HOUSE OF ASSEMBLY

Tuesday, November 15, 1966.

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

SUPREME COURT ACT AMENDMENT BILL.

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

STATE GOVERNMENT INSURANCE COMMISSION BILL.

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

ACTING CLERK ASSISTANT.

The SPEAKER: I have to inform the House that, in accordance with Standing Order No. 31, I have appointed Mr. J. W. Hull, Second Clerk Assistant, to act as Clerk Assistant and Sergeant-at-Arms during the temporary absence on account of illness of Mr. A. F. R. Dodd, Clerk Assistant and Sergeant-at-Arms.

QUESTIONS

UNEMPLOYMENT.

Mr. HALL: Last Thursday evening I attended a large and enthusiastic meeting arranged by the Cumberland Park Sub-Branch of the Liberal and Country League in the District of Edwardstown, at which alarm was expressed at the recession in the building industry in South Australia. However, I noticed some very welcome figures in this morning's *Advertiser,* illustrating a relatively small reduction in the State's unemployment figure by 332 (actual number) to 1.5 per cent, although the South Australian figure is still the highest in Australia. Can the Premier say, from any figures of building approvals or from any other guides of building activity he may have, whether the improvement in employment figures is in any way a reflection of better times experienced in South Australia's building industry?

The Hon. FRANK WALSH: I should need more time to analyse the position carefully. Although the Housing Trust is continuing its building programme without any reductions, I have not had an opportunity to investigate closely the situation as it applies to other builders; nor have any of the building trade operatives told me whether there has been any improvement. However, apparently there has been a decided improvement in employment in the building industry; also, I believe a definite uplift has been experienced in industry generally. For some time now there has been uncertainty: first, there was a decision to be made on the basic wage, and then there was uncertainty about the Commonwealth Government's Budget, for instance, regarding sales tax on motor vehicles. Now the time of uncertainty has passed, and we are progressing towards an improvement in the industrial situation generally. Of course, the effect of droughts in other parts of Australia on the building industry and other industries associated with it must also be considered. South Australia can expect an uplift because of the demand for certain machinery made here. The present statistics show that 1.5 per cent of the work force is unemployed. However, figures can often be twisted to suit circumstances. If the Leader requires further information I shall provide it on Thursday.

VALLEY VIEW SEWERAGE.

Mr. JENNINGS: My question concerns the extension of sewers to sections 1568, 1569, 1570 and 3035 in Valley View and Para Vista. At present, these sections are subdivided into about 1,200 building blocks with land unsubdivided that could provide for 100 more. Building commenced in this area in 1961 and has proceeded at a rate of about 100 houses a year, with a total of 550 houses completed at the end of June last. It is estimated from complaints received by the local board of health that at least 60 per cent of these dwellings are experiencing trouble with the disposal of effluent because of the unsuitable nature of the soil and, with the approach of summer, a severe health hazard is feared. During my absence from this House, a member of another place, on writing to the Minister of Works, received a reply outlining a three-stage programme by the department, with stage 3 to commence in 1969-70. Because the area is completely bounded by sewers and because of the difficulties encountered through the unsuitability of the soil, will the Minister see whether the programme can be brought forward?

The Hon. C. D. HUTCHENS: The programme for the installation of sewers is worked out over a long period to give the best possible results. However, because of the honourable member's question and his

statement regarding the unsuitability of the soil, I will take up the matter with the department and inform him of the result as soon as possible.

ROADSIDE NOTICE.

Mr. SHANNON: One of my constituents recently complained that a notice indicating the type of business he was conducting had to be removed from the roadside to his property proper. My constituent removed the sign and later received an account from the local council (the Stirling council) for $2 licence fee for exhibiting the notice. I inquired (perhaps not sufficiently) whether there was a by-law empowering the council to charge a fee for exhibiting a sign indicating the type of business being conducted. Will the Minister of Education ascertain from the Minister of Local Government whether there is a by-law empowering a council to do what I have described, and, if this by-law is still at the stage where it can be discussed by Parliament (and I feel it should be discussed)—

The SPEAKER: The honourable member is making a comment.

Mr. SHANNON: Yes, Mr. Speaker, but I did not want any misapprehension, as I do not think it is a proper charge. A person, by law, is required to explain the type of business he is conducting. Will the Minister ascertain whether there is a by-law providing for a fee for exhibiting a sign explaining the type of business being conducted on a property and, if there is such a by-law, has it lain before Parliament for the time specified by law, or is it yet to be laid before Parliament?

The Hon. R. R. LOVEDAY: I shall be pleased to refer the matter to the Minister of Local Government.

PLAYGROUND.

Mr. LANGLEY: Recently a large part of the playground section of Colonel Light Gardens West was taken up to permit the construction of three new tennis courts. Subsequently, the playground has become hazardous because of the presence of rubbish and large stones. Many parents have complained about the condition of the area because their children use it during their recreation periods. Will the Minister of Education, representing the Minister of Local Government, ascertain how soon the cleaning up can be done, and whether an unused tennis court could be made available to compensate for the playground area lost?

The Hon. R. R. LOVEDAY: I will refer the matter to my colleague.

LUCERNE.

The Hon. D. N. BROOKMAN: Has the Minister of Agriculture a reply to my question of October 27 regarding the possibility of a ban on the introduction of lucerne seed and lucerne hay from Victoria because of bacterial wilt?

The Hon. G. A. BYWATERS: The Agriculture Department views with some concern the discovery of bacterial wilt disease of lucerne in Victoria. This disease has now been found at several centres in Victoria, and from all reports must have been present in that State for a number of years. Because of the importance of the lucerne industry in South Australia serious consideration is being given to quarantine restrictions on the import of lucerne seed or plant material into this State from Victoria. Discussions have been held between departmental officers and Professor Flentje of the Waite Agricultural Research Institute on this subject and a survey is at present being conducted throughout South Australia to ensure that the disease is not present in this State. The outcome of this survey will determine what future action will be recommended.

DOVER GARDENS ROAD.

Mr. HUDSON: Last year I spoke to the Minister of Education about closing Quintus Terrace between the Dover Gardens Primary and Infants Schools. I understand that all preliminaries have now been completed in relation to the closing of this road, and that all that remains to be done is for the Education Department to block off the road in a suitable way. Can the Minister of Education say when he expects this road to be formally closed?

The Hon. R. R. LOVEDAY: I shall be pleased to check on this matter and to inform the honourable member soon.

BEAUMONT CASE.

Mr. MILLHOUSE: Can the Premier say whether Cabinet has come to any decision on whether the floor of the factory at Paringa Park should be dug up, in view of the claims of the Dutch seer, Gerard Croiset? If it has come to a decision, what is it, and what are the reasons for it?

The Hon. FRANK WALSH: Following a further meeting of Cabinet this morning, I can say that the evidence uncovered by this investigation shows conclusively and without shadow of doubt that there is no possible chance that this factory is the burial ground for the missing children. Therefore, I believe

that an excavation at this site would prove fruitless. The police have located all the responsible persons associated with the brickworks, the demolition of them, and the rebuilding into the present warehouse. Statements dealing with their association with the premises were available to Cabinet. Measurements, plans and photographs were made at the area by Detective-Sergeant B. Cocks of the Scientific Section. From a consolidation of all of the statements the following picture and history of the premises emerge.

In 1952 the area was a vacant allotment with sheds on it. It was purchased by Mr. Golding who started a factory manufacturing cement bricks by hand. In 1955, a new factory was erected on the site and machinery installed. Part of the workings consisted of sand pits, which were steel lined: an L-shaped concrete tunnel for the conveyor, with concrete steps leading down into it. Six feet from there was another pit which contained the workings of the brick machine, which several years later was replaced and the pit filled in. Under the replacement machine was a small excavation about 4ft. across and 2ft. deep. The only other excavation on the premises was a large concrete-lined car pit towards the rear of the area, and a small soakage pit. All of the area where the workings existed was paved with concrete. The kilns at the rear of the premises where the bricks were steam cured, were built on the surface and there were no tunnels. In 1961, the brick company vacated the premises and they fell into disuse until June, 1965, when they were purchased by Mr. Saint and Screenings Limited as joint owners.

In August, 1966, what remained of the factory workings of the brick company were demolished and a warehouse constructed. From June, 1965, until August, 1966, South-Western Joinery, of which Mr. Saint is a director, used the premises to store joinery, which included furniture. During this period the premises were visited frequently by Mr. Starr, a co-director with Mr. Saint, right up until the rebuilding. He made a number of inspections during this time, of the entire area, including the pits. In August, 1966, demolition took place and the area was levelled and prepared for rebuilding. The demolition included the filling of pits and other excavations. Following this the floor of the warehouse was put down in concrete and the single building warehouse with brick side walls and wood and asbestos roof and wall were constructed.

To assess the probability of the Beaumont children being buried on these premises, the physical layout of the property at the time of their disappearance and up until August, 1966, can be regarded as a completely concreted area containing the following excavations:

(1) Two steel-lined sand pits. These pits had angled walls to direct the sand to a bottom vertex. The pits were about 10ft. x 11ft. x 8ft. deep and were side by side.
(2) An L-shaped concrete walled conveyor belt shaft and entrance thereto. This excavation was about 9ft. deep, one part of the L being steps leading to the bottom. The other side of the L consisted of the conveyor belt shaft. This rose at an angle of 60 degrees and was completely enclosed by reinforced concrete.
(3) A 4ft. square x 2ft. deep excavation underneath a brick-making machine. This was concrete-lined and was merely to enable maintenance to the machine.
(4) A motor pit 3ft. x 12ft. x 6ft. deep which was completely concrete lined.
(5) A water soakage pit approximately 4ft. square x 3ft. deep, completely concrete lined.

Previously there had been another machine pit about 6ft. east of the sand pits. This was to take the machine parts of an earlier model brick-making machine which was replaced six years before the business ceased and the pit filled in with waste cement and sand.

Dealing with each excavation as it is listed, the possibility of the children being in the excavations has been completely excluded in the following manner:

(1) Inspected visually by Mr. Saint and Mr. Starr. Mr. Stanford and Mr. Alexander worked in the pits taking out the steel lining prior to filling them in. At the time there was a few inches of sand in the bottom. At least one youth, Gregory Kaderes, had been in the pits playing.
(2) Inspected to the bottom of the steps by Mr. Saint and Mr. Starr. The conveyor belt tunnel was worked in by Mr. Alexander when he cut away fittings during demolition. The whole of this excavation was traversed a number of times by Mr. Alexander and there was barely room for passage.
(3) When the superstructure above the excavation was removed during demolition, the 2ft. deep concrete lined depression would have disclosed

the presence of any body to the workmen doing the demolishing. Mr. Stanford and Mr. Alexander were responsible for this.

(4) This concrete-lined pit was examined by Mr. Saint and Mr. Starr and, later, Mr. Stanford inspected and then burned rubbish in it prior to filling it in.

(5) This soakage pit had a steel grill over it and this was removed during demolition, the pit inspected and then filled with rubble.

From an examination of the above data it can conclusively be seen that there is no possibility of the three children being buried in this area. We in fact have an area completely covered with concrete which has been down for some years, and the only likely burial grounds have been proved by physical examination not to contain any bodies. As all of these excavations were either concrete or steel lined, and, as they had all been inspected at the time of demolition, it is impossible for the children to be trapped by a cave-in or by any other object falling on them.

In view of the fact that it can be so positively proved that the children could not be there, excavation of this area would be a waste of time, money and effort. These aspects need to be stressed:

This company was manufacturing cement bricks which were steam cured in kilns built on the concrete base of the factory.

There were no tunnels at or connected with these kilns such as might be found in clay brick kilns.

The company did not cease operation there because of fire, but built new premises elsewhere and abandoned these premises.

The whole area was completely paved with concrete except for the depressions or excavations previously mentioned.

Because of their construction it was impossible for them to cave in.

If other objects or fixtures had fallen in (which, in fact, did not occur) they would have been cleared out at the time of demolition or reconstruction.

It is considered impossible for the children to be buried at this site and, therefore, Cabinet has decided that no excavations will take place.

PARA VISTA SCHOOLS.

Mrs. BYRNE: On October 25 the Minister of Works told me that tenders received for the erection of an infants and primary school at Para Vista were being considered by the Director of the Public Buildings Department. Can the Minister say whether tenders have now been let?

The Hon. C. D. HUTCHENS: I am pleased to say that tenders were let yesterday by Cabinet. As particulars of a tender are not normally disclosed until the successful tenderer has been informed, I cannot give the honourable member further particulars, but I shall do so as soon as this is done.

COUNTRY ROADS.

Mr. HEASLIP: My question concerns a statement made by the Premier regarding the sealed road to Wilpena Pound via Orroroo. I have a copy of a letter from the Chairman of the District Council of Wilmington to the Minister of Roads, which states:

It is with concern I write you, *re* the Premier, the Hon. Mr. F. H. Walsh's statement in the press recently, that after visiting Wilpena Pound this area must be served with a bitumen road from Orroroo. I would like to point out that at present there is a good bitumen road from Adelaide to Wilmington passing through some of the best country in South Australia, and then 25 miles of sheeted road to Quorn, then from Quorn to Hawker 22 miles of construction work has just been completed, and could be sealed by the end of March, 1967, leaving then a further 22 miles into Hawker to be constructed and sealed. Therefore, after March, 1967, only some 47 miles will not be sealed from Wilmington to Hawker, as against 70 miles from Orroroo to Hawker.

For holiday makers with caravans the scenery from Wilmington to Hawker, along the Flinders Range with places such as Alligator Gorge, with a good all-weather road and Warrens Gorge, just to name but a few from Wilmington to Hawker, no doubt is much more attractive than from Orroroo, not forgetting the general public which use this road to Quorn extensively. Therefore, my council would like to see the road sealed from Wilmington to Quorn before the road is started from Orroroo. Further, the Wilmington to Quorn road was surveyed and alignments taken two years ago. Therefore, on behalf of my council I ask you to consider our claim to have the road from Wilmington to Quorn sealed ahead of the road from Orroroo (keeping in mind that the road from Wilmington to Quorn has been surveyed, etc., at considerable expense). Trusting you will support my council's request, and give favourable consideration to the sealing of the road from Wilmington to Quorn ahead of that from Orroroo to Wilpena Pound.

Representing both districts concerned in this matter, I know that one of the best attractions to offer tourists from other States and

overseas is the Flinders Ranges. The road from Wilmington to Wilpena Pound, in particular, offers a number of attractions that tourists will appreciate. Can the Premier say whether, when he made the statement to which I have referred, he had considered the alternative? If he had not, will he ascertain from the Minister of Roads whether the road should run through Orroroo, or through Wilmington?

The Hon. FRANK WALSH: First, I point out that I had the honourable member in mind right from the outset, knowing his anxiety about losing his seat!. I did not use the road mentioned by the honourable member; I travelled to Wilpena Pound through Orroroo. However, I will take the matter up with the Minister of Roads with a view to ensuring that, whatever work is undertaken, it will be in the best interests of attracting tourists to Wilpena Pound.

Mr. Quirke: Why not build two roads: one for the member for Frome and one for the member for Rocky River!

The Hon. FRANK WALSH: Having frequently travelled the road from Adelaide to Peterborough, I know that certain sections were in need of much repair, but, now that a black road exists from Adelaide to Peterborough, I do not think there is much cause for concern. That work, incidentally, was undertaken in the last 12 months. I will try to ascertain the most practicable route for a sealed road to Wilpena Pound.

The Hon. Sir THOMAS PLAYFORD: Can the Minister of Lands, representing the Minister of Roads, say whether, in view of the importance of Broken Hill to South Australia, there has been any modification of the proposals that were approved by the previous Government to lay a bitumen road right through to Broken Hill, or whether the recent diverting of moneys from the Highways Fund has made some postponement of that plan necessary?

The Hon. J. D. CORCORAN: I will obtain a report for the honourable member as soon as possible.

The Hon. Sir THOMAS PLAYFORD: When the Minister is obtaining the report will he ask his colleague whether he now has an amended schedule for the completion of the road?

The Hon. J. D. CORCORAN: Yes.

DIRTY WATER.

Mrs. STEELE: Can the Minister of Works say why, for a considerable time, the quality of water in eastern suburbs has been deteriorating? I assure the Minister that the water occasionally comes out of the tap as almost unadulterated mud. I have received many complaints from housewives that their laundry most certainly does not have that whiteness that is publicized by most brands of detergent and washing powder. In fact, I do not think they could even respond to the invitation of one brand to hang their washing in the main street. I recently had to take washing that had come straight out of my washing machine to a commercial laundry to be processed, because it was in such a bad state. Can the Minister say whether this deterioration is caused by the condition of the old pipes still in position in many parts of the areas concerned, and whether, to improve the present poor condition of the water, consideration might be given to allocating funds for further re-cementing *in situ* of existing water mains?

The Hon. C. D. HUTCHENS: The honourable member having aired a certain amount of dirty linen, I shall inquire. I assure the House, however, that when an unsatisfactory water supply is obtained—

Mr. McKee: It's been going on for years.

The Hon. C. D. HUTCHENS: That may be so, but a similar policy has also been in force for years. If a person who receives an unsatisfactory water supply contacts the department's branch at Kent Town, an investigation is immediately made. I will try to ascertain whether an improvement cannot be effected. The department and I are anxious to ensure that satisfactory water is supplied for drinking, laundry and all other purposes. Although I regret that the honourable member has received complaints from a number of constituents concerning unsatisfactory water, I assure her that prompt attention will be given to her request.

CITRUS INDUSTRY.

Mr. QUIRKE: The Citrus Organization Committee is at present being inconvenienced by people (both sellers and buyers) working outside the Act. Fruit is being purchased in the river districts, transported to Adelaide and sold. However, although the seller and buyer under the Act are liable, a second buyer is immune to prosecution. Indeed, action has been taken to prosecute people in this regard but, whilst those actions are pending, the traffic in fruit is continuing on the assumption that, as one cannot be hanged more than once for a murder, one can commit three or four other offences. As I do not think that these people

should be immune under the Act, the answer may be to confiscate the fruit purchased, which would dampen their ardour considerably. Is the Minister of Agriculture prepared to consider amending the Act to authorize the committee to confiscate fruit that is being traded in to the detriment of the Act?

The Hon. G. A. BYWATERS: In thanking the honourable member for the question, I point out that I am aware of this situation and of the concern it is creating. It is intended that the Act will be reviewed when Parliament resumes in February next, during which a few aspects of the legislation will be considered. This aspect could easily be one of them. I will consider this aspect then.

Later:

Mr. MILLHOUSE: Last week, in answer to a question on notice, the Minister of Agriculture was kind enough to say that the Government intended to introduce amendments to the Citrus Industry Organization Act. In view of the obvious urgency of amending that Act, as has been shown in the judgment of Justice Travers and elsewhere, I ask the honourable gentleman whether the Government intends to introduce a Bill before the House rises on Thursday, or will it be introduced later in the session?

The Hon. G. A. BYWATERS: Apparently, the honourable member was not listening when I answered a question from the member for Burra earlier as what I said would have answered his question. It is intended to introduce legislation in the February session.

Mr. MILLHOUSE (on notice):

1. What is the policy of the Citrus Organization Committee with which Mr. G. D. Eitzen did not comply?

2. With what policy must he now comply in order to be granted a packer's licence?

3. What was the nature of the employment in the Agriculture Department offered to Mr. Eitzen and at what salary was it offered?

The Hon. G. A. BYWATERS: The replies are as follows:

1. See Appendix 3 to first report of the Citrus Organization Committee of South Australia as tabled in Parliament recently.

2. *Vide* No. 1.

3. No specific job was mentioned nor was any particular salary offered, as Mr. Eitzen declined the suggestion because of personal reasons.

Mr. MILLHOUSE (on notice): What is the policy of the Citrus Organization Committee with which Mr. and Mrs. Kalliontzis must comply in order to be granted a licence as packers or as wholesalers?

The Hon. G. A. BYWATERS: See Appendix 3 to first report of the Citrus Organization Committee of South Australia as tabled in Parliament recently.

M.T.T. FARES.

Mr. COUMBE: Has the Premier a reply to the question I asked last week about the new monthly concession tickets for students travelling on Municipal Tramways Trust buses?

The Hon. FRANK WALSH: The increase in prices of scholars' monthly tickets would yield an additional revenue of $43,500 in a full year, assuming that the same number of tickets was sold at the new price as was sold at the previous price.

SPRAYING.

Mr. McANANEY: On September 27, just north of Strathalbyn, a number of boxthorn bushes were sprayed with hormone spray. In the seven weeks since then many vegetables have died, some of them a half a mile away from the area sprayed. Rose bushes and even big trees show signs of damage. Can the Minister of Agriculture make an officer available to inform these people what can be done about the damage? As concern has been expressed by leading agricultural scientists about possible damage caused in this way, has the Government considered introducing legislation to control unwise spraying? A strong north wind was blowing when the spraying to which I have referred took place and, of course, spraying in those circumstances is dangerous.

The Hon. G. A. BYWATERS: I shall be happy to make an officer available to the people concerned, but I should be pleased if the honourable member would tell me whom the officer should contact so that time will not be wasted. As yet there has been no request for legislation of the type referred to by the honourable member but, should it be requested, we should be only too happy to examine the matter.

PINE TREES.

Mr. RODDA: Has the Minister of Forests a reply to my question of last week about a road under construction in the Naracoorte Caves area and about certain trees in that area?

The Hon. G. A. BYWATERS: The report I have indicates that possibly there has been some misunderstanding in this matter. At the end of August last, I approved the transfer

of 1 rood 15 perches of forest reserve, section 384, hundred of Joanna, to the Highways Department for road purposes. No conditions at all were laid down in connection with this action, but it is true to say that the department stated that it would be appreciated if the clearing of the trees could be left until Christmas, as it would then be possible to get some value for them. To this extent, therefore, the information supplied to the honourable member was not correct.

CLEAN AIR ACT.

Mr. COUMBE: Has the Minister of Works a reply to my recent question about the operation of the Clean Air Committee in South Australia?

