed, and in that case a seal must be used. I think there has been some clumsy drafting, and terms have been used that are not customarily used in commercial circles. I do not complain about the Leader's intention, but I think the ideal, if it were possible to set it up quickly, would be the creation of a co-operative, where all the growers found the money needed for accommodation, and provided the necessary guarantee for loans from banks from time to time. Probably the Leader has something like that in mind. The Bill was not drafted with the idea of avoiding anything desired by the board; on the contrary, it was drafted with the assistance of the present board and some of the people who have most to win or lose through the growing of potatoes. I know that this is so. The first new power to be given to the board will enable it to buy or take a lease of any premises. If the old set-up of the board were to continue that provision would be redundant. The board will be empowered to buy or hire personal property. It will require some plant and machinery. Thirdly, the board may sell or lease any of its property. These powers would not be necessary if the board were not to carry on business in its own right.

Mr. Loveday: They are not new powers; they are contained in the principal Act.

Mr. SHANNON: If it is suggested that these powers are not necessary, why have they been included in this Bill? I am surprised that the Opposition should be suspicious of an industry that seeks to better itself. I would favour the establishment of a co-operative, but that cannot be established overnight.

Mr. Dunstan: Our amendment does not suggest that it be done overnight.

Mr. SHANNON: I have no doubt that the honourable member realizes that the instructions he has received are designed to wreck the legislation and to ruin prospects for the coming harvest. The board claims that if these amendments are carried it will wreck the Bill and it will adversely affect the industry. The distribution of goods to the final consumer is important and fundamental. Who puts goods in the home? Normally it is done by the retailer by selling over the counter or by delivering to the householder. As a rule the retailer gets the goods from the wholesaler. The Opposition will probably say, "Under our amendment they will become wholesalers." They have not any plant or equipment to distribute potatoes.

Mr. Dunstan: But they don't have to—

Mr. SHANNON: I know that the honourable member is speaking glibly, but not factually.

Mr. Dunstan: Oh nonsense! Read the provision.

Mr. SHANNON: The honourable member knows a lot about other people's business, and I happen to know something about this business because I represent the people concerned. I have discussed this legislation with them, not with vested interests.

Mr. Loveday: Don't impute motives that do not exist.

Mr. SHANNON: I am speaking for the grower whose business will be upset if this amendment is carried. It will wreck the present means of distributing potatoes and will encourage people who have the equipment ready for distribution and sale to seek potatoes from other States. The Bill is designed for the sole purpose of assisting the industry.

Mr. BYWATERS: The Opposition has as much interest in the growers as have members opposite. I have some reservations about whether this is the correct way to achieve our objectives. Admittedly our aim is to do away with the Potato Distribution Centre not with merchants. We believe that there is no need for the centre. The Government has not convinced me that the board cannot operate as does the centre at present. The Minister of Agriculture said that it would be impossible for the board to fulfil the functions at present fulfilled by the centre but he has not convinced me that that is so. He said that it would involve colossal expenditure to establish means of distribution as well as storage. I have been informed that local growers often do not go through the centre but go direct to merchants or retailers. The Minister referred to the importation of potatoes from other States. There may be some argument in what he has said in this regard but the situation needs clarifying. Obviously no-one is familiar with the financial resources of the Potato Distribution Centre. The Minister should know the situation, and he should know what money the board would require to handle distribution.

The Hon. P. H. Quirke: Isn't the major objection the 15s. a ton the centre takes?

Mr. BYWATERS: No.

The Hon. P. H. Quirke: What is the objection? No-one has told us.

Mr. Loveday: The member for Norwood told you.

The Hon. P. H. Quirke: He can tell us again.

Mr. BYWATERS: My information is that there is no need for the centre. The operations could be handled by the board in the way that the Barley Board and the Wheat Board handle their operations. If it cannot, let the Minister tell us why not. I have always been told that the Potato Board can function only with complete co-operation between the growers, the merchants and the retailers. However, we now have the Premier saying that if this amendment is carried the merchants will get the huff because they have lost their distribution centre and they will cut out the South Australian growers and import potatoes from other States. That does not sound very much like co-operation in the industry.

The Hon. D. N. Brookman: You are grossly misinterpreting what the Premier said, of course.

Mr. BYWATERS: If I am wrong, the Minister can correct me at a later stage, but at present I have some doubts in my mind. It is true, as the Premier has said, that this board has operated with a distribution centre for 16 years without any apparent kicks from the industry. I know from what the growers have told me that that is so. However, I want the Minister or someone else opposite to convince me that a distribution centre acts in the interests of the growers. It is also true that the growers, by petition of 100 growers, can demand a poll and thereby disband the board altogether, but they do not want to do that: they want to retain the board, as do we on this side of the Committee. Our only objection is that there is this in-between body doing work which the board should be able to handle itself, and I want to be convinced that this works for the benefit

of the growers. Nothing will convince me that the Government itself could not set up a distribution centre. This provision does not have to operate immediately, as some people seem to think. I think the Minister should tell us why the board cannot operate in the same way as the distribution centre has done in the past.

The Hon. P. H. QUIRKE (Minister of Lands): I am still puzzled about this. Obviously, the amendment is intended to prevent the board from having any agents or the distribution centre from operating. Under the amendment the board itself would carry the full weight and do everything relating to the distribution of potatoes: nobody else would be concerned in the business, except the servants of the board whom the board would have to pay. Has this distribution centre worked to the detriment of the grower? What are the objections to it, and what is the reason for its suggested abolition? Has it penalized the grower, and is it such a body that it is necessary for it to be rubbed out of existence because of any infamous attitude to the growers and the consumers? No-one has answered those questions, and there is no evidence that it is such an infamous body. It has taken 15s. a ton for the potatoes that pass through its hands and also for those that do not pass through its hands. Well, is it possible for the board to do it any more cheaply than that?

The Leader suggests that the board should have paid servants to assist it in the distribution of potatoes, but this would be duplicating the distribution centre. My bet is that if the board could do it for less than 15s. a ton it would be closely related to the Wizard of Oz, because no board has ever been able to achieve that. I have not had a clear explanation of this matter. I understand precisely what the objective is, but I cannot understand why this savage attack is being made upon people who have performed well for 15 or 16 years. If some proof to the contrary were forthcoming from the sponsors of this amendment, we could adjudicate on the evidence submitted, but until they submit that evidence it is obvious that we must conclude that there is some other obscure reason which they do not intend to put before this Committee. Either those members have a reason which they wish to be kept hidden, or they object to the principle of private enterprise working in association with a board, and I think it is the latter.

I always like to be clear about these matters, and I would hesitate to vote to upset the accepted order of things in any way except in relation to the amendments put forward by the Government. If anything were wrong with this distribution centre, the Potato Board itself could rub it out. It is not mandatory that the board shall maintain the distribution centre: if anything goes wrong the board can wipe it out, and the growers, too, can wipe it out through the action that they can take under this Act. No complaint has come from the growers or from any other section of the community. I must say that this board has operated quite contrary to my expectations. I remember quite well saying in 1948, when this legislation was introduced, that I thought the net result of the introduction of a Potato Board would be that potatoes would be organized out of existence. However, that did not happen, and I am pleased to acknowledge that the board down through the years has operated satisfactorily both to the producer and to the consumer. I see no reason for this amendment.

The Committee divided on the amendment:

Ayes (18).—Messrs. Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hughes, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Riches, Ryan, Frank Walsh (teller), and Fred Walsh.

Noes (18).—Messrs. Bockelberg, Brookman (teller), Coumbe, Ferguson, Freebairn, Hall, Harding, Heaslip, Laucke, McAnaney, and Millhouse, Sir Baden Pattinson, Mr. Pearson, Sir Thomas Playford, Messrs. Quirke and Shannon, Mrs. Steele, and Mr. Stott.

Pair.—Aye—Mr. Tapping. No—Mr. Nankivell.

The CHAIRMAN: There are 18 Ayes and 18 Noes. There being an equality of votes, I give my decision in favour of the Noes, therefore the question passes in the negative.

Amendment thus negatived.

Mr. FRANK WALSH: In view of the vote that has just been taken I do not intend to proceed with the amendment to paragraph (*e*).

Clause passed.

Clause 6—"Amendment of principal Act, section 19."