The Hon. C. D. HUTCHENS: The Minister of Health has forwarded the following report, which he has obtained from the Director-General of Public Health:

The Engineer for Air Pollution, who was employed by the Public Health Department in March this year as executive officer to the Clean Air Committee, has made an initial study of both interstate and oversea clean air legislation. He has supported this with informal studies of both particular industries (clay products, steam raising, and so on) and particular localities (the metropolitan area; Port Pirie; Port Augusta; Whyalla; and the South-East) with a view to establishing some of the problems which will relate to our own specific South Australian requirements for legislation in principle, and regarding the degree of control needed. Our own legislative requirements and the initial technical requirements for air pollution control regulations are being prepared in draft form for the Clean Air Committee's appraisal and will be completed shortly. Meanwhile, both the Public Health Department and local authorities make use, when necessary, of existing provisions of the Health Act relating to nuisances to control specific cases of air pollution.

ABORIGINAL RELICS.

Mr. HALL: Has the Minister of Education a reply to my recent question about the Aboriginal and Historic Relics Preservation Act?

The Hon. R. R. LOVEDAY: The Aboriginal and Historic Relics Preservation Act, 1965, has been proclaimed and preliminary steps are being taken with a view to setting up the board described in section 6 of the Act.

The Hon. D. N. BROOKMAN: There are fine examples of Aboriginal rock carvings at several places along the Murray River valley. I will not specify the places, but they are well known to interested people. However, some of these carvings are damaged from time to time. Recently a party revisited an area that had very fine rock carvings and found that one of the best parts about the size of a football had been removed by the use of a hammer or pick and had been taken away. Consequently, the whole area of rock carvings had been spoilt. Because of the increasing number of trips by motorists, will the Minister of Education ask the authorities directly concerned with this Act to prepare as quickly as possible the necessary regulations to protect these valuable rock carvings?

The Hon. R. R. LOVEDAY: I shall be pleased to do that. Dr. Crowcroft (Director of the Museum) is keenly interested in this work and anxious to provide protection as soon as possible to stop further destruction of these relics.

VESSEL SURVEY.

Mr. McANANEY: A fisherman from Encounter Bay told me recently that, well within the two years in which vessels are required to be surveyed, he was requested to take his vessel to Port Adelaide for survey. However, when he arrived there he was told to go home again. Can the Minister of Marine indicate present policy on the survey of vessels?

The Hon. C. D. HUTCHENS: I am pleased the honourable member has asked this question. Although fishermen know full well that their vessels have to be surveyed by November 1, many believe, unfortunately, that there is no need to worry during the off-season period, and we find that a whole mass of people request surveys at the one time. The proper procedure is for a fisherman to apply for a survey and pay the prescribed fee, and later he is advised of the time and place of the survey. The number of surveyors is limited, and they survey in areas by arrangement as soon as practicable and make every endeavour to fit in with the needs of the fishermen. I assure the honourable member that this could be done more easily if the fishermen co-operated fully.

NANGWARRY AMENITIES.

Mr. RODDA: Has the Minister of Forests a reply to the question I asked last week concerning a swimming pool at Nangwarry?

The Hon. G. A. BYWATERS: The department is aware of a proposal made by Nangwarry residents to construct a swimming pool at that centre. The applicants were advised recently that there was a scheme of Government assistance for the construction of swimming pools in country areas. This is administered by the Tourist Bureau and, subject to certain conditions, a Government grant of up to

$9,000, spread over a three-year period, can be made. All the necessary information has been passed to Nangwarry for any further action that the local residents might like to consider.

WINNS ROAD FORD.

Mr. MILLHOUSE: My question concerns Winns Road, Blackwood, in my district, and I desire to quote from *The Coromandel* of October 27:

> The ford originally used by coaches en route to Victor Harbour in the days of sailing ships may be the next of our picturesque heritage to be destroyed in the interests of our modern day idol, the motor car. This ford, the attraction of many a small boy (or girl) for several generations, with its willows and stone footbridge, is in the path of the alternative Coromandel Valley-Blackwood Highway and its fate, together with the frontages, and possibly some homes on Winns Road, is now in the hands of the Highways Department.

Will the Minister of Lands be kind enough to ascertain from the Minister of Roads whether the Highways Department does in fact intend to alter the character of Winns Road? Will he ascertain whether there is any practicable alternative, and when, if ever, it is intended that work on Winns Road shall be carried out?

The Hon. J. D. CORCORAN: Yes.

YEARLING BULLS.

Mr. McANANEY: Has the Minister of Agriculture a reply to my question concerning investigations into weanling bulls?

The Hon. G. A. BYWATERS: My department has not conducted experiments to compare the growth rate of weanling bulls with that of steer calves. It is well established that young, entire bulls generally grow more rapidly than castrated animals of the same age, the difference being due mainly to the amount of muscle rather than fat laid down. The Yugoslav bulls referred to by the honourable member are reared under very intensive conditions of housing and forced-feeding, the diet often containing milk or milk products. This results in the rapid growth of tender meat. In addition, the resulting beef is carefully screened, so that the selected product reaching England is choice and can command a premium price. The costs of production of this meat are high. By contrast, the Australian system depends on growing beef under extensive conditions of grazing where feed costs are low; it is essential to keep production costs at a minimum to offset the high freight rates to the United Kingdom, so that the Australian product can be offered at a competitive price.

Three other factors which dictate caution in the rearing of young bulls are as follows:

(*a*) Management difficulties, *e.g.*, the provision of special fencing, particularly when heifers or cows are kept in the vicinity.

(*b*) If entires are kept beyond 12 months of age, there is an increasing risk of unpleasant flavouring of the meat.

(*c*) The market reaction to bull beef is uncertain—there is a traditional wariness, possibly associated with uncertainty about the age of the animals at slaughter.

GILBERTON FLATS.

Mr. COUMBE: Has the Premier a reply to the question I asked last week concerning the future plans of the Housing Trust for flats at Gilberton?

The Hon. FRANK WALSH: The main reasons why the trust is not building so-called "standard" flats at the moment are as follows:

(1) The money available for rental type accommodation is satisfying more urgent needs with the erection of rental houses or rental/purchase houses.

(2) In particular this financial year the trust is increasing its programme of rental and low deposit type housing in the country following frequent demands for more of this type of housing in such areas.

(3) The trust plans to resume flat building next financial year, and call tenders in 1967-68 provided funds are available.

FOOD SHORTAGE.

Mr. RODDA: Has the Minister of Agriculture a reply to the question I asked a fortnight ago concerning food shortages?

The Hon. G. A. BYWATERS: The Agriculture Department has for many years co-operated with the Commonwealth Development Bank by investigating and reporting on projects which were under consideration for financial support. I am not aware of a proposed increase in allocation of funds by the bank to foster greater food production but I can give an assurance that the department will do everything possible to provide technical assistance where needed. The latter part of the question is whether the department is "ready to give a lead to increase the for

output". Many leads to increased production have already received a great deal of publicity. The work on improved varieties of clover, with resultant increases in carrying capacity, yield per acre and frequency of cropping, is one of the most significant leads on a State-wide basis. Other research or extension projects that might be mentioned relate to weaner management, pasture utilization, rate of phosphate application, beef cattle fattening and manganese fertilizers. In brief, the application in practice of the technical information which is available would result in a tremendous lift in the State's food production.

GOVERNMENT OFFICES.

Mr. COUMBE: Has the Minister of Works obtained a report on the progress of the construction of the new Government office block in Victoria Square, and is the work on schedule? Can he give an estimated date of completion and the time table of the occupation of the building by Government departments?

The Hon. C. D. HUTCHENS: I assure the honourable member that the construction of the building is on schedule. The organization by the contractors is to be admired and marvelled at, because it is magnificent. In answer to the latter part of the question, I shall obtain a report and inform the honourable member when I have it.

CRAYFISH.

Mr. McANANEY: Has the Minister of Agriculture a reply to my recent question about the advisability of catching female crayfish at certain times of the year?

The Hon. G. A. BYWATERS: A report from the department states:

> The wording of the honourable member's question suggests that it may have been prompted by the recent article by Dr. Kesteven in the Fisheries Newsletter. If so, I think that the article has been slightly misinterpreted. In Victoria and Tasmania, the percentage of female crayfish in the catch is low. In fact, it is thought that the stocks of female crayfish are actually underfished, so the honourable member's comments on "frustrated old maid crayfish leading no useful life" are probably accurate for these States. However, the South Australian female crayfish are quite content as they are more appropriately utilized. Catch sampling has shown that the proportion of females in our catch is quite substantial.

STOCK CRATES.

Mr. RODDA: Stock crates are used to cart livestock in the high rainfall areas of this State, but the method of cleaning them leaves much to be desired. In Victoria stock crates are cleaned because facilities are available, but in our part of the State stock crates are cleaned on roadsides, thus leading to the spread of undesirable weeds. Will the Minister of Agriculture consider making facilities available at main railway stations where stock crates can be cleaned, so that the spread of weeds can be controlled and crates not cleaned on the roadside?

The Hon. G. A. BYWATERS: Yes.

GAS.

Mr. MILLHOUSE: I refer to the policy speech delivered by the Premier's colleague, the Hon. Arthur Augustus Calwell, last Thursday night I think, for the forthcoming general election. Unfortunately, I did not hear all the speech but I have read copious extracts from it, and it seems to contain many dozens of promises, several concerning projects which, in the unlikely event of that gentleman taking office in the Commonwealth sphere, would be undertaken in other States, for instance, shipbuilding yards in Tasmania. I searched but did not see any specific mention of anything relating to a gas pipeline for South Australia. Therefore, has the Premier any understanding with his Commonwealth colleague that, as I say again, in the unlikely event of his taking office—

The SPEAKER: The honourable member is commenting.

Mr. MILLHOUSE: I did not mean to: I was just forecasting. Has the Premier any understanding with the honourable gentleman that any such assistance will be given to South Australia?

The Hon. FRANK WALSH: Without reflecting on the Hon. A. A. Calwell, who I am confident will lead the Labor Party to victory, this question concerns the national resources of Australia. I may be able to enlighten the honourable member, because I have information that seems more advanced than any I have obtained from another source.

> The recent discovery that abundant supplies of natural gas (and possibly oil) are available off the shores of Victoria, and in South Australia and the Northern Territory, implies significant changes in the future use of fuels in Australia, with consequent economic implications for existing fuel supplies and gas and electricity production.
>
> The exploitation of these abundant natural resources will involve considerable capital expenditure beyond the financial resources of the States, but not beyond the financial

resources of the Commonwealth. The Labor Party asserts that the development of these new sources of energy should be a public responsibility in order that the maximum public benefit will be secured. Therefore, the Labor Party will guarantee the necessary funds and, in association with the States, will develop the resources as a public utility.

AGRICULTURAL COURSE.

Mr. HALL: I was at another meeting last week (not in the Edwardstown District) at which was raised the question of providing an agricultural high school, or a similar educational facility, in the Murray River area. The Urrbrae Agricultural High School was quoted as an example. It was stated at the meeting that it was thought it would be advantageous if there could be in the River Murray areas a course of instruction in agriculture, which would be of a lower standard than that of Roseworthy Agricultural College but of a higher standard than the normal high school agricultural course; in other words, a more or less in-between institution. Loxton was mentioned as a possible place for such an institution, as were also Renmark and Berri. Can the Minister of Education say whether his department has any plans at all (or whether he himself is giving any thought to the idea) for the provision of such an institution in the River Murray areas?

The Hon. R. R. LOVEDAY: Some thought has been given to this matter. However, as I explained recently, the department at this juncture is interested in diverting the course that has been termed "agricultural science" more towards practical agriculture than it has been in the past, and steps have been taken, and are being taken further, to bring the course more in line with the practical application of agriculture. I take it the course the Leader has in mind would be more in the line of fruitgrowing and work applicable to the River Murray areas, and on that aspect I will bring down a reply for him. I know that consideration has been given to this point. However, I should like to know whether the Leader is referring to a course similar to what we pursue in our high schools or whether he has in mind something in-between the high school course and the Roseworthy course.

POTATOES.

Mr. McANANEY: Has the Minister of Agriculture a reply to my recent question concerning the origin of Spring new grade potatoes and also the quorum for the Potato Board?

The Hon. G. A. BYWATERS: The price of Spring new potatoes was fixed at 11c a pound on October 7, 1966, which was when they first came on the market, and they remained at that level until reduced to 10c a pound on October 21, 1966. These potatoes were local, mainly from districts near Adelaide. The Potato Board functions continuously and, to expedite its business, operates through a number of subcommittees whose decisions are discussed at subsequent meetings of the board. Under the Act a quorum is required at board meetings.

SNOWTOWN POLICE STATION.

Mr. HALL: Has the Minister of Works a reply to my recent question concerning priority of construction of the Snowtown police station and courthouse?

The Hon. C. D. HUTCHENS: The Director of the Public Buildings Department has supplied the following report on progress made with planning for a new police station at Snowtown:

It is intended that the work be arranged by the South Australian Housing Trust, which has a standard type design for the facilities proposed. Site details and sketch plans for preliminary work such as demolitions, etc., have been prepared by the department, although it is not expected that funds will be available during this financial year for work to proceed. The programme of works for next year, 1967-68, has not yet been prepared, and provision on next year's Estimates for work to commence will depend on the priority given to it in that programme.

EVIDENCE BILL.

Mr. MILLHOUSE: Some weeks ago, in answer to my question about whether the Attorney-General intended to re-introduce this session the Evidence Act Amendment Bill (I coupled with that the Capital and Corporal Punishment Abolition Bill), the honourable gentleman said that this would depend upon the length of speeches made by members of the Opposition. Since that time members on this side have not made long speeches, as can be seen by the fact that the House has not sat even once after midnight. I therefore ask the honourable gentleman if he is now able to say whether the Government intends, or whether he intends (it is the same thing, I suppose), to re-introduce this session the Evidence Act Amendment Bill and the other Bill to which I referred?

The Hon. D. A. DUNSTAN: As I recall the honourable member's question, it was whether these Bills would be introduced before

November 17. In fact, there have been numbers of occasions when debates have taken considerably longer in this House than the Government expected would be normal, given the subject matter of them, and therefore it will not be possible to introduce either of these Bills before November 17. However, they are on the programme for this session, as was announced in His Excellency the Governor's Speech.

SUNDOWNER ESTATE SEWERAGE.

Mrs. BYRNE: Has the Minister of Works a reply to a question I asked on November 2 regarding the Engineering and Water Supply Department's connecting a common effluent drainage scheme from an area known as Sundowner Estate, Hope Valley, to the main sewer forming part of the Hope Valley and Highbury sewerage scheme?

The Hon. C. D. HUTCHENS: In a report which I have obtained from the Director and Engineer-in-Chief, the Engineer for Sewerage advises that, as stated by the honourable member, the Sundowner Estate is at present serviced by a common effluent drainage system which drains to a small pump just north of Grand Junction Road, whence it is pumped to a filter erected on the banks of a creek in a council reserve on the southern side of Grand Junction Road. This common effluent drainage scheme and disposal system cannot be drained into the approved Hope Valley and Highbury scheme.

In a very recent letter to the honourable member, I mentioned a proposal to drain an area east of the Highbury and Hope Valley scheme by the laying of a 12in. sewer as an extension of that scheme. Sundowner Estate is within this area, and when this 12in. diameter sewer is approved and constructed, the effluent from the pumping station in Sundowner Estate will be taken directly into the sewerage system, thus by-passing the filter and the disposal of the effluent from the filter into the creek. As mentioned in my letter, it is proposed that provision be made for this work to be commenced in the 1967-68 financial year.

CITIZEN MILITARY FORCES.

Mr. MILLHOUSE (on notice):

1. Has consideration of policy been completed yet on payment of daily and weekly-paid Government employees and employees of the Railways Department while absent on Citizen Military Forces duty?

2. If so, has there been any change in policy and what is that policy now?

3. If not, why has consideration of this matter not yet been completed?

4. When is it expected that consideration will be completed?

The Hon. FRANK WALSH: The replies are as follows:

1. No.

2. *Vide* No. 1.

3. This is one of many matters which are before the Government for consideration.

4. As soon as reasonably practicable.

PUBLIC HOLIDAY.

Mr. MILLHOUSE (on notice): At what rates will public servants who work on December 27, 1966, be paid?

The Hon. FRANK WALSH: In those cases where the public servant does not take another day's leave in lieu, he will be paid at double his ordinary rate of pay.

HOSPITALS.

Mr. MILLHOUSE (on notice): What is the time table for the erection of the new teaching hospital which the Government has said will be built?

The Hon. FRANK WALSH: Planning has progressed to a stage where it will be ready for submission to the Public Works Committee next year.

FLUORIDATION.

Mr. MILLHOUSE (on notice):

1. Does the Government consider important the question of whether or not fluoride should be added to the water supply of the State?

2. Is the disapproval of fluoridation by the Minister of Works the reason why the Government has not yet considered this question?

3. If not, why has the Government not yet considered it?

4. Does the Government expect to come to a decision on this question in 1967? If not, why not?

The Hon. FRANK WALSH: The replies are as follows:

1. Yes.

2. No.

3. Because of more urgent matters.

4. No, due to there being matters of greater urgency to be considered.

STANDING ORDERS.

The SPEAKER: I have to report to the House having received the following communication from His Excellency the Governor:

The Governor returns herewith a copy of amendments to Standing Orders of the House of Assembly adopted by the House of Assembly

on October 19, 1966, and approved by it in Executive Council on November 10, 1966. This means that the new Standing Orders operate from now.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL.

The Hon. J. D. CORCORAN (Minister of Irrigation) obtained leave and introduced a Bill for an Act to amend the Renmark Irrigation Trust Act, 1936-1966.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

It is a short Bill, its purpose being to alter the way in which the remuneration of the chairman and the members of the trust is assessed. At present section 21 of the principal Act provides that the trust shall fix the annual remuneration for the chairman and the members provided that such remuneration does not exceed three hundred pounds annually for the chairman and one hundred pounds annually for each member. In view of the amount of work involved this remuneration is inadequate, and the Bill provides that the Minister shall determine the maximum remuneration which the trust may pay to the chairman and members annually. Clause 3 deletes the passages "three hundred pounds" and "one hundred pounds" from section 21 of the principal Act and in each case inserts the words "such amount as is approved by the Minister" in their stead. This is a hybrid Bill, which will necessitate the appointment of a Select Committee.

Bill read a second time and referred to a Select Committee consisting of Mrs. Byrne, Messrs. Corcoran, Curren, Freebairn, and Quirke; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on November 17.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2961.)

Mr. MILLHOUSE (Mitcham): I do not oppose the second reading of the Bill, but there are a couple of comments I would like to make about its contents. First, my memory often plays me tricks, as the Ministers on the front bench are only too anxious to point out, but I seem to remember that last year, the Attorney-General told members that the Workmen's Compensation Act was to be redrafted and re-enacted. However, we heard not a word about that this session: we are still messing about with the legislation, making it even more a thing of shreds and patches than it has been hitherto. I wonder whether the Government ever intended to keep to the undertaking that the honourable gentleman gave last session, and I shall be glad to hear from him on his intentions during this debate. I know there have been certain difficulties concerning the staff of the Parliamentary Draftsman's office, but this is an important matter in respect of which we should at least know his intentions.

Coming now to the Bill, it does only two things. First, it provides for the cover of waterside workers to and from the place of pick-up, and on that I have nothing to say. The second matter concerns the redrafting of section 28a, which was included in the Act last session after a conference between the Houses, and, as I remember it, the Attorney-General and I and other managers were wrestling with this matter at about 9 a.m. and the result was not perhaps as felicitous as it could have been. I have one great objection to the provision referred to, and that is in the matter of retrospectivity. New section 28a cuts out two things. First, it cuts out the requirement that the workman should return to work to bring himself within the ambit of the section. I believe that section 28a has turned out to be unsatisfactory because no length of time was specified in it last year for the return to work. A workman could have gone back for only a few hours or days and thus brought himself within the ambit of the section, whereas another workman, who was unable to return to work at all, would not be within the ambit of the section. Therefore, it has been found desirable to cut this out. The other purpose for this redrawing, I understand, is to make it clear that the section does not apply to sections 18 (3) and 28 of the Act, as well as to section 26 (the schedule section). This was far from clear before, because of the trick of the draftsman in starting off the section: "Notwithstanding in this or any other Act contained . . .".

I cannot help feeling that this phrase, which is so often found in Bills introduced into the House, is not a terribly satisfactory one, in any case. I know that it absolves the draftsman and members from looking anywhere else, because it eliminates the possibility of another section intruding into the intention in the clause, but it often means trouble later on, because a person who has to interpret the law, once it has been passed, has to run all

over the Statutes elsewhere, making sure that no provision is inadvertently amended by the particular clause in question. Of course, in this case, by the use of that phrase it was most doubtful as to the effect of the clause on the sections I have mentioned. The proviso, in clarifying that, makes it plain that it does not affect sections 18 (3), 26 or 28, which is a good thing.

As I say, the point I do not like and on which I shall oppose this clause is the provision for retrospectivity. I think I am right in saying that, except for the proviso, section 28 (*a*), as contained in clause 6 of this Bill, is in the same form as that in which it was introduced into the House in the last session. What I do not like is the provision in that section that "the amount of compensation payable in respect of the death of a workman after the commencement of the Workmen's Compensation Act Amendment Act, 1965, shall be the amount of compensation payable under this Act," etc. That immediately takes back the operation of the clause that we are inserting by this Bill to December 16, 1965, making this provision retrospective, which I do not think is desirable. Furthermore, clause 6 (2) specifically imports the principle of retrospectivity into the legislation by providing that "the amendment made by subsection (1) of this section shall be deemed to have come into operation on the commencement of the Workmen's Compensation Act, 1965."

That is a most undesirable provision. Retrospective legislation has never, I think (I hope and believe), been popular in this Parliament, and I cannot see any justification for making this particular provision retrospective. If it is made retrospective it may affect the rights and positions of people in two ways. First, it would apply to a workman, who was injured before December 16, 1965, who did not subsequently return to work, and who died between December 16, 1965, and the coming into operation of this Bill, whenever it might be. In other words, it may affect the amount of compensation payable to a workman's dependants, even though he has already died, because last year we raised the sum from $7,000 to $12,000 by that amendment which came into effect on December 16, 1965. So this could substantially alter the entitlement of dependants to compensation; it would increase it and, of course, nobody would begrudge that, but it would mean that the employer (and through the employer, his insurer) would be worse off on a claim which, until the introduction of this Bill, seemed to be settled for a definite sum. This is bad.

The other set of circumstances in which the retrospective effect of the clause will apply is that if a workman was on compensation prior to November, 1963 (going back, I know, a long time now, but that was the last time the rate was altered), and had continued on compensation ever since, under this amendment, if it is passed in the form in which it has been introduced into the House, that employee would receive extra back payments of compensation of 250c a week from December 16, 1965. That, in itself, is not a great sum in any individual case, and probably not many individual cases exist but, again, it is undesirable that we should disturb the rights of parties that were established perfectly properly by an Act of Parliament passed last session.

As I say, on a matter of principle, as well as from the practical application of the two sets of circumstances I have mentioned, I think we should not accept the clause in its present form. However, I think it is a good thing to make section 28a work a little better than it did when we drafted it in the weary morning light of the last day of that particular part of the session. It is wrong in principle and in practice to try to put the clock back 12 months, after rights have been established, as I say, through the operation of the section as it was enacted in the last session. I therefore do not oppose the second reading but will most strenuously oppose the retrospective aspects of clause 6.

The Hon. G. G. PEARSON (Flinders): In commending the member for Mitcham for the concise explanation of his opposition to the retrospective proposal in the Bill, I do not intend to add anything on that matter. Employment on the waterfront has some unique features, including the proposal to cover for workmen's compensation purposes the journey by a waterside worker from his house to point of pick-up and, presumably, on the return journey from pick-up to his house. A waterside worker proceeds to a point of pick-up, as the Minister explained, and from there his services are called upon according to the volume of work offering. If his gang is selected it immediately proceeds to the relevant part of the wharf area to carry on its work, after which its members return home in the normal way. However, if, on arrival at the pick-up point, a person is not required for duty on that day then the fact he has attended the pick-up point is recorded and he

becomes eligible for the payment of attendance money, because that is the principle of employment on the waterfront. It is well known (and I have no quarrel with this) that many waterside workers, if they are not required for duty on a particular day, may leave the pick-up point and proceed to some other temporary job. This may be unofficial but it does happen. Quite a number of these men own fishing vessels and may decide to do a day's fishing, a perfectly logical and legitimate activity, whether or not it is done professionally (it is usually done non-professionally).

Mr. Ryan: They would not be covered.

The Hon. G. G. PEARSON: I assume not, but I raise the point because it intrudes into the Bill.

Mr. Ryan: They are covered only to the same degree as another employee who is going home from his place of employment.

The Hon. G. G. PEARSON: I accept the honourable member's assurance on that point because he understands these things better than I do. However, the Minister said in his explanation that the previous employer would be regarded as the employer for the purposes of this question. I raise this point because I think it is something we should understand clearly. A waterfront worker might decide to do one of a dozen things and we should know how the provisions of this Bill will work, for the circumstances to which I have referred will undoubtedly arise. A workman who finishes work at 4 p.m. or 4.30 p.m. and proceeds to his house *via* the local hotel is at least following a usual habit. However, because of the special circumstances applicable to waterfront employment, the matter to which I have referred could easily arise (and, I am sure, will undoubtedly arise), and I have raised it so that it can be clarified.

Mr. HEASLIP (Rocky River): I do not oppose the Bill. It seems that, when we passed a Bill relating to employees going to and from work and providing for compensation during that time, waterfront employees were overlooked because they attended a pick-up point to which they had to go before they received employment. Often they do not receive employment. However, the Bill refers not to waterfront employees but only to a pick-up point. As far as I know, the only pick-up relates to those seeking employment on the waterfront. Nevertheless, under the Bill, this provision could be extended to a pick-up anywhere in South Australia, and compensation could therefore be provided for any employee attending such a pick-up. This could result in an added cost to industry. Extra costs are passed on by employers to consumers, who are already over-burdened with charges. Insurance companies will benefit from this provision but the consumers will have to pay. If the Bill applied only to employees on the waterfront I should have no objection but I believe its provisions are too wide. Could the Minister give an explanation in this regard?

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Meaning of 'workmen'."

Mr. HEASLIP: As I did not receive an answer to the question I asked on second reading, can the Minister now define "pick-up"? Will the employer have to cover all the employees attending a pick-up, in respect of workmen's compensation?

The Hon. FRANK WALSH (Premier and Treasurer): A pick-up is a recognized practice in the waterfront industry, and it applies mainly to waterside workers. The waterside workers are told, over the radio and in the press, to report for a pick-up at a certain place. They leave home and report to that place of pick-up and some may not be required that day; those men return home, so, in any other industry, they would be regarded as having reported for work and returned home.

Clause passed.

Clause 5 passed.

Clause 6—"Compensation to be at current rates."

Mr. COUMBE: I move:

In new section 28a to strike out "1965" and insert "1966".

In order to give effect to this amendment it will be necessary for a subsequent amendment standing in my name to be carried. This clause attempts to clear up an alleged ambiguity in the present section 28a of the principal Act; it seeks to ensure that an injured workman receives the compensation at the current rates. The effect of my amendment is to make this clause operate after this Bill has been assented to. Last year's legislation deals with the sum that can be paid by way of compensation to a workman or his dependant on death, total incapacity or injury, and this sum was increased from $6,500 to $12,000. The injuries listed in the table are on a percentage basis. I am moving that "1965" be altered to "1966" so that from now on all these provisions will apply. If this amendment and the proposed subsequent amendment are not carried, we will have some retrospectivity, and I am opposed to

that. This amendment will overcome ambiguities and misunderstandings occurring at present. I believe that adequate cover is being given and will continue to be given.

The Hon. FRANK WALSH: The Government accepts the amendment.

Amendment carried.

Mr. COUMBE: I thank the Premier for accepting my amendment and, consequently, I move:

To strike out subclause (2).

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2956.)

Mr. McANANEY (Stirling): I support the Bill, which puts a hire-purchase agreement on the same basis as provisions under the Money-Lenders Act, and I commend the Government for introducing it. Originally, the Opposition suggested this amendment, but the member for Glenelg tried to prove that we were wrong and said that we were protecting the rich and not the poor. It is a good thing that the Government accepted the justice of this amendment.

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

PASTORAL ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2957.)

Mr. QUIRKE (Burra): I support this simple and desirable Bill, which provides that there shall be an alternative to a 42-year tenure on pastoral leases. Under the present Act the board cannot let pastoral country for a shorter period than 42 years, with the exception of land that is not under pastoral lease but is in the pastoral areas and under miscellaneous lease or annual licence. This Bill can remove annual licences and miscellaneous leases from pastoral land, and allow it to be let by the Pastoral Board for a shorter period. The term is not disclosed but it will be, on the recommendation of the board and with the consent of the Minister, not less than 42 years. As the Minister said in his second reading explanation, this amendment has become necessary because of the Chowilla dam project, where a residual 21 square miles is deemed by the Pastoral Board to be not desirable to let under the Pastoral Act for a term of 42 years. The company can apply for this residual 21 square miles on a shorter tenure than 42 years.

Once the dam operates we do not know what forms of production will be possible adjacent to it, and it may be desirable that this land be let for purposes other than pastoral leases. This Bill affects the area that is under a pastoral lease, and has no impact on present 42-year leases, which have the right of renewal. When those tenures are considered for renewal it is not possible to allot them for a shorter period under this Act. I have investigated this matter and I know from experience that this amendment is desirable. Land under miscellaneous lease and annual licence in pastoral country is an intrusion into the Pastoral Act and causes much difficulty to the board. Land not under any form of lease in the pastoral areas should not be let for 42 years. However, it may be desirable that some portion of that land not under annual licence or miscellaneous lease should be allotted to a contiguous property for a shorter period.

Some of the land on these other forms of tenure can be allocated, not necessarily on a 42-year lease but for a lesser period, in order to augment an existing holding that has perhaps proved insufficient to form a living area. This is highly desirable, for it assists the man on contiguous land to obtain security of tenure for a definite period over some of this land, and it guarantees that the Pastoral Board will have control over it in relation to stocking and other things that are necessary in order to maintain these pastoral leases in the North.

Section 41 of the Act now provides that leases for pastoral purposes of land not south or east of the Murray River must be for a term of 42 years. This amending Bill provides that, where any of that land is likely to be required for intense cultivation, public works, a site for a town or cemetery, mining rights, park lands, pastoral research or reserves, or that the land is inadequate for a living area, a lease for a lesser term may be granted. This can be helpful to people who are holding inadequate land contiguous to existing leases that are for a period of 42 years, for that land can have added on some of the land that today has no permanent tenure, and the land added on can be held for a shorter period than the 42 years.

I understand that in Chowilla, following the practice of the Pastoral Board, certain land can be offered again to the Chowilla Company, with the condition that this provision reserves that land from the Pastoral

Act and allows it to be allotted for a lesser period than 42 years. I think that is wise, because nobody knows just what is going to happen in future after the dam is built. The land may be required for entirely different purposes, and 42 years could be far too long. Seeing that it will be allotted for a shorter period, and allotted to the company from which it came, I have no objection to the Bill and therefore I unreservedly support it.

Mr. McANANEY (Stirling): I support this amending Bill, which the member for Burra has adequately explained. I add my support to the idea of replacing miscellaneous leases or annual licences which, because they are for only a short period, give no encouragement to lessees to improve property. I consider that a longer tenure is necessary. What intrigues me is the reference to "living area". In other legislation that we have discussed this session, such an area is regarded as being a pretty microscopic one, and I hope that a living area under this Act will not be determined on the same basis. However, I suppose we should have enough confidence in our Pastoral Board to credit it with knowing what a living area is, especially seeing that a shortage of cash is not the influencing factor. I support the amendment, which I think is in the interests not only of the lessees but of the State.

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

MARKETING OF EGGS ACT AMENDMENT BILL.

In Committee.

(Continued from November 8. Page 2846.)

Clause 5—"Term of office"—which the Hon. D. N. Brookman had moved to amend by striking out "the thirty-first day of March, 1968, and the thirty-first day of March, 1969, respectively, the order of retirement" and by inserting:

; and

(c) of the three producers who will be elected and appointed to succeed the three producer members whose terms of office are to expire on the thirty-first day of March, 1967—

(i) one shall be appointed for a term of one year;

(ii) one shall be appointed for a term of two years; and

(iii) the other shall be appointed for a term of three years,

calculated as from the first day of April, 1967, the length of term of each.

The Hon. G. A. BYWATERS (Minister of Agriculture): I reported progress because of certain comments that had been made in Committee regarding an amendment by the member for Alexandra who had moved for the staggering of the elections to take place after the next election in March, 1967. Comments were made suggesting that the provision in the Bill resulted from a request from the Egg Board. Organizations which are closely associated with the poultry industry were asked whether they supported the Bill. I have received a letter from the Secretary of the United Farmers and Graziers of South Australia Incorporated (formerly the A.P.P.U. poultry section), which states:

> The poultry section of this organization are in favour and request the amendment for staggering of elections for producer members on the Egg Board and support the immediate implementation of these amendments. It is considered by the committee that if all producer members of the board are elected at one particular period it could endanger the continuity of policy of the board which would be both detrimental to the producer and the industry.

I have also received a letter from Mr. T. V. Gameau, President of the South Australian Hatcheries and Poultry Producers' Association, which states:

> Members of this association are in complete agreement with the amendment to the Marketing of Eggs Act, 1941-65, now before Parliament. It is vital to our industry that the amendment in regard to the term of office be implemented. We trust that your Government will give full support to this very vital amendment.

I also have a letter addressed to me from the president of the Red Comb Egg Association Incorporated, which states:

> The committee of Red Comb Egg Association Inc. would like to reiterate their support for your motion that the election of producer members to the South Australian Egg Board be staggered so that only one producer member would come up for election each year, thus enabling the board always to have at least two producer members who are conversant with current board activities. We trust your Government will see its way clear to adopt this recommendation.

To be fair, I have also received a telegram from Mr. E. Hillyer, Secretary for the Mount Gambier and District Poultry Farmers Association, which states:

> We strongly condemn legislation which denies egg producers right to elect all producer members in 1967. We stress vast number of producers paying C.E.M.A. are impatiently awaiting representation on this body.

I feel I should take notice of the representations made by the three organizations that have the most interest in the poultry industry. This legislation has been introduced because of their request for a continuity of producer

members who have a knowledge of the industry. The telegram seems to me to come from a section that was very much against the Council of Egg Marketing Authorities plan. I remember attending a meeting with the honourable members for Alexandra, Gumeracha, and Light where a Mr. Yoannidis from Mount Gambier was the most vociferous against the C.E.M.A. plan. This is understandable, as he was selling eggs across the border and making no contribution towards the stabilization of the egg industry in this State. I am suggesting that Mr. Hillyer was representing the group, because on the night of the meeting in Murray Bridge it was said that he represented the Mount Gambier and District Poultry Farmers Association. This is the same association; I cannot say how strong it is. This telegram was apparently inspired by people who were against C.E.M.A. and would like to see the C.E.M.A. plan fail. I think if they had their way, the representation from South Australia on C.E.M.A. could be rather embarrassing. Any State can have the power of veto on C.E.M.A. If three new members of the board were opposed to C.E.M.A. they could go across to a conference and disagree with any proposition put before the meeting and thus veto it.

I ask the Committee to accept the representations by the responsible organizations of the industry. It is well known that for many years the Red Comb organization has been the major voice in the industry, until a few years ago when the poultry section of the A.P.P.U. became more important mainly because of discontent in the industry. The Egg Board of South Australia is compelled, under the Act, to market eggs, but the people who were supplying eggs all the time were at a great disadvantage because of the sudden flooding of eggs on to the market in, I think, 1961 or 1962. This disrupted the industry and prices as low as 1s. a dozen were returned to growers at that time; as a result much more interest was taken by poultry farmers in the industry and the poultry section of the A.P.P.U. was formed. We now have the United Farmers and Graziers of South Australia Incorporated supporting the legislation and the Bill as introduced. For a long time the industry had little stability; little agreement existed amongst the States; and, in fact, there was a hostility, which was accentuated by the fact that South Australia was not participating in the scheme. However, with a much better understanding now existing amongst the States, the Commonwealth Government has agreed to provide a matching grant of up to $100,000. I ask the Committee to reject the amendment.

The Hon. D. N. BROOKMAN: My amendment seeks to continue the existing provision in the Act concerning the election of producer members before March next year, so that the election will be on the basis that applied at the last election. The amendment, secondly, seeks to provide that after that election the staggering of the terms of office of producer members will take effect, thereby ensuring continuity. Many producers, although they may not have particularly strong views on the C.E.M.A. plan, strongly resent the fact that they were denied a vote as to whether the plan should take effect when it did; many of them wish to vote at the next legal opportunity and are, indeed, eagerly awaiting the next election of producer members. The Minister's statement about the danger of having three producer members, who are opposed to the C.E.M.A. plan, is disturbing, for I should be prepared to accept the decision of the producers who elected those members. I have received the following telegram from a Mr. E. Hillyer, Secretary of the Mount Gambier and District Poultry Farmers Association:

> We support your stand against new proposed Egg Board voting legislation. Producers want full election of all members in 1967. We believe in no taxation without representation.

Whether that person, as the Minister suggests, sells eggs across the border with another person is to my mind immaterial. I do not actually know Mr. Hillyer, or whether he is a poultry farmer, although I assume he is. I do not know what his personal affairs have to do with this debate. The second telegram, from a private citizen at Monarto South, states:

> The egg producers of Monarto district support your amendment that all board members be re-elected.

My amendment does not actually provide for that but provides that producer-members should come up for election at the time stated when they were elected. I have a third telegram signed by three people from Murray Bridge which states:

> Majority Murray Bridge egg producers support your amendment that all producer-members be elected next year.

I also have a letter from a man who states that the United Farmers and Graziers of South Australia has an active branch in its poultry section at Murray Bridge. He says it contains members from the Murray Mallee and the Barossa Valley. However, he claims that, although he is qualified, he cannot obtain membership to that branch.

The Hon. G. A. Bywaters: Are you suggesting that the United Farmers and Graziers of South Australia is refusing membership?

The Hon. D. N. BROOKMAN: No. As the Minister read letters from organizations supporting the Bill as it stands, I thought it was fair to refer to the letters and telegrams sent to me. They clearly show that a number of people are at least anxious to have a vote at the next election of producer members, and why shouldn't they? The Minister said that opposition to the C.E.M.A. plan is disappearing. Although I have had many doubts about the plan, I have always maintained that the basic principle should be for producers to have a chance to voice their opinion on it, but they have not had that chance. Again their chance to express an opinion is being deferred—in some districts, for possibly another two years. Certainly the opposition will disappear in some districts if the small producers disappear, and that is what is happening. That is what the proponents of the plan want. At the same time, the large producers are getting larger. If the Minister is afraid that three anti-C.E.M.A. plan producer members might be elected at the next election, then the only fair thing to do is to leave the Act as it is for the next election and to let producers voice their opinion on it.

Mr. McANANEY: I support the member for Alexandra. This is not an argument over the C.E.M.A. plan, but an argument over a principle. The producer members were elected for a certain term but now that term is to be extended. That is wrong: it would be the same as if members of Parliament were to have their term of office extended without an election. The Minister said that the three organizations to which he referred had views representative of those of growers generally. If that is so, then he has nothing to fear and the election should take place at the time originally provided.

Mr. BURDON: I support the Minister in his opposition to the amendment. The Minister has framed the Bill as it is to give the industry necessary stability. True, there has been opposition to this provision as there was to the C.E.M.A. plan, but most egg producers agree that the C.E.M.A. plan is beneficial. Orderly marketing has greatly benefited the primary producer in the dairying industry and the wheat industry. I shall not deal with this subject from the political angle as did the member for Stirling. This industry is just starting to get on its feet and should be given a year or two to establish itself.

The member for Alexandra says that an annual election will mean stability in the industry, but I disagree with him. He wishes to see three new members elected next March, whereas the Minister wants one member elected each year. Such a staggering of the elections will result in experienced members being able to give the benefit of their experience to a new member. Some poultry farmers have expressed fears regarding some functions of the board, and some of those fears are justified. However, some criticisms are unfounded. If something is found wanting in the operation of this legislation, amendments can be introduced later. The Minister read a telegram from egg producers in my district, but two producers in my district have told me they know nothing about the telegram.

Mr. SHANNON: The principle involved here is the denial of suffrage to a section: its opportunity to vote is being postponed. If there is doubt about agreement in the industry, the Bill further aggravates that doubt because it will arouse suspicion—and unify the disorganizing element. The Minister said that the organized sections spoke with one voice, and he sought to prove that statement. I oppose neither the C.E.M.A. plan nor the annual election of members as provided in the Bill, for this practice is adopted in commerce and industry generally in order to maintain continuity of representation. If the representatives have the full confidence of the industry, why worry about an election? The amendment merely seeks to give producers a chance to elect their three members in March next year. It has been said that the three members elected will be new members but, if that is so, the evidence presented to the Minister is invalid. The present board is working well and would, no doubt, welcome a vote of confidence in its operations. I am sure that the member for Alexandra is not opposed to the C.E.M.A. plan, but has a sensible idea that could be a credit to those promoting this industry.

Mr. QUIRKE: Without a majority of producers on a board it is doomed to extinction, because it ultimately operates against the producer. This board was elected before the C.E.M.A. plan operated, but its members should now stand for re-election. I should like to see four producers on the board with their election staggered. The practice of electing members for three years and then automatically extending their term of office is opposed to everything that I hold as being right, proper, just and fair. Notwithstanding any

unanimity in the egg industry, I am certain that producers will regret the proposals contained in the Bill. If a minority opposed the C.E.M.A. plan it would have nothing to fear, but growers would know they had the right to vote for members and would not have to wait for five years to vote against anyone with whom they disagreed. Apparently as they are not going to have a vote on the reappointment of some members I cannot support the provision, but I support the amendment.

The Hon. Sir THOMAS PLAYFORD: I am surprised that the Minister is refusing to accept this reasonable amendment. The present board members were elected for three years under an Act of Parliament, but before that time had expired the Minister suggested an amendment that would extend the term of two members, one for a year and another for two years, with no proper reason given for this undemocratic action. What right have we to decide who shall represent egg producers for the next three years: we have given them the right to nominate their representatives. The Minister said that two or three organizations favoured this Bill, but I know that rank-and-file members were not consulted. Has the Minister ever known of a case where producers voted against their right to select a member?

I admit that there are very few commercial poultry farmers in my district. However, I have not been able to find one producer from my district who says that he supports this Bill. I have a letter from a person in the Minister's own district which is completely bitter; it emphasizes how undemocratic is the proposal the Minister is now sponsoring. We have no right to decide who shall be the growers' representatives on the board. The Minister advanced as one argument in support of the Bill that these producers might elect somebody else who has a different view from the present members. Well, if that is the case, it is a very real reason why the producers should have an opportunity to express their views. If the present members are not carrying out the wishes of the majority of producers, why should they not be replaced by new members?

I cannot understand the Minister being so undemocratic as to refuse the producers the right to elect their own nominees. The provision for staggering the terms of office of members is accepted by the Opposition, because such provision ensures a continuity of knowledge on the board. However, the Opposition will not accept that Parliament should nominate the producers' representatives. If this Bill is passed in its present form, it will mean that there will be only one true producers' representative on the board, because the other two will have been put there by Act of Parliament and three will have been appointed by the Minister. If the Minister can justify this provision, he can justify an extension of a Parliament at any time: he can say that there is a great doubt whether the members of Parliament have the confidence of the electors and that that is an argument for their being kept in office.