Mr. MILLHOUSE: I move:

After "amendment" to strike out all words and insert:

(*a*) by striking out the whole of the proviso to subsection (2) and inserting in lieu thereof—"but the board may refuse the application if the board is satisfied that in the public interest it is undesirable that the applicant should be licensed as a potato merchant.

(*b*) by striking out the passage "for the term mentioned therein" in subsection (3) and inserting in lieu thereof the passage "from the date of issue thereof until the thirty-first day of December next ensuing";

(*c*) by inserting after subsection (3) the following subsections:

(3a) The board may by written notice served on a licensee, cancel or suspend for such period as it thinks fit any licence granted under this section if the licensee has been twice convicted of an offence against this Act.

(3b) A person whose application to be licensed as a potato merchant has been refused under this section may, within one month after receiving notice of the refusal, appeal to the Supreme Court against the refusal and the Court may refuse the appeal or allow the appeal and order the board to grant him the licence.

The purpose of the first part of the amendment is to alter the mode of appeal set out in section 19 of the Act in the first place and, secondly, to provide that, instead of a licence being for the period as set out in section 19 (3), it will be an annual licence. I shall first of all deal with the question of appeal. Section 19 (2) at present provides that there can be a refusal by the board for registration only with the consent of the Minister; but the appeal is to the Minister. It seems to me that is similar to an appeal from Caesar to Caesar, because by the time the Minister comes to hear an appeal he is already committed: he has already considered the matter and consented to the refusal in the first place, which seems unfair on the face of it.

Quite apart from that, I do not believe that it is ever satisfactory that an appeal should be heard in such a way that no reasons are ever given. An appellant may be dissatisfied with the hearing he receives, and I think it is far preferable that the board be given the power as my amendment seeks, first of all, to refuse a licence if it thinks it is undesirable that the applicant should be licensed; and then that there should be a right of appeal to a judge of the Supreme Court. My amendment will cut out the reference to October 1, 1948, which is obviously a hangover from the war years and which, 16 years later, is of no effect at all—or should be of no effect at all. Paragraph (*b*) simply provides that licences will run from January 1 to December 31 instead of being for a period at the pleasure of the board. I understand from the Chairman of the board that this is what in fact happens now and there can therefore be no objection to its being embodied in the Act.

The Hon. D. N. BROOKMAN: This amendment is good in part but it is rather complicated because it involves some unrelated matters. First, clause 6 provides:

Section 19 of the principal Act is amended by inserting after subsection (3) the following subsection:

(3a) The board may after giving a licensee two weeks' notice in writing cancel a licence granted to him under this section if the board is satisfied that the licensee has contravened or failed to comply with any provision of this Act or of an order made under this Act.

The honourable member asks that that be removed, and the provision relating to cancellation, and indeed suspension, is contained in his proposed new subsection (3a), which provides:

The board may by written notice served on a licensee, cancel or suspend for such period as it thinks fit any licence granted under this section if the licensee has been twice convicted of an offence against this Act.

I cannot agree to this, as I think it will be completely unworkable. It is most difficult to get two convictions under the Act, and it takes a considerable time to do it. It was earlier pointed out that within a few weeks a tremendous change could occur in potato marketing and there could be a great upset if people were allowed to run unchecked in potato trading. Without there being some ability for the board to suspend a licence when a breach has occurred, this could run on for a long time. The idea of waiting until two convictions can be obtained is fantastic, as it is hard enough to get one conviction.

The honourable member also asks that the licence granted by the board be permitted to run until the thirty-first day of December after it is issued. Just imagine the position of the board if it has to get two convictions before it can suspend the licence and stop the operations of a man it is satisfied has committed a breach of the Act. When a conviction is obtained, does any member think the board will license the man again next year? On the other hand, it is known that some people should be delicensed. Not long ago a licence was refused for about a year. The case was serious but after the board had refused the licence it later decided that the licensee had put his affairs in order, and he was relicensed. I think the board showed tremendous flexibility. It acted on its own judgment, and it was successful. If the board had to chase a man to get two convictions, can members imagine that it would say afterwards that he should be given another chance? I think that would brand him

for life. If the board is to be given control—and most members of the Committee, including members of the Opposition, are keen on board control—at least it should be given power to suspend or cancel licences in the immediate future.