The Hon. G. A. BYWATERS: I listened with interest to the comments of members opposite and their professed concern for democracy. The member for Alexandra said I had a fear that these three members would be defeated and that three new members would take their place. I have no fears about this matter at all, because I have no doubt that the three producer members have the confidence of the people they represent. I have been approached by the organization representing the people affected. First, representatives of the Egg Board came to me with suggested amendments to the Act, and when I asked whether these had the support of the industry I was assured that they had. When a question arose last week on this matter I thought I should get information to clarify the position, and following that I received three letters from the major organizations in this industry. The member for Gumeracha suggests that these organizations do not have the support of the industry, but these letters are signed by the secretaries and presidents of the organizations, and they are responsible people. If those organizations do not have the support of their members, surely these people are not going to stick their necks out.

I am surprised at the arguments advanced this afternoon by members opposite. I remind them that from 1941 (when this legislation was first introduced) until 1963 the producers had no right to vote at all. A request for the right to vote was made a few years ago, before I came into Parliament, and it was refused by Parliament. The member for Ridley moved that amendment and the member for Alexandra supported the right of producers to elect their representatives, but the Government of the day rejected that principle, yet some of those members are saying today that what this Government wants to do here is undemocratic: those members are not sincere. The Liberal and Country League Government extended its own term for two years in 1933; and this is what the honourable member for

Stirling says we could do under this type of legislation. Some people are violently opposed to this scheme; I think most of them are in my district and some in the district of Mount Gambier. That has been borne out this afternoon by the telegrams read out and the remarks made. An opportunity was offered to the people in Murray Bridge to have an egg-grading floor in that town. We advocate decentralization, and the Murray Bridge people are crying out for more industries in that town, but, when that proposition was put to a meeting, they voted against it because they felt that once an egg-grading floor was placed in Murray Bridge—

The ACTING CHAIRMAN: I think the Minister should stick to the clause.

The Hon. G. A. BYWATERS: I am linking my remarks with the clause and the arguments advanced this afternoon. The people to whom I refer were afraid that if an egg-grading floor were established they would lose some of the opposition they had conjured up in the minds of some people, particularly people who were not making poultry their livelihood. People who have only 50 or 100 fowls do not make up the industry; they help to make it up, but the people who want this scheme are those engaged full-time in the industry. Most of the other people are not poultry farmers, and for this reason they are opposed to the C.E.M.A. plan. They did not pay any levy before, and what is more, some of them did not pay income tax. This legislation has been requested by the industry. We have three letters from the main organizations, which are interested in the welfare of the people they represent. Surely the heads of these organizations would not, without the support of their members, write a letter which is read in this House and printed in *Hansard* for all to see. I ask members to vote against the amendment.

The Hon. D. N. BROOKMAN: I deplore the attitude of the Minister in his third attempt to discuss the amendment. I get tired of hearing these accusations about our alleged insincerity. They come too often from the Government benches, and the Minister is too frequently an offender. He was good enough to say that I had fought for the election of producers some years before the legislation (which I think I introduced) provided for it. The Minister has side-stepped the issue by ignoring the fact that the C.E.M.A. plan was not in operation then. I hope the Minister understands my point that the C.E.M.A. plan was introduced without an election of producer members. The Bill extends the period of office of some of the producer members without a further vote. It may be another two years before some producers have an opportunity to express their opinion on the egg industry after a levy of nearly $1 per bird per annum has been imposed. Yet we are told they should not have the right to have a vote for the producer to represent them. If the Minister's argument about the continuity of the board is not valid (I have already acknowledged that we can stagger the representation of producers after the March election), what is there left to object to in the amendment as it stands? The only possible thing I can see is that the Minister is afraid he will get a vote against the C.E.M.A. plan. I do not know whether he will, but it is wrong to deny the producers the right to vote to which they are at present entitled.

Mr. McANANEY: I still support the amendment. If representatives of an industry come to the Minister with suggestions concerning policy, the Minister should try to follow their advice, but this matter concerns the principle and Parliament should decide whether a term of office is to be extended for one or two years. I deprecate the Minister's statement regarding the sincerity of members on this side.

The Committee divided on the amendment:

Ayes (14).—Messrs. Bockelberg, Brookman (teller), Ferguson, Hall, Heaslip, McAnaney, Millhouse, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (16).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters (teller), Casey, Clark, Corcoran, Dunstan, Hudson, Hughes, Hurst, Jennings, Langley, Loveday, McKee, and Walsh.

Pairs.—Ayes—Messrs. Freebairn and Stott. Noes—Messrs. Curren and Hutchens.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 6—"Casual vacancies."

The Hon. D. N. BROOKMAN: In the absence of the member for Light (Mr. Freebairn) I move:

In new paragraph (*d*1) (ii) to leave out "twenty-four" and insert "thirteen".

The amendment is consequential on the honourable member's previous amendment.

Amendment carried; clause as amended passed.

Remaining clauses (7 to 9) and title passed.

Mr. McANANEY moved:

That clause 3 be reconsidered.

The Hon. G. A. BYWATERS: I oppose the motion.

Mr. McAnaney: I had an assurance from the Minister that I would be able to do this. He is not a man of his word.

Motion negatived.

The Hon. G. A. BYWATERS (Minister of Agriculture) moved:

That this Bill be now read a third time.

Mr. McANANEY (Stirling): When I spoke to the Minister about an amendment I intended to move in clause 3—

Mr. HUDSON: On a point of order, Mr. Speaker, is it not correct that the third reading debate must be confined to the Bill as it came out of Committee and that discussion on an amendment that might have been moved is not in order at that stage?

The SPEAKER: That is correct, but I have not yet heard anything to the contrary.

Mr. McANANEY: I regret that, although when I spoke to the Minister earlier about an amendment he said he would accept the fact that discussion of it could be allowed, he would not accept the amendment.

The SPEAKER: The honourable member heard the point of order raised and the answer I gave. He cannot refer to the Committee debate at this stage and must address his remarks to the Bill as it came from Committee.

Mr. McANANEY: I regret the form in which the Bill has passed the Committee stage, because it does not give sufficient producers the right to vote. Also, the date of election of producer members to the board has been changed. Of the 4,000 poultry growers in the State only about 600 are entitled to vote; even with a small extension only 1,250 would be entitled to vote. A barleygrower, for instance, can vote for members of the Barley Board irrespective of how much barley he grows; he can vote even if he does not sell his barley to the board. Regarding the wheat stabilization scheme and other schemes, small growers are able to vote. The Bill restricts the number of producers who can vote and it alters the term for which present producer members on the board were elected.

Mr. FREEBAIRN (Light): I agree with the member for Stirling that the Bill is limited in its present form. The Minister will have to accept responsibility for the provisions of the Bill and will have to face up to the egg producers of the State when they find out that the vast majority of them will not have franchise to vote for producer members of the board. The member for Stirling said that barleygrowers, wheatgrowers, and potatogrowers were given a wide franchise to vote for their boards. I oppose the third reading and regret that justice has not even seemed to be done for egg producers of the State. When it becomes known that only about 750 out of about 4,000 egg producers who pay C.E.M.A. levies will be eligible to vote for producer members on the board, I believe there will be a strong reaction against the way in which the Minister of Agriculture has seen fit to bulldoze this legislation through the House.

The Hon. G. A. Bywaters: The debate was adjourned three times.

Mr. FREEBAIRN: I realize that, but that was because of the Minister's incompetence.

The SPEAKER: The debate is limited to the Bill in the form it passed through Committee. The honourable member does not have the scope he has in a second reading debate.

Mr. FREEBAIRN: I oppose the third reading.

The Hon. G. A. BYWATERS (Minister of Agriculture): The question of how many egg producers should vote for producer members of the board is not new. This situation obtained under the previous Act, which was amended to allow producers of 3,000 dozen eggs (the equivalent of producers with 250 birds) to vote. This was provided in the previous Act by the former Government.

The Hon. D. N. Brookman: Before the C.E.M.A. plan.

The Hon. G. A. BYWATERS: What is the difference? I resent the member for Stirling saying that I am not a man of my word. He asked me about that matter and I said I did not intend—

The SPEAKER: If those words were said they were not said in the debate on the third reading, and I should like the Minister to confine his remarks to the third reading of the Bill.

The Hon. G. A. BYWATERS: Regarding the requirement of 250 birds, that provision was dealt with in Committee when members opposite had the right to move an amendment, but they did not do so. I asked for the debate on this Bill to be adjourned to allow—

Mr. MILLHOUSE: I rise on a point of order, Sir. You ruled out of order the members for Stirling and Light for not keeping strictly to what was required in the Standing Orders for third reading debates. Now the Minister is transgressing, I suggest with great respect, even more widely than the two members you pulled up a moment ago.

The SPEAKER: The member for Light made an allegation of incompetence before I called him to order: I called him to order because of that. Therefore, I believe in fairness that I should allow the Minister some scope for reply. I remind him again that this debate is limited.

The Hon. G. A. BYWATERS: I asked that the debate on the Bill be adjourned so that I could obtain further information. Surely that is not incompetence. I agreed to accept the amendment moved by the member for Light; that should prove the value of considering these matters carefully. I asked that the debate be adjourned so that members would have a full opportunity to consider sincerely the provisions of the Bill.

Bill read a third time.

SUPREME COURT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2954.)

Mr. MILLHOUSE (Mitcham): In obedience to the oft-expressed wish of the Attorney-General that debates should be short, I intend to speak as shortly as I can to the three matters covered in the Bill introduced last Thursday. However, before I do so, I wish to say that it was not until yesterday morning that I was able to obtain a copy of the Bill at all and, therefore, I have had little time to prepare any remarks upon it. I protest at the haste with which this measure has been brought in, virtually in the last week of this part of the session.

The first amendment contained in clause 3 concerns the salaries of Their Honors the Judges. I support the proposal to increase the salaries both of His Honor the Chief Justice and of Their Honors the Puisne Judges. However, there is one complementary matter on which I should like to comment, and I am emboldened to do so by the remarks of the Attorney-General in his second reading explanation when he said that the Government had decided that the rises now proposed would bring this State reasonably into line with salaries payable elsewhere.

In this State the judges contribute towards their pensions: in no other State is there provision for contribution by the judges to the pensions payable to them on retirement. I hope the Attorney will look at this matter because it is a matter that could cause difficulty (I will not say ''hardship''); there is a very real difference between the total emoluments that Their Honors receive in this State and those received in other States.

I point out to the Hon. the Attorney something he probably already knows (perhaps I should say ''remind'' him) that everyone of those appointed to the Supreme Court bench would have already made some provision by way of insurance, and it means that they have not only to contribute towards their pensions after appointment but also they either have to keep up the insurance policies that they have taken out with a view to making provision for these contingencies or cash them or convert them to paid-up policies at a considerable loss. This is something that I hope the Attorney is anxious about: I think that our judges should be properly rewarded for their efforts (and comparably rewarded) and I hope that the Attorney will bear this in mind and I hope that at the appropriate time, if he will do the House the courtesy of replying to the debate, he will say something on this matter.

I now turn to the matter of long leave of absence, which is usually taken prior to retirement. I do not oppose the clause that provides for new section 13 (*h*), but I do find it rather amusing that the Attorney in his drafting has gone to elaborate lengths to provide that any moneys payable under the provision, if a judge should die without taking the leave, shall be payable to dependants or to personal representatives. Now, we know, Sir, that the reason why this provision has been inserted (and the reason why similar provisions have been inserted in other pieces of legislation) is to avoid the payment forming part of the estate of the deceased, and therefore to avoid the payment *pro tanto* of succession duty. It is amusing that the Attorney should have drafted an elaborate clause of this nature to help the estates of Their Honors the Judges to avoid the payment of some succession duty. I am amused because of some of the comments that we heard only a few weeks ago from the Attorney on this very question, and the member for Glenelg was one of his strongest and staunchest supporters. I should think Their Honors the Judges could all be described as among the wealthy people in our community (and that is the word the Attorney loves to use in this connection—''wealthy'') yet here the Attorney goes to elaborate lengths to open a loophole for them to avoid the payment of succession duties. All I say in concluding my remarks supporting this clause is that in this case the Attorney—a good Socialist if ever there was one—has done the right thing, but by accident rather than by design.

I desire to speak at rather greater length on the matter of the provision to allow for the making of interim awards for damages in Supreme Court actions. I emphasize that I think this is a good idea, and I support the idea behind clauses 5 and 6 of the Bill: I want to make that perfectly clear at the outset. However, what I do most vigorously complain about is the haste with which this provision has been brought into the House. This clause is technical: the Attorney knows, as I know, that the legal profession in South Australia, and particularly the Law Society, has been given little if any opportunity to consider this and to make suggestions for its better working, not to mention the members of the Opposition in this place. I have already said it was not until yesterday morning that I was able to obtain from the Government Printer a copy of the Bill: now the Attorney has compounded this discourtesy by circulating a fistful of amendments to the Bill, which he introduced only last Thursday.

I may say (and I hope I do not trespass too much) that one of the amendments contains a mistake that is obvious on the face of it. I do not think it is a good thing that the Minister should bring in a Bill on Thursday and say, "This Bill must get through both places within a week." I am further embarrassed by the way the Attorney has linked the matter in clause 5 with the matters in the two preceding clauses. He has stated that the first matter (the increase in judges' salaries) is a matter of some urgency and that he is anxious (as I am) that this should go through at the earliest possible opportunity. This means that we are embarrassed in opposing this Bill because there is a part of it that we support and that should go through quickly. I do not think that the Minister should have embarrassed this House by linking two matters (the increase in salaries and the question of leave) with a matter which makes a radical departure from the practice and procedure of our Supreme Court, and which is (although most desirable) in no way so urgent that it could not have had much more consideration than it will now be possible to give it.

In summing up, I believe that this is an excellent example of the need in South Australia for a Statute law revision committee that could consider such changes and make sure that, when they are introduced, they are in a proper form, and a form that can be accepted in this place. The Attorney on Thursday went as far as to say in his second reading explanation:

I am assured by Their Honors that they all wholeheartedly and enthusiastically commend this measure.

Yet three days later the Attorney himself circulates a number of amendments to the very Bill about which he said that! This is not good enough, and should not have happened. There is no earthly reason why this Bill should have been introduced so late. Having said those things, I hope the honourable gentleman will not offend again in this way (although I have known him long enough to know that this is his very nature to do things in this way and we will probably never get anything better from him)—

The SPEAKER: The honourable member would please me, and, I believe, other members a great deal if he would refer in the accepted terms to other honourable members (in this case, the honourable the Attorney-General, or in other cases the honourable member for the district concerned).

Mr. MILLHOUSE: I was unconscious of what I was calling my honourable and learned friend, the Attorney-General: I thought I was not out of order.

The SPEAKER: I am merely asking the honourable member to conform to the accepted practice.

Mr. MILLHOUSE: I am always a conformist, so I will do my best to do that. Let me turn to the more detailed points to underline the technical difficulties in this matter.

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

Mr. MILLHOUSE: Before dinner I had complained about the discourtesy of the Hon. the Attorney-General in introducing this Bill so late in the session and expecting it to be pushed through in a week or so, and I was going on to illustrate some of the technical complexities and difficulties involved in this measure with regard to interlocutory judgments and the delay in the final assessment of damages. This underlines that it would have been far more desirable to wait for some time to allow everyone to consider this proposal and make suggestions on it, instead of its being pushed through in the way in which the honourable gentleman apparently wants to do.

There are five matters arising out of clause 5 to which I will refer to illustrate this point. I think the Attorney-General intends to try to cure some of them by one or more of the amendments of which he has given me notice, although they may not be on file. The first concerns the question of appeals. At present under section 50 of the Act there would be

no appeal as of right: the only appeal would be by leave of a judge or the Full Court. This is obviously unsatisfactory, and I find it hard to believe that Their Honors gave this their full and enthusiastic endorsement last week.

The Hon. D. A. Dunstan: In fact they did, and they disputed the proposition the honourable member is putting up.

Mr. MILLHOUSE: It is funny they should do that when this, in fact, is one of the amendments that the honourable gentleman proposes to move.

The Hon. D. A. Dunstan: I am making sure that everyone is in accord with it.

Mr. MILLHOUSE: This is one of the matters that should have been covered by the Bill when it was introduced, because at present there is no appeal as of right: it is only by leave of the court. This is unsatisfactory, and I am glad that this is one of the matters the Attorney-General intends to amend in Committee.

I put the second point in the form of a question: what happens if the plaintiff gets a percentage verdict because the court decides to apportion the blame and responsibility for the accident between the plaintiff and defendant or defendants? Does this mean that the plaintiff gets only a proportion of his wages, or what does it mean? What happens if the plaintiff is a passenger in a motor car that is involved in an accident with another motor car and the plaintiff does what is normally done: he sues the drivers of both motor vehicles and there is a hearing on liability? Obviously, whoever is at fault, it was not the plaintiff, except perhaps in one case in 10,000,000. It is the fault of one or both defendants, the drivers of the cars. What if they are dissatisfied with the apportionment of responsibility, and they appeal? What happens to the plaintiff in the meantime? Does he have to wait or can the court make an apportionment before the appeal is heard? The Attorney-General can frown and start to think about the problem: it is a pity he did not do so earlier before introducing this Bill. I hope he has an answer, because it is certainly not clear on the face of the Bill what will happen in that case. Presumably, the plaintiff must wait until the question of liability is finally determined.

The Hon. D. A. Dunstan: Doesn't he do that now?

Mr. MILLHOUSE: Yes, but the Attorney-General is bringing in a new proposal, and I am complaining that he is bringing it in in an incomplete form.

The Hon. D. A. Dunstan: Nonsense!

Mr. MILLHOUSE: The honourable gentleman can say that if he likes, but this is not a point that I, alone, have thought about: it has been thought of and put to me by senior members of the legal profession who have not had the opportunity to put it to the Attorney-General.

The Hon. D. A. Dunstan: Yes, they have.

Mr. MILLHOUSE: They have not. That is why they came to me. Let us think of another point. Under the social services legislation it is an obligation to repay payments of social services before any payment of damages is made to a plaintiff. This is the bane of a solicitor's life; at least, it was the bane of my life when I was in amalgamated practice. Social services are a first charge on a judgment, and one is afraid one may forget to repay them. There is then a personal liability on the solicitor. Social service payments will have been made in most cases that we are contemplating will be covered under this legislation. Will they have to be repaid in full, so that the plaintiff may be denied any advantage from an interim assessment of damages? This is something that should be covered: I hope the honourable gentleman has discussed it with the Commonwealth Government, because this is a Commonwealth matter. I do not know whether he has, but he did not refer to it in his second reading explanation and it is not clear from the Bill whether it has been provided for.

Fourthly, what if the plaintiff dies between interlocutory and final judgments? It means that there can still be, under the Bill, an assessment by the judge of general damages. The only effect is a windfall for the estate of the deceased plaintiff. This is not necessarily something that must be rejected out of hand, but it is a strange twist to the theory of assessment of general damages. After all, what are general damages? They are damages that are paid for pain and suffering to the individual; some compensation to the person who has undergone pain and suffering through the fault of some other person. We can say (and this is what will happen) that the deceased has undergone the pain and suffering for the benefit of his heirs and successors, I suppose, and there is no intrinsic demerit in that, but it is a quaint twist in the theory of general damages. Also, there is a bit of quaint drafting in clause 5 (7), which provides:

Notwithstanding anything in the Survival of Causes of Action Act, 1940, when damages are finally assessed under this section for the benefit of the estate of a deceased person where the deceased person died after action brought and interlocutory judgment has been entered in favour of such person, the damages finally assessed may include such damages in respect of any of the matters referred to in section 3 of that Act as the Court deems proper.

Section 3 of the Survival of Causes of Action Act has a list of heads of damages that are not to be taken into account. This Bill provides that these matters because they are referred to in a negative way in the Survival of Causes of Action Act (such as damages for pain and suffering, mental harm suffered by the plaintiff, or the curtailment of his life expectancy) may be taken into account by the court. This is rather a quaint form of drafting.

The Hon. D. A. Dunstan: What is wrong with that?

Mr. MILLHOUSE: Nothing: I said it was quaint. I do not know why the Attorney-General sees criticism in everything I say. Let us get away from the drafting to matters of more substance under this head. The relatives who get the windfall may themselves have an action for damages under the Wrongs Act, because of or through the death of the plaintiff. I should like the honourable gentleman, if he is paying attention—

The SPEAKER: I tried as diplomatically as I could to suggest to the honourable member before the dinner adjournment that that reference was offensive to quite a few members of this House. I ask the honourable member to address other members in the manner in which it has been customary.

Mr. MILLHOUSE: I am doing my best. In fact, you may have noticed I was trying hard not to use the phrase, but it has become a habit. It is certainly not meant in any offensive way, but I sometimes slip. If you will bear with me, I will certainly keep on trying. I should like the honourable the Attorney-General to direct his mind to this matter, if he would. What will happen in those cases in which the relatives have a cause of action under the Wrongs Act? Does the honourable the Attorney-General intend to introduce any amendment to the Wrongs Act, consequential on this particular amendment? I hope he will think about this, because it needs a little thought on his part.

The last point I mention under this general heading is that it will be exceedingly difficult for the judges to assess general damages after the death of a plantiff. Goodness knows how they will set about it, because this is such a personal matter. However, that is something in respect of which we will just have to wait and see what happens when the legislation comes into effect. I know it has been said in high places that many or all of these matters are in the discretion of the court, but I do not think this is a particularly satisfactory way in which the Bill should be left. I have mentioned these points not so much in a spirit of criticism or opposition but to illustrate that these are some of the matters to which we should have answers before the Bill becomes law. Because of the shortness of the time that has elapsed since the introduction of the Bill and the extreme shortness of the time that has elapsed since the Bill became available to the public, even to me, we will not get satisfactory answers. It is all very well for the Attorney-General to answer them "off the cuff", as I hope he will, but that is hardly good enough in this case, and it merely underlines—

The Hon. B. H. Teusner: Has the Law Society examined this?

Mr. MILLHOUSE: It has had little time to do so, and the same goes for the whole of the legal profession. Those members of the profession to whom I have spoken have expressed extreme regret that this has been brought in so quickly. It is so important a departure from our present practices, albeit a desirable one, that it should have had far more time to be considered than it will have had. The very fact that the Attorney-General himself has seen fit to circulate a number of amendments to the Bill, after having said on Thursday that the judges "wholeheartedly and enthusiastically commended the measure", shows that all is not right with it, as four days later he comes along with a host of amendments, one of which at least is on a matter that has nothing to do with the Bill, so far as I can see, and which I would have thought demanded an instruction.

The Hon. B. H. Teusner: They are substantive amendments.

Mr. MILLHOUSE: Yes. The power to make payments has nothing to do with the Bill. I think it is a good idea, but I regret that this matter has been linked with the other two matters on which there is obviously a degree of urgency, and that makes it embarrassing to object to the third matter in the Bill. I wish more time had been allowed to everyone to look at this, to digest it and maybe to make sure that it is passed by Parliament in a proper form.

The Hon. B. H. TEUSNER (Angas): Like the member for Mitcham I, too, am disappointed that the Bill has been introduced in the dying hours of this session, at a time when country members, particularly, who left for their respective districts when the House rose last Thursday, were unable to obtain a copy of the Bill. It was not on file on Thursday, and country members were able today for the first time to sight the Bill.

The Bill deals with three matters: first, it increases the salaries of Supreme Court judges; secondly, it provides for the granting of long service leave and, in lieu thereof, the payment of a sum commensurate with the salary for the period; and, thirdly, it enables the court to make interim assessments of damages pending final assessments by the court in cases where a person suffers bodily injury.

Like the member for Mitcham, I believe that the time is perhaps right for the setting up of a law reform committee or commission. No doubt the Attorney-General is aware that such a commission was set up in New South Wales and, I think, began to function in February last. If such a commission had been set up in South Australia, no doubt it would have had an opportunity to deal with the matters contained in the Bill, particularly the third matter relating to the power of the court to make interim assessments. Like other members, I have not had an opportunity to examine thoroughly the Bill's provisions. It seeks to increase the salary of the Chief Justice from $15,200 to $16,600 a year and that of the puisne judges from $13,700 to $14,900. The Attorney-General said that these increases would bring the judges' salaries into line with those of judges in the less populous States of the Commonwealth. Having always been one to advocate making judges' salaries sufficiently high to attract to the judiciary the best legal brains available, I therefore fully support the Bill in so far as it seeks to increase our judges' salaries.

The New South Wales Chief Justice receives a salary of $18,500 plus an allowance of $800; and the puisne judges receive $17,000 plus an allowance of $600. In addition, New South Wales judges are entitled to a pension of 25 per cent to 60 per cent of the salary they receive at the date of their retirement, the percentage depending on the years of service in the judicial office. Those pensions are granted without any contribution being made by the judges to a fund, which they do in South Australia.

In Victoria, the Chief Justice receives $17,300 and $1,000 allowance. The puisne judges receive $15,700 with $700 allowance and, in addition, the judges are entitled to a pension equivalent to 50 per cent of the salaries they receive at retirement, provided their age is at least 60 years and, at the date of retirement, they have had at least 10 years' service as a judge. In Queensland, the Chief Justice receives $15,000 and the other judges $13,500, with a pension of 20 per cent to 40 per cent of the salary at the date of retirement, the amount depending on the number of years of service. In Western Australia, the Chief Justice receives $14,000 and the other judges $12,700, with a pension of half the salary at the date of retirement provided that the age of a judge at that date is not less than 60 years and that he has given at least 10 years' service in judicial office. In Tasmania, the Chief Justice receives $14,000 and the other judges $12,400. The judges are entitled to a pension equivalent to half the amount of salary at date of retirement provided that the age at that date is not less than 60 years and that there has been 15 years' service.

I stress that the pensions to which I referred are granted without any contribution having been made to superannuation or pension funds by the judges, which is different from the position that obtains in South Australia. Honourable members will see that in all other States the salaries of judges are far more favourable than the salaries in South Australia. The increases provided in the Bill are well warranted. In this respect, I can reiterate only what I said in another debate some years ago when I supported an increase in judges' salaries. The judges of our courts are men to whom we entrust the discharge of the greatest of all duties. In their hands lie the life, the liberty, the property, and the reputation of those who appear before them. They interpret legislation expressing the will of the people. We are mindful that, in the conscientious discharge of those important duties, they have maintained that high standard of integrity that is woven into the very warp and woof of the administration of justice throughout the British Commonwealth of Nations, an integrity which justifies the proud boast "That there is no individual whose smile or frown, there is no Government, Liberal or Labor, whose favour or disfavour can start the pulse of one of our judges on the bench, or stir by even one hair's breadth the even equipoise of the scales of justice."

If it is considered how highly beneficial it is to the public to have only those best qualified dispensing justice, then it will be realized that the services rendered by the members of the judiciary should be rewarded by an emolument good enough to attract the best legal brains available.

The Bill also relates to claims for damages for death or bodily injury. Clause 5 will enable a court to make an interim assessment of damages. The court will have power to make an interlocutory judgment once liability has been determined. At present, I believe that an action to recover damages for bodily injury must be commenced within three years after the cause of action arose. Many cases are brought to the courts within those three years but the trial cannot proceed, as the Attorney-General has stated, simply because counsel for the plaintiff has been unable completely to formulate the claim. The damages cannot be assessed; consequently, the hearing of the action can drag on for years. I have known of cases where the cause of action arose five or six years before a verdict was given. That is, of course, not fair to the plaintiff who eventually is successful, because during the waiting period he has been put to considerable expense and has been unable to meet medical and hospital accounts, although fortunately many hospitals are prepared to wait until a plaintiff recovers damages. However, in such a case, I submit that it is unfair to the hospital.

This Bill enables the court to make an interim assessment so that a successful plaintiff can recover at least portion of the amount of the final verdict. He is able to meet his obligations and, if he is incapacitated, to maintain himself to some extent while he awaits the final assessment and judgment. This provision will be a boon to many people, particularly because in more recent years many road accidents causing hundreds of people to take their claims to court to recover damages, have occurred. There is no distinction between rich and poor in the matter of road accidents, and many people in the lower income rung must take their claims to court. It will be a tremendous boon to them if they can obtain an interim assessment and an interlocutory judgment, enabling them to recover at an early date at least portion of the verdict that will ultimately be the final judgment.

I agree with some of the remarks of the member for Mitcham: he studied the Bill more intimately than I, and in view of his close study and his remarks I do not intend to weary the House any further. I support the Bill.

Mr. SHANNON (Onkaparinga): I support what my colleagues have said about the emoluments provided for the Supreme Court judges. I have always believed that members of the judiciary should be adequately remunerated for the work they do. I suppose, properly speaking, that the judiciary is the corner stone of the democratic system. In the final analysis, the courts interpret the Acts passed in this place. Therefore, we must have absolute confidence in the integrity of judges, and adequate compensation must be paid to them.

I have no fault to find with the proposal to bring the salaries of judges in this State more into line with the salaries received by judges in other States. This is the only State (and I am indebted to the member for Angas for this information) in which judges contribute to a pension scheme. I recall a previous Bill which dealt with the retirement of judges and upon the passing of which judges had the opportunity of either electing to remain in office or of receiving retirement benefits on relinquishing office. I know that this provision created some feeling of unrest in certain quarters. If a different system of pensions for judges were provided this would again cause repercussions amongst former members of the bench who had retired and contributed for their pensions. I believe that judges are in a category in respect of which the State should establish some system of remuneration for their retirement that would remove from them financial worries. Men who take on the onerous task of being judges should not be worried about financial matters.

I have no complaint to make about the provisions in the Bill for long service leave. Clause 5 provides for a court to award an interim payment to an appellant in a case involving injury caused in an accident. At first, this appears to be a satisfactory method by which some relief can be granted to an injured person before a final decision is reached. However, in certain circumstances members of the medical profession have great difficulty in giving a correct assessment to the court of the condition of the person injured. In the case of head and back injuries medical experts find it most difficult to give an account to the court of the extent of disability suffered. Often an appellant seeking redress must make many appearances before the court before the case is finally determined. This can go on for four or five years before a satisfactory assessment can be given and a final decision made.

During that period there might be several times when the court heard argument and had to decide whether further compensation should be granted. In most cases an insurance company is the defendant and is looked upon as fair game. The insurance business in certain fields is not always profitable, and with the increase in road accidents it is a lucky company that comes out on the right side of third-party insurance business. Comprehensive policies are not so difficult, because they usually cover material damage, but it is not usually easy for the insurer to know the total damage for personal injury. Courts seem to be becoming more generous to the injured party.

Repeated appeals to the court by an injured person, as provided for in this legislation, will mean additional costs for the insurer. This will be an extra cost on industry, because the insurance company assesses the premium rates that shall be charged for various injuries. If we load the extra cost against this rate the premium will increase. It may be possible for a court to sit in camera or for one judge to hear the circumstances and assess the cost, but I do not know whether that would raise the costs. In the first instance the court decides who is at fault and if both parties are at fault the court must decide the portion of responsibility. In the next few years, the court may have to decide appeals for further compensation. Perhaps, to reduce the costs, after the facts had been first decided and evidence heard by the court about the condition of the injured person, these cases could be heard in chambers. The court costs may mount up over a period and these increases would affect industry, people who owned motor cars, and premiums to be charged by the insurers. I do not oppose the legislation; I am happy to know that immediate relief will be given to people who need it.

Many simple cases are settled out of court but, where the parties appeal to the court, the costs could increase because of these extra hearings required to obtain a further portion of the damages. Unfortunately, the defendant cannot agree to make a progressive payment and avoid the court costs: if this could happen it would cut down the costs and the time factor. If the persons agree about the responsibility and the medical evidence, no doubt the case would not go to court. However, difficult cases could be taken before the court every time a progress payment was requested. Perhaps a tribunal could assess these cases without them going before a court to decide what further compensation should be paid.

The Hon. D. A. DUNSTAN (Attorney-General): I thank honourable members for supporting this measure, and there is no need for me to say anything about the first two provisions. I appreciate that judges' salaries in South Australia are affected by contributions to superannuation and this aspect was considered in the recommendations of the Public Service Commissioner to the Government as to a suitable amount to be included in this amendment. The provision for the discretion to pay sums in respect of long service leave to dependants when a judge dies is a standard provision in all legislation passed by the Government for any servants of the public who are being given long service leave entitlements. This is simply copied straight from that. We saw no reason why it should not apply to judges. It was intended in a Bill previously before the House to deal with that position, so there was no reason why we should not be consistent in this matter.

Turning to the third matter contained in the Bill, I draw attention to the accusation of the member for Mitcham that I was discourteous to the House in bringing this measure in so late. It was stated that there was not sufficient time for the Law Society to examine it. In fact, the Law Society did see a draft of the amendment that had been prepared by His Honour Judge Hogarth prior to November 2. The Law Society wrote to Justice Hogarth on November 2 and provided the judge with a number of points raised by members of the law revision committee of the society. The judge prepared a reply and let both me and the society have it. I then received some further submissions from the chairman of the law revision committee of the society, and consulted with him personally regarding the provisions of the Bill.

There were, finally, three basic matters about which he wanted to raise some point: one of these was the provision in respect of appeals. The judges considered that they could make rules of court under the existing Supreme Court Act. However, a point was taken by Mr. Zelling on section 50 (3) (vi) that there might be a question whether those rules of court would be *ultra vires*. Therefore, it was agreed that, to safeguard the position, an amendment should be moved to deal with appeals. Mr. Zelling's point related to the giving of receipts by minors: the point is that although there is power, and this the judges pointed out, to order the payment of damages to the next friend rather than to the Public Trustee in the case of a

minor. Mr. Zelling pointed out that this was almost never done, and that it would be (in his view) better to provide a general provision allowing the courts a discretion to pay directly to the minor and to make his receipt a valid discharge. The position raised by Mr. Zelling exists in general law; it does not necessarily specifically relate to this measure, although it does turn upon it.

Mr. Millhouse: I doubt whether this can be done without an instruction.

The Hon. D. A. DUNSTAN: I have examined that point and consider that the amendment is within the purpose of the long title of the Bill. The third point was whether some provision should be made in relation to taxation deductions. This does not necessarily and specifically turn upon this measure although awards could be affected by that rule, but it was agreed that in fact it was not in this Bill that we should deal with that position. Basically, these are the only important matters raised: all the others, it was agreed, were coped with in the existing measure, and I shall be happy to provide the honourable member, or honourable members in another place, with the material provided to me and the Law Society by His Honour Justice Hogarth. I understand Sir Arthur Rymill also has this material, and I think that it adequately answers all matters that could be raised concerning this Bill. In this measure a discretion is necessarily given to the judges. The points raised by the honourable member concerning the difficulties that might occur concerning apportionment of liability can be perfectly well coped with by leaving a discretion with the judges to deal with a case as it comes before them. Certainly that is the view of Their Honours. I do not see the difficulties that the honourable member raises on these matters: I think the Bill adequately copes with them.

The honourable member complained that the matter had come in late. The circumstances of its coming in late were that we had previously asked, after discussions had taken place about conditions of judges, for reports from the Public Service Commissioner. It was considered desirable that any amendments to the Supreme Court Act as a result of the submission from the Public Service Commissioner should be introduced this session and before Christmas. It took time to obtain complete material from other States; there is some later material to which the member for Angas referred concerning judges' conditions elsewhere. As a result, it was only a short time ago that we received the submission from the Public Service Commissioner. Instructions were then given for the Bill to be prepared, and the Bill was prepared rapidly.

At the time the Public Service Commissioner's submissions were made, Justice Hogarth's submissions were submitted to the Government. The honourable member suggested we should have dealt with this submission in another Bill, but the honourable member knows full well that the legislative programme this session has been heavy: the Government has not been dilatory about introducing measures in this House, although the honourable member has taken plenty of time to discuss what is before this House, and is always popping up to suggest that something should have been done. Only this afternoon we heard that we should have introduced a full revision of the Workmen's Compensation Act.

Mr. Millhouse: Only because you said last year that you would introduce it this year. You should not say these things if you do not intend to carry them out.

The Hon. D. A. DUNSTAN: We said we would introduce a full revision of the Workmen's Compensation Act, and that will be introduced before this Government faces the electors again. We intended to proceed this year with the work on the Workmen's Compensation Act revision, and much work has already been done on it. There was no announcement in the Governor's Speech because we had to give priority to other matters. This Government has introduced more legislation of a reform nature in this House than the previous Government did in 20 years, and the honourable member knows from members of the profession what a difference has occurred in law reform methods in South Australia since this Government has been in office. If he is not prepared to accord the Government some credit on that score, he should consider the opinions of other members of the profession.

We have not been dilatory. Because of the limitations on us in this session and because much legislation has yet to come before the House, we shall have only one opportunity to deal with the Supreme Court Act this session. That is why I introduced the measure at this stage, explained that position to the Law Society and sought its assistance urgently. When the society understood the position, it gave its assistance willingly, and I am grateful to Mr. Zelling and members of the law revision committee for the way in which they tackled this measure as quickly as they could and for the earnest and full consideration they gave it. It has been made clear to me that the

Law Society is in general accord with the principles of this proposal.

Mr. Millhouse: I do not think anybody argues about that; I certainly do not.

The Hon. D. A. DUNSTAN: I am grateful to hear that. I assure the honourable member that what I said about the views of the judges as to the efficacy of the measure was an authorized statement and perfectly correct.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Long leave of absence."

The Hon. D. A. DUNSTAN (Attorney-General): I move:

After "following" to insert "heading and"; after "section" to strike out "is" and insert "are"; and after "thereof" to insert "Leave on Retirement."

It has been suggested, although I think not with any real cause, that some comfort might be given by the insertion of the latter amendment, since the normal long leave of judges, apart from leave on retirement, has been granted by negotiation as a matter of grace after seven to 10 years' service. This is entirely apart from the proposal as to long leave on retirement but, if we write this provision in without making it clear that it was limited to leave on retirement, it might be considered that by expressing the one thing we excluded the other, although with great respect I do not think that is true.

The Hon. Sir THOMAS PLAYFORD: The present system of leave is not ungenerous; as the Attorney-General said, it was a system of leave established not by law but by practice. Am I to understand that this is to be an additional class of leave?

The Hon. D. A. DUNSTAN: It is not. After seven to 10 years judges have taken, by negotiation, six months' long leave. Where they are due for retirement and have not had leave for a considerable period, leave on retirement has been granted. The difficulty, however, was that that leave could not be granted after retirement, or payment made in lieu of leave on retirement, and the judges thought that that provision should be made. It has obvious advantages. Obviously, it is not really advantageous to have a judge on leave for six months before his retirement and to have an acting judge in his place during that period; it is better to be able to appoint directly to the bench. There are, of course, taxation advantages in the proposal. Basically, the provisions for leave are not altered; this simply allows the Government to make provision for leave on retirement in a different way that will give cash advantages to the judges.

Amendments carried; clause as amended passed.

Clause 5—"Power to make interim assessment of damages."

The Hon. D. A. DUNSTAN moved:

To strike out "section is" and insert "sections are".

Amendment carried.

The Hon. D. A. DUNSTAN: I move to insert the following new section:

30a. Where in any action the court determines that a party (being an infant) is entitled to recover damages from another party, the court may by final or interlocutory judgment order payment of any amount or amounts of damages, direct to the plaintiff. Any acknowledgment or receipt in writing of any moneys paid on account of any such amount or amounts pursuant to a judgment under this section shall not if the court so orders be invalid merely on the ground that the person giving the same was under the age of twenty-one years at the time of his signing or giving the same.

This gives real advantage in relation to payment to minors. If an amount were awarded in, say, a weekly payment that had to be paid to the Public Trustee, and it attracted a commission, that would be disadvantageous. It would certainly not be a good thing that all these weekly amounts be passed through the Public Trustee's office rather than paid direct to the plaintiff, if a minor. The court is to be satisfied that the welfare of the plaintiff can be met in this particular way and that his rights and interests are safeguarded. I think it is a useful amendment.

Mr. MILLHOUSE: I certainly do not oppose the amendment. However, it inserts a completely new and separate section in the Act. Although I acknowledge the good sense in his explanation, this is far wider in its application than the Attorney explained. It will apply on every occasion in which an infant is involved, not merely on those occasions contemplated in the other amendments made by the Bill. I do not say that is a bad thing but it was because of this that I raised the question whether this was not too wide to fit into the Bill without an instruction. It will certainly cover the cases referred to by the Attorney-General, but it will go beyond that and give a general power to pay direct to an infant where at present there is no such power but only power to pay to a trustee on the infant's behalf.

Amendment carried; clause as amended passed.

New clause 1a—"Commencement."

The Hon. D. A. DUNSTAN: I move to insert the following new clause:

1a. This Act shall come into operation on a day to be fixed by the Governor by proclamation.

This is to provide for rules under the new proposal.

Mr. MILLHOUSE: Why was it not included in the Bill in the first place?

The Hon. D. A. DUNSTAN: There is a slight dispute as to the reason why it did not appear in the final draft.

Mr. MILLHOUSE: May I suggest that it was perhaps because the Bill was hastily prepared?

The Hon. D. A. DUNSTAN: This part of the Bill had been prepared for some time.

New clause inserted.

New clause 6—"Appeals to Full Court."

The Hon. D. A. DUNSTAN: I move to insert the following new clause:

6. Paragraph (*b*) of subsection (3) of section 50 of the principal Act is amended by inserting therein after subparagraph (*v*) thereof the following subparagraph:

(*va*) Any interlocutory judgment under section 30b of this Act.

This is to make certain that there is an appeal as of right from an interlocutory order under section 30b to the Full Court.

Mr. MILLHOUSE: I support the amendment and I am glad that right at the death knock the Attorney-General saw the mistake. Obviously no account had been taken of the fact that this clause should relate to section 30b and not to section 30a. Again, this probably happened because of the haste with which this Bill was prepared. This is a small matter that makes it clear that there is a right of appeal not merely by leave of the court.

New clause inserted.

Title passed.

Bill read a third time.

ABORIGINAL LANDS TRUST BILL.

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 3, lines 23 and 24 (clause 7)—Leave out "twenty shillings in the pound" and insert "one hundred cents in the dollar".

No. 2. Page 5, line 6 (clause 16)—Leave out the word "other".

No. 3. Page 5, line 12 (clause 16)—Insert the following proviso:

"Provided further that no such proclamation shall be made in respect of the North-West Reserve (referred to in subsection (6) of this section) until such a reserve council for that reserve has been constituted and such council has consented to the making of such a proclamation:".

No. 4. Page 5, line 14 (clause 16)—After "lands" insert "at the time of the passing of this Act".

No. 5. Page 5, line 16 (clause 16)—After "require" add "and the recommendation of both Houses of Parliament by resolution passed during the same or different sessions of the same Parliament.".

No. 6. Page 5, line 17 (clause 16)—Leave out "subject to subsection (5) of this section,".

No. 7. Page 5, lines 18 to 20 (clause 16)—Leave out all words from "together" to "thereon" both inclusive.

No. 8. Page 5, lines 21 to 31 (clause 16)—Leave out all words after "Trust" and insert "except and reserved unto Her Majesty, Her heirs and successors, all gold, silver, copper, tin and other metals, ore, minerals and other substances containing metal and all gems and precious stones, coal and mineral oil in and upon any such lands.".

No. 9. Page 5, lines 35 to 46 and page 6, lines 1 to 8 (clause 16)—Leave out subclauses (4) and (5) and insert in lieu thereof new subclause (4) as follows:—

"(4) The Treasurer may from time to time pay to the Trust out of royalties paid to the Crown or a Minister of the Crown in respect of any lease or licence granted or issued under the Mining Act 1930-1962, or the Mining (Petroleum) Act, 1940-1963, in respect of any lands vested in the trust, such amounts as may be appropriated by Parliament for the purpose."