Mr. Shannon: To have effect forthwith.

The Hon. D. N. BROOKMAN: Yes. The Bill offers two weeks' notice, which is long enough if someone has contravened the Act.

Mr. Millhouse: What do you expect a person to be doing that is so dreadful that it will call for such quick cancellation?

The Hon. D. N. BROOKMAN: The difficulty in making payment is one thing, and there are many others. A time limit is essential. I do not know who has been convicted twice under this Act in the past. Several convictions were recorded until portion of the Act was found to be invalid, but since then there have been no convictions.

Mr. Hughes: I do not think there would be a second conviction under this measure.

The Hon. D. N. BROOKMAN: That would be difficult. Someone could commit a clear breach and go on getting away with it.

Mr. Shannon: Irrespective of the gravity of the breach.

The Hon. D. N. BROOKMAN: That is so. The honourable member seeks to amend section 19 (3) of the principal Act by striking out the words "for the term mentioned therein" and by inserting "from the date of issue thereof until the thirty-first day of December next ensuing." I cannot see any objection to that. The next amendment relates to appeals against the refusal of the board to license. At present the board with the consent of the Minister may refuse a licence to an applicant if it is satisfied that in the public interest it is undesirable that the applicant should be registered as a potato merchant. The effect of the amendment will be to remove the need to get the consent of the Minister. The honourable member wants to insert the following new subsection (3b):

A person whose application to be licensed as a potato merchant has been refused under this section may, within one month after receiving notice of the refusal, appeal to the Supreme Court against the refusal and the court may refuse the appeal or allow the appeal and order the board to grant him the licence.

The effect of the amendment is that, instead of getting the Minister's consent to refuse a licence, the board may refuse it if it is satisfied that it is in the public interest, and the person may then appeal to the Supreme Court. That involves two things, one of which is that under section 23 of the principal Act a person dissatisfied with a decision or action or proposed decision or action of the board may in writing request the Minister to review that decision or action or proposed decision or action, so it seems to me that a person who applies for a licence and is refused by the board would, under the amendment, have the choice of going to the Minister or to the Supreme Court. I do not know which is cheaper; the Minister does not charge much. The appellant has a choice. In neither case has the court a guide to what it should take into account. What is the appellant to say? Is he to say: "I have been refused a licence by the board. Will you rule that the board has made a wrong decision"? The court has to find grounds upon which to rule. The reason may be that he has eight children or is hard up, or there may be some reason to do with the trade, but nothing is laid down in the Bill. The effect of this amendment is peculiar and I should not like to see it carried in its present form. Consequently, I suggest the following amendment to Mr. Millhouse's amendment:

After "appeal or" in new subsection (3b) to insert ", if it is of the opinion that the application was refused capriciously or without good and sufficient cause,"

That would make the honourable member's amendment reasonable and I would accept it.

Mr. MILLHOUSE: I gather, then, that the Minister would be happy to accept my paragraphs (*a*) and (*b*) and my new subsection (3b) as he would amend it, but he would oppose my new subsection (3a)?

The Hon. D. N. BROOKMAN: I should be satisfied with the appeal to the court provision if it included the words I have suggested.

Mr. MILLHOUSE: That means that the Minister would be happy with paragraphs (*a*) and (*b*) and new subsection (3b), but not with new subsection (3a)?

The Hon. D. N. BROOKMAN: The honourable member's amendment is in four sections. I should like to separate them because they deal with unrelated matters.

Mr. MILLHOUSE: The problem now is a procedural one and I leave the experts to deal with it. If I read the signs in Committee aright the Committee does not take with much favour to my new subsection (3a), which is the cancellation or suspension of the licence after two convictions. I am disappointed because I think it means that the board can,

on a fortnight's notice, jeopardize a person's business and not give any reasons for doing so.

Mr. Bywaters: The man could do much harm while awaiting his second conviction.

Mr. MILLHOUSE: I must accept the attitude of the Committee. I am pleased the Minister has been generous enough to accept my other suggestions, especially the appeal against a refusal to grant the licence and also the provision that will mean that the licence will be an annual licence for a calendar year. I therefore ask leave to withdraw my amendment with a view to moving another.

Leave granted: amendment withdrawn.