No. 10. Page 6, line 15 (clause 16)—After "fit" insert the following proviso:

"Provided that neither the trust nor any lessee or assign of the trust shall depasture any stock on any lands situate within the pastoral area of the State as defined in the Pastoral Act, 1936-1960, and vested in the trust without the approval of, and upon such conditions (including the number of stock to be depastured on any such land) as may be specified by, the Pastoral Board."

No. 11. Page 6, line 18 (clause 16)—After "question", add "Provided that no land vested in the trust may be sold unless both Houses of Parliament during the same or different sessions of any Parliament have by resolution authorized such sale.".

No. 12, Page 6, lines 35 to 39 (clause 16)—Leave out all words after "provision" first occurring.

Amendments Nos. 1 *to* 5.

The Hon. D. A. DUNSTAN (Minister of Aboriginal Affairs): Amendment No. 1 is merely a drafting amendment to provide for the alteration to decimal currency. Amendment No. 2 provides that lands reserved for Aborigines must first become Crown lands. Amendment No. 3 provides that no proclamation transferring the North-West Reserve to the Aboriginal Lands Trust can take place until a council under the provisions of the Aboriginal Affairs Act has been constituted and has voted that the land shall be so transferred.

Amendment No. 4 restricts the lands provided for in clause 16 to lands reserved for Aborigines at the time of the passing of this Bill although, of course, it does not restrict the possibility of lands other than those presently reserved being ultimately transferred to the trust.

Amendment No. 5 provides that there must be a recommendation of both Houses of Parliament by resolution passed through the same or subsequent sessions of the same Houses of Parliament, where Crown lands are to be transferred to the trust, other than those presently reserved for Aborigines. That places something more of a restriction on the administration than I was prepared to accept when the Bill was considered by this Chamber, but since that is the view of the Legislative Council, I am prepared to recommend at this stage that we accept those amendments.

Amendments agreed to.

Amendments Nos. 6 to 9.

The Hon. D. A. DUNSTAN: I move:

That amendments Nos. 6 to 9 be disagreed to.

As amendments Nos. 6 to 9 are designed to remove from the Bill's provisions the rights to the minerals in the lands transferred to the trust, I recommend that they be disagreed to. Honourable members will recall that when this matter was debated in this Chamber the mineral rights provision was one of the central features of the Bill, because we considered that it was essential compensation to Aborigines and an essential provision for the preservation to a limited extent of the original rights guaranteed to the Aborigines. The Legislative Council has said that the reason it wishes to remove this provision is that in the present situation when Crown lands are alienated from the Crown the mineral rights are reserved to the Crown and that, therefore, in transferring Crown lands to Aborigines we are putting Aborigines in a different position from that of the rest of the community, but the cases are not parallel. The original thesis of the Bill was that these lands should not have been kept as Crown lands for the last 100 years, anyway. If we go back to the origin of the provision for Aboriginal lands, what is contained in the letters patent constituting the Province of South Australia? The specific proviso states:

Provided always that nothing in these our letters patent contained shall affect or be construed to affect the rights of any Aborigines, natives of the said Province, to the actual occupation or enjoyment in their own persons or in the persons of their descendants of any lands therein now actually occupied or enjoyed by such natives.

The lands occupied and enjoyed by the Aborigines were to be preserved to them and to their descendants. At that time it was clear in the law that provision for land rights meant provision for rights in everything above and below the soil. In South Australia, until the 1880's, every land grant contained mineral rights, and a large proportion of the settled area of South Australia at present, including areas held by some members of this Chamber, contain mineral rights.

Mr. Heaslip: Very few.

The Hon. D. A. DUNSTAN: Members opposite do not seem to have examined this matter. Let me give them two examples: the Leader of the Opposition is the proprietor—

The Hon. G. G. Pearson: I don't think you need make this a personal matter: I think it would be far better if you kept off that level.

The Hon. D. A. DUNSTAN: Let us keep it off that level.

Mr. Hall: I don't mind.

The Hon. D. A. DUNSTAN: I am giving some information. The Leader of the Opposition is the proprietor of land comprised in certificate of title volume 353, folio 193. As the Leader knows, that is a pre-1880 grant and, in consequence, he owns the minerals. The restriction reserving minerals to the Crown in the Crown Lands Act did not occur until the 1880's. As any lawyer in this State will know, there are large areas in South Australia where the mineral rights are alienated from the Crown. Therefore, in providing that the Aborigines should have those original rights (certainly on a very minimal basis, because what is being reserved to them at the moment is nothing like what was contemplated by the letters patent) we should be providing them with what they were guaranteed originally, including the mineral rights. It is not true to say that Aborigines in South Australia will be in a specially different position because they have mineral rights, because many others in South Australia have mineral rights now.

Mr. Heaslip: What proportion?

The Hon. D. A. DUNSTAN: A very substantial proportion of the settled area: every pre-1880 grant contains mineral rights. The member for Gumeracha (Hon. Sir Thomas Playford) must surely know that, because his family was involved in the original grants published in South Australia. They obtained an

original town acre and a land grant in the nearby country containing mineral rights.

Mr. Heaslip: The proportion is still small over the whole of South Australia.

The Hon. D. A. DUNSTAN: True, because the whole of South Australia contains an enormous area of desert, as the honourable member well knows. Most of those areas were not in pre-1880 grants, but the settled areas—the rich areas of South Australia—were in pre-1880 grants. The Legislative Council, apart from anything else, has proceeded on an entirely false premise in this matter. To say the least, it is extraordinary that it should want to undo what the Government has pledged itself to do in this measure, and that is (quite apart entirely from historical reasons in this matter) to provide some compensation for the Aborigines.

Mr. Casey: Would you say members of another place were discriminating against these people?

The Hon. D. A. DUNSTAN: I think they are discriminating against them in that they are refusing to grant some particular compensation to people who have been under-privileged and who have been placed in an under-privileged position by what we and our forebears have done. In every comparable country the indigenous people have been holding mineral rights and it has been shown time and again that the holding of these rights has been able to provide, in many instances, a viable economy for reserve areas and to provide them with valuable means of development.

Mr. Heaslip: When you speak of Aborigines, do you mean the people living in the far-out areas?

The Hon. D. A. DUNSTAN: I am talking about the Aborigines of this State.

Mr. Heaslip: Does that embrace everybody?

The Hon. D. A. DUNSTAN: Yes. I have explained it to members previously that, under the provisions of the Bill, it is possible on the reserve areas to run separate reserve accounts that will be a matter for negotiation between the Lands Trust Board and the particular reserve council. At the moment there are considerable possibilities of mineral development. On the North-West Reserve, apart from chrysoprase, there is nothing proven yet, but development could occur in the Yalata area.

Mr. Heaslip: Chrysoprase will not be much good.

The Hon. D. A. DUNSTAN: It will provide quite a valuable reserve.

Mr. Heaslip: Small.

The Hon. D. A. DUNSTAN: It will not be worth millions and it will be small compared with what the honourable member has.

Mr. Hall: That is being personal in a most objectionable manner.

The Hon. D. A. DUNSTAN: It is not true that this will be something completely minor as far as the Aborigines are concerned. On the North-West Reserve, the mining of chrysoprase at present will bring an income of an amount these people have not previously had and what will be to them quite a considerable sum. There are possibilities of other mineral developments there, and why should the Aborigines not have them? To take the attitude that the mining on the North-West Reserve is going to produce a whole series of Sheiks of Kuwait seems to be absurb. That is something that was said in another place. There is every reason why Aborigines of South Australia should have the same rights to the development of minerals on their lands as have been given to the Alaskans, Red Indians, Eskimos, people in the Pacific Islands, and the indigenous people of Asia.

The Hon. G. G. Pearson: You know their land titles are not the same as ours. In the United States and Canada the owner of the land owns the mineral rights anyway.

The Hon. D. A. DUNSTAN: I have pointed out to the honourable member that in many cases that has been so in South Australia, too. Crown land grants after 1880 reserved the mineral rights to the Crown, but prior to that time they did not.

The Hon. G. G. Pearson: My point is that they did not even do that in North America.

The Hon. D. A. DUNSTAN: I am saying that in North America the use of these minerals by the people has been extremely beneficial to them. Members talk about development of employment for Aborigines and about giving them possibilities and advantages. The member for Burra (Mr. Quirke) said that we should spend twice what we spend now in training them and giving them advantages. Here is a way in which we can provide them with something of their own. This method has been proven in North America to be extremely valuable for the development of reserve areas. Let us consider what the Navajo councils have been able to do as a result of the mineral rights given to them. Why should we not have this provision here? Why are the Aborigines of this State to be deprived of these rights? After all, safeguards of the public interests are already provided

in the Bill. We can ensure the development of necessary minerals for the sake of the community. All that is provided in the Bill is that, subject to the safeguards, Aborigines are to have direct rights to the profits of the development of mining in their areas.

The Hon. G. G. Pearson: What safeguards?

The Hon. D. A. DUNSTAN: The safeguards are there. By resolution of both Houses, we can require the development of minerals on the areas even if the lands trust has not agreed, and that provision was in the Bill before it left this place. At the time this matter was debated here, members opposite did not move to strike out the provision of mineral rights for Aborigines. This provision was agreed to by this place and I believe that nothing has been brought forward before the other place that can justify this signal depredation on the Bill. The only evidence that was given before the Select Committee of another place opposed to land rights for Aborigines was evidence that would certainly not be agreed to by sociologists and anthropologists in this country concerned with the rights of Aborigines and it has been completely answered in scientific journals in this country. The honourable gentleman who gave this evidence admitted that if land rights were to be given to Aborigines they should have the mineral rights, too. Therefore, I do not know what has led the Legislative Council to do this; I believe that this is an amendment of a different order from the other amendments proposed and I believe that this place ought sternly to oppose these amendments.

The Hon. Sir THOMAS PLAYFORD: The Minister has made some statements about the law relating to mineral rights, but the facts of the matter do not entirely support what he said. I have had a long association with Government in this State, and mineral rights should belong, in all cases, to the Crown, and I am confident that my view is held by the present Minister of Mines. Mineral rights should not be alienated from the Crown; where they have been this practice has led not to development but to the stifling of it. It results in the land belonging to one person and the mineral rights belonging to another. On several occasions the previous Government introduced legislation designed to break down the private ownership of mineral rights, and in one fell swoop we took away all mineral rights from everyone and placed them under the Crown. I refer to the Mining (Petroleum) Act of 1940, section 4 of which states:

(1) Notwithstanding anything to the contrary in any Act or in any land grant, certificate of title, lease, agreement, or other instrument of title, but subject to the provisos contained in this subsection, all petroleum and helium existing in its natural condition at or below the surface of any land whether alienated from the Crown or not and if alienated, whether the alienation took place before or after the passing of this Act, is hereby declared to be the property of the Crown: Provided that the rights and title of the Crown under this section shall be subject to—
(*a*) any right or title lawfully granted to or vested in any person pursuant to this Act:
(*b*) any express grant of any right or title to petroleum or helium made by the Crown after the commencement of this Act:
(*c*) any right or title preserved by virtue of subsection (2) of this section.
(2) Where—
(*a*) immediately before the commencement of this Act the petroleum or helium at or below the surface of any land was vested in any person other than the Crown; and
(*b*) before the introduction of the Bill for this Act an agreement was entered into by which that person conferred rights to search for or mine such petroleum or helium, and such agreement was in force at the commencement of this Act;

Incidentally, there was none of this: no agreement had been made for petroleum search at this time. Subsection (2) continues:

(*c*) pursuant to such agreement the work of searching or mining for petroleum or helium has been begun before the commencement of this Act and is in progress at the said commencement,

The wisdom of that legislation was indicated by the fact that it became standard legislation for all Commonwealth States and, as a result of it, the real search for oil in Australia started. Before that, the Mining Act made it virtually impossible for any company to prospect intelligently on a large scale for oil. The Minister's premise that all mineral rights granted before 1880 still are vested in the persons concerned, is not correct. Other Acts have been introduced by the Government to deal with other minerals that have seriously impaired the rights of private ownership of minerals. The right is substantially inoperative for a private person, and the Mines Department and the Director have almost a control where the interest was vested before 1880.

Even in 1940, petroleum and helium products were important to the development of nuclear energy, and helium was included because it was believed that it would be an

internationally important mineral. We know now that of all the mineral assets of this State, iron ore deposits and petroleum products are the two most important, and iron ore deposits are subject to the Mining Act. Petroleum products are completely subject to the Mining Act and all royalties relating to petroleum products go to the Crown. In those circumstances I think that the Minister must re-examine some of the remarks he made in Committee because I assure him they are not in accordance with conditions of existing legislation.

Mr. HALL (Leader of the Opposition): I wonder where the champion of good causes stands now, having quoted two examples to promote a false case. It makes one wonder how correct are the things that are put so volubly by the Minister. I believe he could have used better taste in basing his arguments, especially as the member for Gumeracha has pointed out that in an important respect his arguments were completely wrong. I believe that the references to the mineral rights held on titles granted before 1880 have been very much over-emphasized by the Minister. If he looks at the statistics of how land is held in South Australia, he will find that the area of freehold land is 6.12 per cent, the area under perpetual lease is 8.49 per cent, and the amount under pastoral lease is 51.24 per cent. So there is a greater percentage under perpetual lease than freehold, and much of this freehold land would have been sold after 1880. So, on those figures, taking the inner areas to be held under perpetual lease and freehold, we could regard one-quarter as the top figure that could be put on the Minister's assertion, and I believe it would be substantially below 25 per cent.

This is a lamentable business and I wonder what the Minister tells some of the people to whom he talks on these matters. No wonder they become very worried about their rights—when they are non-existent! The Government's intention in these matters should be governed not by what happened in 1880 but by the present situation of landholders and prospective landholders in South Australia. The present position is that the Government will not freehold land: it will grant only perpetual leases. The Government has no intention of granting mineral rights with the sale of the petroleum leases. I always deplore personal references in this place, but I doubly deplore them when they are used to promote a false case.

Mr. SHANNON: I should like to refer to the development promoted by the previous Government—development that was profitable to the State and advantageous to the defence of the nation. I refer to Radium Hill: the land there was Crown land, and there was no thought that the profits from that venture should be put into a trust fund to assist South Australian Aborigines. In fact, had it been left to an Aboriginal trust to develop Radium Hill, it would never have been developed.

Why does the Minister wish to discriminate in favour of one section of the community against another section? If this is not discrimination, I do not understand the meaning of the word! A certain section is to have privileges that are denied to another section. I do not believe that this Bill can override the Mineral (Petroleum) Act. If this Bill is contrary to a law that we made concerning petroleum and helium, that is another argument against it. I cannot see any prospect of any Aboriginal trust developing in the North-West Reserve, or any other reserve, a search for these rare and valuable substances. At present the Premier is doing his best to bring about an agreement between the State and the Commonwealth to make use of the Gidgealpa gas. Would anybody imagine that it would be possible for such an exercise to be carried out by an Aboriginal trust? If they do, they are living in an Alice-in-Wonderland atmosphere.

The Hon. B. H. TEUSNER: The member for Gumeracha referred the Committee to the position in regard to petroleum and helium. I point out that under the Mining Act the position is made clear regarding uranium and thorium. Section IIIa (1) provides:

Notwithstanding anything to the contrary in any Act, land grant, certificate of title, lease, agreement, or other instrument of title, all uranium and thorium existing in its natural condition on or below the surface of any land in the State whether alienated from the Crown or not and, if alienated, whether alienated before or after the passing of this Act, is hereby declared to be the property of the Crown.

That is the position regarding uranium and thorium, and whatever the rights of the private citizen before the passing of the Mining Act, whether the mineral rights had been alienated to him or not, they are vested in the Crown under the Mining Act pursuant to the section to which I have just referred.

The Hon. G. G. PEARSON: The system of granting land titles in South Australia is so different from systems in the other parts of

the world to which the Minister has referred that the case is not at all analogous. When travelling through North America, I learned that the owner of the land unquestionably owned the minerals, although the mineral rights to the land may be sold: this has occurred. Naturally, when American and Canadian lawmakers were considering the eligibility and desirability of transferring lands to tribal Indians their thinking was simply along the lines that the land would naturally contain the mineral rights, whereas our thinking is different.

The Legislative Council's amendments do not preclude Aborigines from obtaining the benefit of mineral discoveries on land reserved for and dedicated to them; in fact, they specifically provide that the Government may pass over to Aborigines for their general benefit, or for any specific matter requiring finance, such sums as may from time to time be approved by Parliament. In making the allocations, the Government would be guided by the need that existed. I do not think any difficulty will exist in a conference with another place in reaching agreement on minor mining propositions, but the major ventures that require substantial capital, machinery, organization, and probably lengthy geological examinations, are in a different category. I think it was this that the other place had in mind when drafting the relevant amendment.

This is not an attempt to take from Aborigines some of the valuable considerations accompanying the ownership of land; it may be doing the same thing in another way but, in my view, it is a much wiser way. A future Parliament may, if it deems it desirable, set aside the limitations that another place has included in this legislation. I believe the changes sought are proper, wise and possibly necessary, and that they do not constitute a reason for the Minister's attitude that the Bill's existing provisions are absolutely essential to its passage. I think the Minister would be wise to accept at least some form of compromise along the lines I have suggested regarding minor mining ventures, and to allow the Legislative Council's proposal to stand, in substance at any rate, in regard to major mining ventures and royalties obtained therefrom.

Mr. HEASLIP: Land titles granted to my grandfather before 1880 are probably in my possession. However, mineral rights are not owned by the landowner, particularly in regard to petroleum; they are vested entirely in the Crown. Although a person may be the holder of a title issued before 1880, unless he observes certain conditions he does not necessarily own the minerals. Anybody outside can mine minerals and take them from the land. Earlier this session a Bill was introduced dealing with discrimination against Aborigines. This Bill provides discrimination of race and colour in reverse: it gives Aborigines in South Australia the right to minerals that white people in South Australia do not have. The Minister referred to the mining of chrysoprase on the North-West Reserve. This has been picked up by Aborigines in the area and polished, and has become of value. Reefs of it have been discovered 10ft. or 12ft. below the surface. What is to stop Aborigines in the area from mining it? It would be a good thing if they did, but I do not think they will. That sort of work is too hard for them.

The Hon. D. A. Dunstan: Utter rubbish! They are doing it now; why don't you find out the facts before talking this nonsense?

Mr. HEASLIP: How many are doing it?

The Hon. D. A. Dunstan: There is a team at the moment.

Mr. HEASLIP: How many?

The Hon. D. A. Dunstan: There is a team at Mount Davis now doing it.

Mr. HEASLIP: How much have they done?

The Hon. D. A. Dunstan: They have already sold $12,000 worth.

Mr. HEASLIP: How much further will they go? If the Government can encourage them to do this, I will be completely in favour. However, this provision for mineral rights does not cover this aspect at all. I do not think the Government is being kind to these people. Although the Minister said this provision applied to all people of Aboriginal blood, I do not think that all Aborigines will be interested in this country. Many of them will be interested only in the money they will get from it.

The Hon. D. A. Dunstan: Why don't you ask them for once in your life?

Mr. HEASLIP: Are they up there working for it? Of course they are not, and the Minister knows they are not. The people we should be trying to help are those on the reserves and not the people with some Aboriginal blood who live down here.

The Hon. D. A. Dunstan: The sooner you stop insulting Aborigines the better off you will be.

Mr. HEASLIP: And the sooner the Aborigines know the laws of this country and obey them the better it will be. They have full

citizenship rights and they must obey the laws of the country in the same way as the Minister and I. This provision goes towards making two classes of people instead of trying to assimilate the two into one.

The Hon. D. A. DUNSTAN: I do not know that I wish to say much about what has been said by the member for Rocky River as I do not think his comments are worthy of reply. Apparently the honourable member knows nothing about Aborigines and cares even less, and I say that advisedly. If he would like to talk to Aborigines occasionally and to understand their feelings and sentiments, a bit of human kindness might get into his veins for once in his life. True, the pre-1880 grants in South Australia were affected by the Mining (Petroleum) Act and by an amendment to the Mining Act that excepted certain minerals from the total mineral grant.

Mr. Heaslip: You didn't say that before.

The Hon. D. A. DUNSTAN: I am saying it now. A great many minerals in South Australia are still contained in those grants. They are not affected by the Mining (Petroleum) Act or the Mining Act in that way. At the time the letters patent and the original grants were made in South Australia it was clear what was being promised to the Aborigines of the State. We are now trying to carry out that promise in a limited way and, if we try to carry out that promise, then we have to include what was originally proposed in those grants.

Mr. Heaslip: You are discriminating.

The Hon. D. A. DUNSTAN: If the honourable member feels he is being discriminated against—

Mr. Heaslip: All white people are.

The Hon. D. A. DUNSTAN: I am talking about the honourable member, because he is a member of the white race. If he thinks he is being discriminated against by giving this modicum, this pittance, this slight compensation to the Aborigines for the wrongs we have done them in the past, I am amazed.

Mr. Bockelberg: I do not think there was as much wrong done to them in the past as has been done in the last three or four years.

The Hon. D. A. DUNSTAN: I know that the honourable member does not agree with the policies of this Government in endeavouring to provide things for Aborigines that have not been provided for them in the last 100 years. I do not think that is the case with all members opposite but I know it is the case with some. The Government makes no apology for the basis upon which it has introduced this legislation, or for the other legislation it has introduced this session relating to Aborigines or for the policies it has carried out under the Aboriginal Affairs Act and for the further amendments it proposes to it. All that honourable members opposite have said is that, first, there has been some reservation to the Crown of certain minerals despite the original land grants and that therefore we should not provide mineral rights to Aboriginal people, despite the provision of letters patent guaranteeing them those things. What does the member for Flinders suggest we should do on the basis of the Legislative Council's amendments in providing some alternative: merely that the Administration of the time may, in its discretion, decide how much money it will pay over to the Aboriginal Lands Trust out of royalties. It can do that without this provision. When the trust is set up the money can be taken out of general revenue. Why do Opposition members differ from their Commonwealth colleagues? The Prime Minister pointed out what had been done in the Northern Territory to provide for double royalties to be paid into a special trust fund for Aborigines. What we are trying to do is to ensure that this provision is made in the legislation, and is not merely a decision of the Administration of the time. Too often the Administration has dealt with minerals without the slightest concern for Aborigines.

Mr. Heaslip: Isn't that discrimination?

The Hon. D. A. DUNSTAN: Of course it is not discrimination to provide a special advantage for people who have been signally disadvantaged. It is a basis of justice, and that is why the Government is not prepared to accept these amendments. We have never refused a reasonable compromise, and I have accepted many amendments to get something that was reasonable. I am prepared to accept reasonable amendments from the Legislative Council, but I am not prepared to accept something that runs counter to the basic provision that we sought to make for Aborigines by giving them mineral rights.

The Hon. Sir THOMAS PLAYFORD: On the occasions where mineral discoveries have been operated by private ownership, this ownership has militated against the development of the minerals. The evidence given to the Select Committee by officers of the Mines Department indicated that the Mining Act provided the best means of development. The Attorney-General realizes that there would not be large-scale development of petroleum products unless the companies were given large

areas on which to operate. I have no concern about the proceeds of minerals from reserves. A Commonwealth Bill, introduced by Mr. J. B. Chifley, provided for the Commonwealth to assume the ownership of all thorium and uranium deposits throughout Australia. I suggest that the Minister consider excluding from the transfer of mineral rights those minerals that have already been taken over for this State and the Commonwealth. I do not think members are concerned with the semi-precious stones and the discovery of opal. No revenue is received from opal discovered in the North-West of the State. I suggest to the Minister that he consider the points raised by the member for Flinders. I think this may solve a difficult problem. The minerals concerned will be minerals which have, by law, been attached to the Crown wherever they exist. They would comprise petroleum products, helium, thorium and uranium: the latter two have never been discovered in South Australia and, because of the geological period involved, I doubt whether they will ever be discovered. Petroleum is already covered by leases that have been granted, and is excluded from the Bill. If this matter were examined, it might lead to an acceptable compromise and enable semi-precious jewellery to be produced.

Mr. HUGHES: I support the Minister's attitude on this amendment. I was not impressed with the hysterical outburst of the Leader of the Opposition, who said that the Minister had been misleading people on this question. I think that I have given credit to the member for Flinders for the work he did for Aborigines while Minister of Aboriginal Affairs. However, he said tonight that the present Minister was rushing this measure, but I disagree. Even though injustices have been done to the Aborigines over the past 100 years, it is not too late to make some restitution. A genuine attempt is being made by the Minister to right the wrongs done to this proud race of people. I commend the Minister for the stand he is taking, and I trust he will be successful in having mineral rights granted to the Aborigines on the reserves.

The Committee divided on the motion:

Ayes (17).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, and Walsh.

Noes (16).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, Millhouse, and Pearson (teller), Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, and Mr. Teusner.

Majority of 1 for the Ayes.

Amendments thus disagreed to.

Amendments Nos. 10 *to* 12.

The Hon. D. A. DUNSTAN: I recommend that the Committee accept the remaining amendments. Amendment No. 10 provides that in the pastoral areas of the State there shall not be depastured stock on trust land without the approval of the Pastoral Board. I think that is a reasonable provision. Amendments Nos. 11 and 12 are drafting amendments, not altering the provisions of the Bill but simply putting a proviso in a more suitable place.

Amendments agreed to.

The following reason for disagreement to amendments Nos. 6 to 9 was adopted:

Because the removal of mineral rights denies to Aborigines rights guaranteed to them at the founding of the Province and destroys an essential provision of the Bill.

MOTOR VEHICLES ACT AMENDMENT BILL (REGISTRATION).

(Continued from November 9. Page 2896.)

At 8 p.m. the managers proceeded to the conference, the sitting of the House being suspended. They returned at 8.36 p.m. The recommendations were as follows:

That the Legislative Council do not further insist on its alternative amendment and make the following amendments in lieu thereof:

Page 4, line 24 (clause 11)—Leave out "makes".

Page 4, line 25 (clause 11)—Leave out "similar provision to" and insert in lieu thereof "meets the requirements of".

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Consideration in Committee.

The Hon. FRANK WALSH (Premier and Treasurer) moved:

That the recommendations of the conference be agreed to.

Mr. MILLHOUSE: I support the motion. This was a most satisfactory compromise. I think the managers from both Chambers approached their task in a spirit of goodwill and amity, and it took only about 10 minutes for the compromise to be agreed. This, of course, is a tribute to the good sense of both Chambers in the appointment of the managers who represented them at the conference, and it is only to be hoped that if there are any

further conferences this session the same swiftness of decision can be achieved. This provision now makes sense. I am afraid the amendment originally proposed by the Legislative Council, while the intention when it was explained at some length was not unclear, was hardly carried into effect in the form in which it was sent back to us. I think now that honour has been satisfied on both sides: the intention is clear to everyone, and I do not think there will be such great difficulty of interpretation as there may have been if this Chamber had not taken the stand that it did take.

The Hon. Sir THOMAS PLAYFORD: I am pleased that everybody is happy about this, but, frankly, I do not know what has been achieved. The Premier has not explained what has been achieved, and the member for Mitcham, so obviously delighted with his success, also has not told us what the sum and substance of it is all about. If the Premier told us what had been accomplished, I think the Committee would be able to agree with him and support these recommendations.

The Hon. FRANK WALSH: I have little more to add. If the member for Gumeracha desires to oppose the recommendations, he is welcome.

Motion carried.

EDUCATION ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

MENTAL HEALTH ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

HEALTH ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

HOSPITALS ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

MOTOR VEHICLES ACT AMENDMENT BILL (TOW-TRUCKS).

Adjourned debate on second reading.

(Continued from November 3. Page 2767.)

Mr. HALL (Leader of the Opposition): This Bill emphasizes the ever-growing importance of the motor vehicle in our society, the manner in which we depend on it and the way in which it affects our lives in many spheres. It does not deal with the safety of vehicles but is designed to regulate the operation of tow-truck operators and to provide some control over arrangements for workshop repairs entered into shortly after an accident has taken place. Although it does not deal with matters of safety, it is of some significance, because I am told by a person who should know (although this cannot be taken as an authoritative statement) that possibly about 100 towing jobs are carried out on an average day in the metropolitan area. If only 50 jobs were carried out on an average day, the Bill would be significant, because many people would be affected.

I support the second reading. Although I realize there were reasons for the introduction of the Bill, some of them may have been over-emphasized. Probably the problem of offensive and over-impulsive tow-truck operators is not nearly as great in South Australia as it is in other States. We do not want this matter to reach the stage it has reached in the Eastern States, and this legislation will therefore serve a good purpose. However, I believe there are flaws in it, as it has too many restrictions. This is a complicated Bill to do two specific things, and I have drafted amendments that I shall move in Committee.

Clause 3 provides a definition of a tow-truck, and this is about as wide a definition as it is possible to draw of a vehicle capable of towing another vehicle. It would include any car with any device for towing, including a car with or without a tow-bar. It is important that this Bill is limited to operate within a radius of 20 miles from the Adelaide General Post Office. Within that distance offences against commonsense and the interests of the car owner are most likely to occur and the Act can operate without causing inconvenience to individuals. My support of the Bill is based on its operation within this area.

Clause 4 provides a prohibition against driving or operating a tow-truck bearing trader's plates, and applies throughout the State. It will mean that no tow-truck anywhere in the State can operate for the purpose for which it is intended whilst it is driven with trader's plates. This provision will be harmful and inconvenient to people in outlying areas. A small garage proprietor may have a vehicle suitable for towing that is fairly old and not registered. He may use it once or twice a year for this purpose, and when he does so he fixes trader's plates to it. It would be uneconomic for the owner of this type of truck to fully register it, and I am sure it was not the intention of the Bill to restrict this type of operation.

Clause 6 sets out the qualifications required of a tow-truck driver. He must be 21 years of age, which is five years in excess of the normal age at which a driving licence can be obtained. It is possible that this provision will restrict or prevent people under 21 already earning their living by driving tow-trucks. Anyone who has had a licence for two years should qualify as a tow-truck driver if he fulfils the other necessary qualifications.

New section 74d provides for the cancellation or suspension of the certificate to drive and operate a tow-truck if the driver's licence is cancelled or suspended for any reason. This penalty is in addition to that provided in new section 74a (5), in which the Registrar may cancel a certificate to drive and operate a tow-truck if he is satisfied that a person has been convicted of an offence or is guilty of such conduct that in the Registrar's opinion would render him unfit to hold a certificate to drive and operate a tow-truck. The Registrar has the authority to cancel a tow-truck operator's licence, and it is wrong to make cancellation automatic for an offence committed by a driver in his private capacity, as this offence may be unrelated to his ability to drive and operate a tow-truck.

If a tow-truck operator drove his private car at 45 miles an hour through a small country town like Roseworthy, was convicted of speeding, and lost his licence for a fortnight, he would automatically have his tow-truck operator's certificate cancelled. This is a harsh imposition, as the certificate should be cancelled only for the same time as the licence was cancelled. His livelihood should not be taken from him in these circumstances. I know of no other way in which a driving licence is cancelled and a further penalty is imposed. I hope the Premier will accept an amendment to this objectionable provision.

Under clause 8, if a car were taken from an accident to a repair workshop and the owner wanted it shifted to another workshop, the tow-truck operator would have to receive further written permission from the owner, even though there might be a telephoned instruction from the owner to shift it from repair shop A to repair shop B. This requires amendment, as I am sure it is not the intention of the Bill.

I now turn to the imposition of severe controls on the repairer's right concerning vehicles for which a contract has been signed within 24 hours of an accident. If he enters into an agreement to repair a car within 24 hours of an accident, the contract shall not be enforceable unless it is confirmed by the owner not less than six hours and not later than seven days after the accident. I believe that the seven days is unrealistic. It seems to me that the only reason why an upper limit is named is that a car could be left indefinitely without instructions from the owner. If the owner had an accident and gave authority for his car to be repaired at a workshop, and he failed to confirm within seven days that he wanted this job done, the contract would be unenforceable: even if he wished to have the work done and confirmed this in writing on the fourteenth day, this contract would be unenforceable. Very few repairers would continue with repair work if the contract were unenforceable. I believe an upper limit is probably necessary, but I believe it should be a far more realistic figure than seven days.

In clause 8 an amendment is required to limit the soliciting of business to the metropolitan area, and I shall be moving in this way in Committee. Although we undoubtedly support this Bill, I believe we should be careful to see that the restrictions are not unnecessarily severe: we do not want to impinge on the rights of reputable, honest people any more than is necessary to inhibit those who would take advantage of people involved in accidents. I believe it is a serious matter to make automatic cancellation a penalty for what may be a very minor offence. We should think carefully before taking away the livelihood of tow-truck operators who are under 21. We should be careful about ensuring that these provisions work only within the prescribed 20-mile area. With those remarks, I support the Bill.

Mr. MILLHOUSE (Mitcham): I support the remarks of the Leader of the Opposition. There is ample justification for the control of tow-truck operators in this State. I do not normally willingly agree to controls, but some tow-truck operators, by their activities over a long period, have brought control on themselves because they have abused the freedom of action they have had. They have made confounded nuisances of themselves—and worse than that! I remember one story that illustrates the sort of thing going on: one of my friends in the Police Force is a member of the cliff rescue squad, which 12 to 18 months ago arranged an exercise in the Torrens Gorge. The squad was to run up and down cliffs after a simulated motor car accident. To increase the realism, a mock message was put

over the radio that there had been a terrific accident in the gorge, and the cliff rescue squad tumbled into their vehicles and away they went. However, by the time they reached the scene, half a dozen tow-truck operators were in the area looking for the accident. This is the sort of thing which has happened and which is entirely undesirable, and it is the justification for stringent control over the activities of these characters.

As the Premier said in his second reading explanation, this legislation is experimental in its form. We may well find that it is too restrictive in some ways in its operation and perhaps does not go far enough in other directions. Amendments may be necessary in due course, but we are used to them in this House. The Leader of the Opposition referred to the definition of "tow-truck": such definition is to be inserted in section 5 of the principal Act. The definition is wide enough to cover any motor vehicle that has attached to it a tow-bar, but luckily there is a let-out (it is not a particularly satisfactory way of doing it) through new section 83d, which is contained in clause 8, and this, I think, saves the definition from serious criticism.

One thing that I dislike (but I do not know how to overcome it) is the very wide discretion given to the Registrar of Motor Vehicles to issue and cancel licences. I know there is provision in the Bill for appeal to a magistrate in chambers from a decision of the Registrar, and this is the only thing that saves these provisions from serious objection. Even as it is, I think we are putting a great deal on the Registrar, especially in new section 74a (3); the Registrar must be satisfied that the tow-truck operator is of good character, that he is proficient in driving and operating a tow-truck, and that he has not been convicted of an offence which, in the Registrar's opinion, renders him unfit to be issued with a certificate (not necessarily an offence in connection with motor cars, driving or dishonesty, but any offence at all) and the only criterion is the Registrar's opinion. This is not normally a good thing, and the same applies in new subclause (5), which deals with power of cancellation.

Dealing with new section 74d, I entirely agree with the Leader's remarks, for it just is not necessary. We should strike it out altogether because, whilst a man has his licence suspended, he cannot drive in any case. When he gets his ordinary driver's licence back again, the certificate will revive, unless the Registrar has taken some specific action to cancel. Of course, he can do that under new section 74a (5). I agree also with the Leader in regard to the paper work that will have to be done at the scene of an accident. Whether that will work is doubtful. I think we shall find it is far too much of a nuisance at the time and that the provision will have to be amended. However, we can see how it works and then perhaps amend it if necessary.

I think that new section 83b (1) (*b*) goes too far. This is the requirement for the conspicuous printing, which should be studied in Committee. I think the Bill is necessary, because of the undesirable activities that have been taking place but, if it were not for the extreme nature of these activities, I personally would not be prepared to sanction a Bill that is such a curtailment on persons' liberty of action. However, because of what has been going on, I think it is necessary to have some legislation. I hope this will work; I hope it will not be too burdensome, and that it will achieve the object we have in mind.

The Hon. G. G. PEARSON (Flinders): Although I think we generally agree with the objects of the Bill, I support the Leader's objection to clause 4, because it undoubtedly has a State-wide application and will adversely affect the availability of towing services in remote areas. When travelling from Port Augusta to my home in a Ministerial car at about three o'clock one morning, we collided with a kangaroo and had to await the arrival of a tow-truck from Cowell to pick us up. Although the tow-truck operator was infrequently called on, had he been obliged to register his truck, I venture to say the service would not be paying him. I think some modification of the clause is necessary because of accidents that occur in these circumstances.

I think that new section 74c aims the pistol at the wrong person. A taxi driver told me only last week that almost invariably a tow-truck from one of the organizations in the metropolitan area appears on the scene of an accident before either the police or an ambulance, so that almost certainly the headquarters of these organizations have a radio capable of receiving the police frequency.

We should examine whether a provision might be included to prohibit the use of such a radio in these organizations. Apart from that objection and the objections raised by the Leader and the member for Mitcham, with which I agree, I believe the Bill has a useful purpose and justifies our support. I do

not agree with the member for Mitcham's criticism of the definition of "tow-truck", for I do not think it is as wide as he suggests. I do not think it covers any vehicle to which a tow-bar is fitted, for I think the definition is limited by the inclusion of the words "damaged in an accident".

Mr. Millhouse: I do not think it limits the capacity of the vehicle at all.

The Hon. G. G. PEARSON: It does not read "capable of" but "designed or intended to be used".

Mr. Millhouse: "Designed" is wide enough.

The Hon. G. G. PEARSON: The honourable member may be correct but I construed this as limiting the terms of the definition as to make it a reasonable definition. However, the honourable member has had legal training and I have not and, if there is any doubt about the matter, I agree that it should be resolved. The Bill has the ingredient of all good legislation: it is remedial in its approach.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Prohibition against driving or operating a tow-truck bearing trader's plates."

The Hon. FRANK WALSH (Premier and Treasurer): I move:

In new section 69a, after "Act" second occurring to insert "(excepting paragraph (*j*) thereof)".

The amendment corrects a drafting error. Although there is no reason why a tow-truck should not use limited trader's plates for the purposes described in paragraphs (*a*) to (*i*) of section 68 (1) of the Act, there is a strong objection to the inclusion of the purpose described in paragraph (*j*) of that subsection. It is obvious that, having regard to the general intention of new section 69a, a tow-truck should not be permitted to continue to use trader's plates for towing operations. The inclusion of paragraph (*j*) in the exemption provision defeats this general intention. It was never intended that paragraph (*j*) should form part of the exemption provision, and the passage to be inserted will make this clear. The words were inadvertently omitted from the final draft Bill prepared.

Amendment carried.

Mr. HALL (Leader of the Opposition): I move:

In new section 69a, after "road" to insert "within the area".

As I said earlier, I believe this new section could apply generally throughout the State. The Bill provides for restrictions to apply only within 20 miles of the General Post Office. I do not believe it is the intention to extend that restriction to cover the use of trader's plates outside that 20-mile radius. Much inconvenience could be caused to those wishing to tow or to be towed in country areas. Often, a tow-truck operator tows a person involved in an accident as a favour. In country areas sometimes a vehicle is kept unregistered that may be used infrequently for towing. In such cases, trader's plates of the proprietor of a business are placed on a towing vehicle temporarily. If this restriction were to apply throughout the State it would mean that a vehicle kept for infrequent use in this way would have to be fully registered at all times and, as such a vehicle is often powerful, it would involve the owner in expense out of proportion with the use of the vehicle.

The Hon. FRANK WALSH: The Government does not accept the amendment. Reasons have already been given in reply to queries raised by the South Australian Automobile Chamber of Commerce why the amendment should not be accepted. The amendment would permit trader's plates to be used on tow-trucks anywhere outside the 20-mile limit. It should be emphasized that it was never the intention of the provisions in the Motor Vehicles Act dealing with trader's plates that trader's plates should be used on tow-trucks when engaged in towing work. The basic reason for the Registrar issuing trader's plates is so that persons engaged in the business of manufacturing, preparing or dealing in motor vehicles can carry on their business. It has never been the practice of the Registrar and he has had no authority under the law, to issue trader's plates specifically to enable a person to carry on the business of a towing operator. Persons manufacturing, repairing, or dealing in motor vehicles, who are entitled to be issued with trader's plates under section 62 of the Act, have used these plates (when they have placed the plates on tow-trucks to carry on the additional business of running a towing service) for a purpose that was never intended under the law.

To permit trader's plates to be used outside the defined area would be a retrograde step and would, apart from anything else, create an unfair discrimination against the owners of tow-trucks within the area, who would not be permitted under this provison to use trader's plates on their tow-trucks. It seems wrong in principle that a person at

Gawler should be permitted to use trader's plates on his tow-truck when a person at Elizabeth would be prevented from doing so. Many heavily populated areas exist outside the defined area, and the acceptance of this amendment would introduce serious anomalies and inconsistencies in the legislation that would be difficult to justify. The Government will not accept the amendment.

Mr. HALL: The Premier said it was not intended that tow-trucks be operated under trader's plates, although the previous amendment that he inserted exempted this clause, which does what he said the Registrar had no power to do. He argued that the trader's plates could be used in Gawler but not in Elizabeth, but he is arguing directly against the operation of this Bill. It creates inconsistencies between Elizabeth and Gawler, because this Bill will not operate in Gawler. The Premier is denying the right of a person in a small country garage to tow a vehicle in the course of his business, and that is wrong.

Mr. RODDA: I support the amendment, although I am not concerned about the differences applying between Gawler and Elizabeth. I am thinking of people at Alford, Wallaroo, and Naracoorte. Garage proprietors in those towns have breakdown trucks and render a valuable service to the community. This amendment would remedy the situation, and I endorse it.

Mr. FREEBAIRN: The Premier does not appreciate the significance of the clause as it applies to owners of small country garages, who provides a worthwhile breakdown service when they tow vehicles that are in distress. Generally, the towing vehicle is old and is used only in emergencies. Conditions for people in Saddleworth, Riverton, and Eudunda, are different from conditions in the city. The owners of small garages provide a service to people in country towns, and also to people from the metropolitan area passing through these towns. The member for Flinders said that when he was being driven in a Government car on one occasion, it broke down and he had to call upon the services of a small country garage. It was found that that garage had an old tow-truck fitted with a set of trader's plates, and the Government car was towed to the garage. If the garage had had to pay $100 to $120 registration fee for the tow-truck, it would not have been economical to have a tow-truck. The occupants of the Government car would not then have been able to obtain a towing vehicle. I support the amendment.

Mr. HEASLIP: Under this provision we are to discriminate between garage proprietors and primary producers. Why should we grant garage proprietors the right to use trader's plates when primary producers are not allowed to use them when towing vehicles from one paddock to another? If garage proprietors are to be authorized to use trader's plates, the power should be extended to other road users. For these reasons I support the Premier in his opposition to the amendment.

The Hon. FRANK WALSH: I acknowledge the support of the member for Rocky River. I have already explained the reason for the 20-mile limit, and I have referred to the abuses practised in the tow-truck industry. More accidents occur within the 20-mile limit than beyond it. I refer the Leader of the Opposition and other members to section 62 (2) dealing with trader's plates:

> Subject to this section the Registrar may issue—
>
> (*a*) to any person engaged in the business of manufacturing, repairing, or dealing in motor vehicles and who has suitable premises for that purpose, such trader's plates as the Registrar considers necessary, having regard to the business requirements of that person;
>
> (*b*) to any manufacturer of agricultural machinery, such limited trader's plates as the Registrar considers necessary for attachment to agricultural machinery driven or drawn on roads in the course of the business of that manufacturer.

Subsection (3) provides:

> Limited trader's plates shall not be issued to any person unless he is—
>
> (*a*) The holder of current general trader's plates.