Mr. MILLHOUSE moved:

After "amended" to strike out all words and insert:

(*a*) by striking out the whole of the proviso to subsection (2) and inserting in lieu thereof—"but the board may refuse the application if the board is satisfied that in the public interest it is undesirable that the applicant should be licensed as a potato merchant";

(*b*) by striking out the passage "for the term mentioned therein" in subsection (3) and inserting in lieu thereof the passage "from the date of issue thereof until the thirty-first day of December next ensuing";

(*c*) by inserting after subsection (3) the following subsections:

(3a) The board may by giving a licensee two weeks' notice in writing cancel or suspend for such period as it thinks fit any licence granted under this section if the board is satisfied that the licensee has contravened or failed to comply with any provision of this Act or of an order made under under this Act.

(3b) A person whose application to be licensed as a potato merchant has been refused under this section may, within one month after receiving notice of the refusal, appeal to the Supreme Court against the refusal and the court may refuse the appeal or, if it is of the opinion that the application was refused capriciously or without good and sufficient cause, allow the appeal and order the board to grant him a licence.

Mr. BYWATERS: Why has the member for Mitcham named December 31? That is the most inappropriate time of the year, because many people are on holidays and business places are closed. Those who wish to apply for a licence may have to wait before receiving it. Why not September 30 or June 30?

Mr. MILLHOUSE: December 31 conforms to the present practice of the board. When I considered this amendment I spoke to Mr. Miller, Chairman of the board, and he said that the licence period was from January 1 to December 31. I adopted the present practice and inserted it in the amendment.

Amendment carried; clause as amended passed.

Clause 7—"Licensing of potato washers."

Mr. MILLHOUSE: The effect of the amendments I shall move will be precisely the same as the effect of the previous amendments except that they deal with washers and not merchants. This amendment will enable an appeal to the Supreme Court against the refusal of the board to grant a licence, and a washer's licence will be for the same annual period as that of the merchant's licence. I intended to move for a safeguard against the suspension or cancellation of a licence after two convictions, and I would still like such a provision adopted.

The Hon. Sir Thomas Playford: That would mean two convictions in the one year.

Mr. MILLHOUSE: There is no suggestion that they must be in the same year. They could be 10 or 20 years apart. I see that I will not get support for this, which I regret, for it takes away the security necessary if a person invests much money in the industry. I move:

After "washer" third occurring in new section 19a (3) to strike out all words and insert "but the board may refuse the application if the board is satisfied that in the public interest it is undesirable that the applicant should be licensed as a potato washer"; in new section 19a (4) to strike out "for the term mentioned therein" and insert "from the date of issue thereof until the thirty-first day of December next ensuing"; and to strike out new subsection (6) and insert the following subsections:

(6) The board may by giving a licensee two weeks' notice in writing cancel or suspend for such period as it thinks fit any licence granted under this section if the board is satisfied that the licensee has contravened or failed to comply with any provision of this Act or of an order made under this Act.

(7) A person whose application to be licensed as a potato washer has been refused under this section may within one month after receiving notice of the refusal appeal to the Supreme Court against the refusal and the court may refuse the appeal or, if it is of the opinion that the application was refused capriciously or without good and sufficient cause, allow the appeal and order the board to grant him the licence.

Amendments carried; clause as amended passed.

Clause 8—"Amendment of principal Act, section 20 (1)."

Mr. FRANK WALSH: I move:

In new subsection (1) (*b*) to strike out "or any other person or class of persons nominated by the board".

Under this new section the board may, by order, do many things, but the words mentioned should be deleted.

The Hon. D. N. BROOKMAN: I think the amendment goes too far and I can see no reason for it. I would be agreeable to deleting the reference to "any other person", but I think the reference to "class of persons" should remain. If the Leader were to amend his amendment merely to delete the words "or any other person" it would remove any suggestion of victimization.

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

Leave granted; amendment withdrawn.

Mr. FRANK WALSH moved:

In new subsection (1) (*b*) to strike out "or any other person".

Amendment carried; clause as amended passed.

Remaining clauses (9 and 10) and title passed.

Bill read a third time and passed.

ADJOURNMENT.

At 9.20 p.m. the House adjourned until Thursday, February 27, at 2 p.m.