Therefore, the business carried on by these tow-truck people has not been in accordance with the Act: abuses have occurred in the tow-truck industry because this Parliament has not concerned itself with this matter. Section 68 (2) deals with the purposes for which limited trader's plates may be used. The Act contains no provision in respect of trader's plates being used by tow-trucks. I said on second reading that it was never the intention of the parts of the Motor Vehicles Act dealing with trader's plates that trader's plates should be used on tow-trucks. The use or, rather, the abuse of trader's plates on tow-trucks has made it extremely difficult for the police to trace and identify tow-trucks concerned in the removal of vehicles damaged in an accident, and it has been a practice for the less reputable tow-truck operators to switch the trader's plates from one vehicle to another.

This was one of the malpractices that in the early stages caused the police to submit legislation of the nature at present before Parliament.

(*Midnight.*)

Control should exist to counteract malpractices. I have a high regard for the Police Force and acknowledge its efficiency. If, as stated in the letter from the Automobile Chamber of Commerce, garagemen in country towns retain old and relatively heavy vehicles for break-down and rescue operations, it is suggested that such vehicles are not ideal for this work. If these vehicles are, on average, used only once a month or less frequently, it hardly seems an economic proposition.

The Hon. G. G. Pearson: It probably is not, but they are trying to render a service.

The Hon. FRANK WALSH: On the basis of an average power weight of 80, the cost of registration would be about $58 per annum, so it would cost the owner about $5 each time in every month of the year that he used the vehicle for towing work. Is it suggested that this man will not charge more than $5 for each towing service? No justification exists for giving any special concession to these country owners of towing vehicles. If an ordinary motorist used his vehicle only once a week for a specific purpose, no-one would suggest that he was entitled to a special concession. A business has developed in this State that is not creditable to the motor industry generally.

Surely, members have witnessed what takes place at the scene of an accident, when the police are hampered because of the way in which tow-trucks are parked. The Bill should not be amended in the way sought by the Leader. The Automobile Chamber of Commerce and the Police Commissioner and his staff were consulted on this matter. The measure is long overdue, and I hope the Committee will not support the Leader's amendment.

Mr. HALL: The Premier is wide of the mark. We are dealing only with a monetary provision at this stage; no control has been mentioned. We are referring to general traders' plates commonly held by garages throughout the State. Many country garages have several tractors on hand that may be available for use at the owner's discretion. Why should their use be prohibited? The Premier has given no reason and, in fact, has said nothing about which we can argue. We are dealing with an area outside the 20-mile radius. I persist with my amendment.

The Hon. G. G. PEARSON: The whole purpose is to remedy malpractices which occur in the metropolitan area but which do not occur in the country. When the Ministerial car in which I was travelling somewhere between Whyalla and Port Augusta hit a kangaroo, there was nobody within 100 miles except Alan McDonald (the driver), me and the kangaroo.

The Hon. Sir Thomas Playford: The difficulty is to get assistance.

The Hon. G. G. PEARSON: Yes, I waited on the road from about 2 a.m. until nearly 5 a.m. before assistance could be brought to me. There is no logic in the Premier's objection. The amendment seeks only to permit the use of trader's plates for tow-trucks outside the area to which the Bill applies. The Bill is directed against people in the metropolitan area who are in business as tow-truck operators. However, the people we are talking about own garages and make their living from repairing and selling motor vehicles. These men often maintain a vehicle for towing at a loss. Under the Bill, it will be even more uneconomic for a good-hearted country garage proprietor to tow people. The amendment does not break down the principles of the Bill, with which the Opposition agrees. We ask that this exemption to apply to country areas be accepted.

Mr. RODDA: I support the amendment. Garage proprietors in country areas provide a service for motorists whose cars break down. The Bill is designed to affect tow-truck operators within a 20-mile limit of the metropolitan area. However, the amendment concerns what happens outside the area.

The Hon. FRANK WALSH: The Registrar is unable to do what is desired by the Leader.

The Hon. G. G. Pearson: Then why is this clause in the Bill?

The Hon. FRANK WALSH: The Registrar is not entitled to issue these plates.

The Hon. G. G. Pearson: All the Registrar has to do is tighten it up.

The Hon. FRANK WALSH: Well, this provision is in the Bill and it is going to remain there. I am assisting the people who assisted the Government to bring forward this legislation. Provision is already made regarding the use of trader's plates.

The Hon. Sir THOMAS PLAYFORD: The Premier said that this provision had been placed in the Bill to help certain people who helped the Government.

The Hon. Frank Walsh: We sought their advice.

The Hon. Sir THOMAS PLAYFORD: There is no reference to these people in the Bill. I do not know who they are or what their special interest in it is. The Bill is designed to apply to an area within 20 miles of the G.P.O., but this provision applies to the State generally, and the Leader is entirely right when he says that this provision is foreign to the Bill in every way. It is a tax provision, because it means that people who were previously able to use a certain class of plate will now have to pay more to use another class of plate. The Premier has not explained why this provision is in the Bill. He should at least tell the Committee who these people are and what help they gave the Government that they should have this reward, and how they are rewarded by this provision.

The Hon. FRANK WALSH: I would not rise again but for the stupidity of the innuendo by the member for Gumeracha. If he had been paying attention, he would have understood that the Government sought the assistance and advice of people who should know something about this business. I said earlier that we had already consulted the Automobile Chamber of Commerce and the police, who are authorities; also, the Government sought information from the Royal Automobile Association. I do not know any better authorities than these. The Registrar is limited in respect of trader's plates, as the honourable member knows.

The Hon. Sir THOMAS PLAYFORD: Did the R.A.A. advocate this additional tax, which will have to be borne by the motoring public, or did the Registrar of Motor Vehicles recommend it? There is no justification for this change outside the metropolitan area: I doubt whether there is any justification within the area. The fact that the Registrar of Motor Vehicles has made a recommendation does not mean that we have to accept it. He is not a member of this House or this Committee: he merely advises the Government. I doubt whether the Premier is right in expressing those views here, because the Premier should be expressing the views of the Government and not of an officer. The Premier should take the responsibility for the legislation he is introducing and not ask some officer to take it.

The Hon. FRANK WALSH: I will take the responsibility for this. When the Government needs advice, it goes to the best source obtainable, and I will take the responsibility for accepting it. Nobody in this or any other Government is an expert on everything. There is nothing in this Bill to prevent people from being towed away without charge.

Mr. HALL: The Premier says he has gone to other people for advice, but the fact is that other people came to him. He introduced this Bill at the behest of somebody else, and we have a fairly good idea who that was. The reasons for its introduction are laudable but, if the Premier accepts without question everything put before him, all I can say is he is more gullible than I thought. Apparently, he has swallowed all this. He has not explained where we are wrong, and his remarks are not related to the Bill. The power is within the Act, and plates are issued by the Registrar, who knows that the power exists. This is a deliberate move to restrict certain people.

Mr. SHANNON: The Government is taking advantage of unhappy conditions in the tow-truck business in the metropolitan area to impose an additional tax on people who use vehicles to tow disabled motor cars in any part of the State. In future, country garage operators will be required to fully register vehicles they use for towing. This is a taxation measure aimed at people operating in country areas, because tow-truck operators in the metropolitan area do not do repair work. People who tow vehicles in country areas are more modest in their charges than are the tow-truck operators in the metropolitan area. I support the Leader's amendment.

Mr. HEASLIP: If additional revenue is required by the Government, all sections of the community should contribute. Tow-truck operators in country areas are not doing it for love: it is a business. Primary producers conduct their business in the same way, but they have to pay registration fees, and this should apply to all vehicle users.

Mr. HUDSON: If I broke down outside the farm of the member for Rocky River and I asked him to use his tractor to tow me into the nearest town he could do it without charge, but the tractor must be registered. Under the principal Act he would require traders' plates to tow my vehicle if the tractor were not registered. The Opposition is trying to create the position where a special exemption is provided and saying that a tow-truck operator outside the 20-mile limit should be in a privileged position.

Mr. Hall: There is no restriction at Gawler.

Mr. HUDSON: The Opposition wants a special exemption in country areas. The member for Rocky River said there was no case for this privilege, and that if it were removed

it should be removed generally and not sectionally.

Mr. HALL: The only conclusion we can draw from the remarks of the member for Glenelg is this Bill should apply throughout the State or not at all and that it was wrong to have any concession in country areas. That is one of several concessions in the Bill, but it is minor compared with the general operations of the Bill. It is impossible for either the member for Glenelg or the member for Rocky River to support this Bill in its present form, because it is quite incompatible with their present argument. If the member for Rocky River supported it he would not be consistent. This Bill carries tremendous powers of prohibition and restriction, and the type of restriction in this clause is not particularly different from the other types of restriction. The member for Glenelg cannot support this Bill if he believes in what he says, for he cannot have it both ways.

Mr. RODDA: After listening to the arguments that have been advanced I fear that we will see the disappearance of these trucks that render a facility in the country. It is necessary to have a vehicle that can carry a truck needing repairs, so if the member for Rocky River's truck did not have a crane it would not be very useful in this hypothetical breakdown the member for Glenelg might have in the country. I support the amendment.

The Committee divided on Mr. Hall's amendment:

Ayes (15).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall (teller), McAnaney, Millhouse, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, and Mr. Teusner.

Noes (18).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Dunstan, Heaslip, Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, and Walsh (teller).

Majority of 3 for the Noes.

Amendment thus negatived; clause as amended passed.

Clause 5 passed.

Clause 6—"Prohibition against driving or operating a tow-truck without authority issued by Registrar and powers of Registrar in connection with such authority."

Mr. HALL: I move:

In new section 74a (3) (*a*) to strike out "twenty-one" and insert "eighteen".

When I read this Bill I realized that 21 years of age, or five years more than the normal age at which a driving licence could be obtained, should not be provided in relation to the obtaining of a licence to drive and operate a tow-truck. When I asked a prominent tow-truck operator in the metropolitan area whether he thought this provision would affect any employees, his reply was that, at least, it would affect his son, so at least one person will be put out of business until he reaches the age of 21 years if the minimum age remains at 21 years.

The Registrar must be satisfied that the applicant is of good character, that he is proficient in driving and operating a tow-truck and that he has not been convicted of an offence that would render him unfit to be issued with a certificate. If this were not provided, the Government would be justified in considering that a person who had attained the age of 21 years would take a more mature attitude to driving on a road. However, the age qualification is only a minor safeguard and it is nonsense to penalize a person in this way.

The Hon. FRANK WALSH: I need not repeat what I said in the second reading debate. However, I emphasize that the Government considers essential that tow-truck drivers be mature persons over 21 years of age. Not only would drivers probably have had the necessary experience in driving heavy vehicles at that age to enable them to pass any tests that might be laid down by the Registrar, but (and this is more important) they would be able to enter into contractual relationships with the owners of vehicles that were damaged in accidents, whereas, if they were under 21 years of age, they would not have, under the law, full capacity to make valid and binding contracts. If this provision were removed, much unnecessary litigation might result.

This consideration is important in regard to the practice by which tow-truck drivers enter into contracts for the repair of vehicles taken to repairers. Another consideration is that one expects a mature person to take more care in regard to the custody of the valuable property of other people. Even taxi drivers must be 21 years of age or over. I am not disputing that many competent persons hold licences to drive motor cars. However, the Government considers that there is more involved in this matter than is the case with normal driving. I ask the Committee to retain the provision in the Bill.

Mr. MILLHOUSE: I am surprised at the Premier's extraordinary reason for opposing a commonsense amendment. This is pioneering legislation. There is no reason for fixing on

21 years rather than on 18 years. During the last session we passed a Bill allowing people to make wills at the age of 18 years. We persisted in that, in opposition to the other place, until our wishes prevailed. That matter involved maturity, yet the Government now says that a person of 18 years of age is not sufficiently mature to drive a tow-truck.

If what the Premier has said regarding contracts is correct, no person under the age of 21 years can sell any commodity. Are we going to dismiss all the shop assistants under 21 years of age who enter into contracts for the sale of goods thousands of times every day?

The specious reasons given are no grounds for opposition to the amendment, and a person 18 years of age is old enough to be able to drive a tow-truck. There is no evidence that people between the ages of 18 and 21 years are liable to offend this or any other law merely because of their age. The Registrar must be satisfied on three other placita and we should not provide for this unduly high age. I hope the Premier will reconsider the matter. I know that he is a reasonable man when a case is presented rationally, as I have presented it. I therefore ask him to support the amendment of the Leader of the Opposition because it deserves support.

Mr. FREEBAIRN: I am concerned about the practical effect of the legislation: I refer to the situation that obtains in country garages in the towns in my district. How will they be affected by this legislation? This is a test that every member should apply when dealing with legislation. Why should a man have to be 21 in order to operate a tow-truck? Most city tow-truck operators are younger than 21, and they seem to be doing a satisfactory job. I support the amendment.

The Hon. Sir THOMAS PLAYFORD: I do not understand the significance of the reason advanced by the Premier for this age limitation. If the reason is that it ensures greater safety, that is, if the operators are not considered mature enough until they reach 21, I point out that there is a grave inconsistency because the provision limiting the age to 21 only applies within the metropolitan area. So I do not think that particular argument is valid, because 99 per cent of the State will be excluded from the Bill, and people will be able to drive tow-trucks in the country at 16 years of age. However, once they come within 20 miles of the metropolitan area they will have to stop, because of the age limit. This provision is difficult to justify.

The Committee divided on the amendment:

Ayes (16).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Hall (teller), Heaslip, McAnaney, Millhouse, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, Shannon, and Mrs. Steele, and Mr. Teusner.

Noes (17).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Dunstan, Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Loveday, McKee, and Walsh (teller).

Majority of 1 for the Noes.

Amendment thus negatived.

Mr. HALL: I move:

To strike out new section 74d.

This is an attempt to overcome our objection to the most obnoxious part of the Bill. If a person with a certificate to drive a tow-truck has his ordinary driving licence suspended for, say, three days after committing a minor offence, the tow-truck certificate will automatically be cancelled until the matter is reviewed by the Registrar. I venture to say that two out of three motorists offend by driving through Roseworthy at a speed in excess of 35 miles an hour, yet a tow-truck operator convicted of this offence would automatically lose his tow-truck operator's certificate, receiving it again only at the Registrar's pleasure. Hardly any motorist observes the 55 miles an hour limit on the Port Wakefield Road near Virginia that is impossible to police because it is an open road. Again, a tow-truck operator convicted of exceeding the limit in this area would lose not only his driving licence but the certificate on which his employment relied. The Registrar already has sufficient power to cancel a certificate. Parliament should not provide an automatic power.

The Hon. Sir THOMAS PLAYFORD: I support the amendment. Suppose a person were in hospital when his motor car registration fell due: if he did not renew that registration until he came out of hospital he would automatically lose his permit to use a tow-truck and would have to go through all the rigmarole of applying for another. Why is it necessary to cancel the permit to drive a tow-truck merely because of a slight break in the period of registration, which could be caused by hospitalization, absence from the State when the registration was due or half a dozen *bona fide* reasons?

The Hon. FRANK WALSH: I think the member for Gumeracha is dealing with something that is not in the Bill.

Mr. Millhouse: It is, you know.

The Hon. FRANK WALSH: No good reason exists why this amendment should be accepted. If a person loses his driver's licence by cancellation or suspension it is clear that, if he subsequently drives a tow-truck, he commits the serious traffic offence of driving whilst his licence is suspended or cancelled.

Mr. Millhouse: Absolute nonsense! Nothing to do with it!

The Hon. FRANK WALSH: I have just about had enough of these innuendoes. If the Committee is not prepared to listen to the reasons that I have, without listening also to the honourable member's innuendoes—

Mr. Coumbe: You don't have to agree with them, you know.

The Hon. FRANK WALSH: No, but I am at least entitled to be heard without having to listen to innuendoes almost bordering on insults. If that is to be the attitude of the Committee, why should I waste my time trying to give information? The mere retention of an operator's certificate authorizing him to drive a tow-truck would not in itself permit him to drive a tow-truck, and he could not therefore drive one until the suspension or cancellation was removed by order of the court. There would, therefore, seem to be no justification for permitting a tow-truck driver to retain a certificate if his driver's licence had been cancelled or suspended. It should be recalled that under new section 74a (3) inserted by this clause a prerequisite in an application for a certificate is that the applicant should be the holder of a valid driving licence.

If, as provided in new section 74d, the certificate is automatically cancelled when the driver's licence of the owner of a tow-truck is cancelled or suspended, there is nothing to prevent the driver, when the cancellation or suspension is removed, from applying to the Registrar under new section 74a for a new certificate to be issued. In deciding whether a new certificate should be issued, the Registrar would naturally have regard to the nature of the offence that resulted in the suspension or cancellation of the driver's licence. New section 74d is not an unusual provision: there is a similar provision regarding motor driving instructors' licences under section 98a (6) of the principal Act. There seems to be no good reason why tow-truck drivers should be treated in a different manner from driving instructors. The Government regards new section 74d as being logical, consistent and necessary in the proposed legislation.

Mr. MILLHOUSE: I cannot see that it is logical or necessary in the administration of this Act. I am afraid that the Premier has completely mistaken the Leader's argument. This new section is not confined to cancellation or suspension of a licence, and those were the only points the Premier touched upon in the report he gave. The new section also provides "for any other reason ceases to hold a driver's licence". Therefore, if through sheer inadvertence or through being in hospital or on holidays a person fails to renew his driving licence and there is a gap of time, even for a day, he automatically loses his tow-truck certificate. I do not believe this new section is necessary in view of the power the Registrar has under 74a (5), which enables him to initiate cancellation if he thinks it necessary. I can see no possible valid argument in favour of this new section's going as far as it does. I wish the Premier would listen to the arguments adduced in favour of amendments moved by members on this side, and that he would give answers. It is difficult when he has his answers prepared in advance, before he hears the arguments, and simply reads them out. That is what he has done in this case, and he has completely missed the point of the objections from this side. I hope that other members on the Government side will take some interest in this measure, heed our arguments and, perhaps, use their good offices with the Premier to do something about it.

Mr. COUMBE: If a person with a tow-truck certificate has his ordinary driver's licence cancelled, he is automatically debarred from driving on the road. If he drives he immediately commits an offence under the Act. If a person commits an offence the Registrar has power under section 74a (5) to cancel his tow-truck licence. Therefore, new section 74d is completely superfluous.

Mr. RODDA: I support the amendment, because the new section is superfluous.

Mr. McANANEY: I support the amendment. New section 74d is entirely unnecessary because a person cannot drive a tow-truck without an ordinary licence in any case; if he does, he commits an offence.

Mr. HEASLIP: This new section is unnecessary. New section 74a (5) enables the Registrar to take action. Can the Premier say why he requires this clause in the Bill?

The Hon. FRANK WALSH: I have attempted to give a full explanation. I cannot see why this clause should be struck out. I take it that the Registrar will issue certificates for people to drive tow-trucks but, if a person has been found guilty of a breach of the Road

Traffic Act and his licence has been suspended, his certificate will automatically be cancelled. Under new section 74b (1) he has to carry this certificate with him. I have tried to reason it out. This clause applies only in the case where a licence is cancelled or suspended for some reason associated with the breach he has committed.

Mr. Millhouse: But that is not what the clause says.

The Hon. Sir THOMAS PLAYFORD: There is nothing unlawful about a person whose driver's licence has expired not renewing it until after the day of expiration, provided he does not drive a motor car during the period that he has not a licence. Under the Bill as at present drafted, a person could be in hospital at the time it was necessary for him to renew his driver's licence. If a person were in hospital or on holidays when the renewal was due and he failed to renew his licence, his certificate would be automatically cancelled. He has done nothing wrong, but he has to re-apply for a certificate. The Act contains a provision to deal with someone who has done something wrong, but why should an innocent break of one day in a driver's licence automatically compel the cancellation of his tow-truck certificate? Why is it necessary for the Registrar to go through all the rigmarole of renewing his permit in those circumstances? The Premier has not answered that. The words in the Bill are specific—"or such person for any other reason ceases to hold a driver's licence". The reason he ceased to hold a licence might have been that he was in hospital or on holiday when it fell due for renewal. That is not a valid reason for taking away his certificate. The Premier did not explain why these words are in the clause. He talks about a person whose certificate has been cancelled, but a person can lose it by being one day late in renewing his licence.

The Hon. FRANK WALSH: I have discussed this matter to try to get some information. The member for Gumeracha and other honourable members have tried to make out a case for the person who, through unforeseen circumstances, automatically loses his tow-truck certificate. I do not agree with that. Normally, a person engaged in the tow-truck business would take the trouble to find out the effects of his licence lapsing for a day or two. He must carry a certificate from the Registrar that he is registered to operate a tow-truck. The honourable member for Gumeracha has been exaggerating.

Mr. MILLHOUSE: If the Premier disagrees with the member for Gumeracha can he say what the words "or such person for any other reason ceases to hold a driver's licence" mean? Why are they included, and can any Government member, including the Attorney-General, say what the words mean? If they do not mean what the member for Gumeracha says they mean, what do they mean?

The Hon. FRANK WALSH: Under new section 74b it is necessary for a person operating a tow-truck to carry a certificate. He does not have to renew that certificate, but if he commits a misdemeanour he may lose his drivers' licence. He does not lose the right to register the certificate.

The Hon. Sir Thomas Playford: It states "ceases to hold a driver's licence".

The Hon. FRANK WALSH: I do not accept the interpretation of the members for Gumeracha and Mitcham.

Mr. Millhouse: What does it mean?

The Hon. FRANK WALSH: If a person is a day or two late in renewing his driver's licence, he does not lose his right to a certificate to operate a tow-truck.

The Committee divided on the amendment:

Ayes (15).—Messrs. Bockelberg, Coumbe, Ferguson, Freebairn, Hall (teller), Heaslip, McAnaney, Millhouse, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, and Shannon, Mrs. Steele and Mr. Teusner.

Noes (17).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Dunstan, Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Loveday, McKee and Walsh (teller).

Majority of 2 for the Noes.

Amendment thus negatived.

The Hon. Sir THOMAS PLAYFORD: I move:

In new section 74d to strike out "or such person for any other reason ceases to hold a driver's licence".

The ACTING CHAIRMAN: I cannot accept the amendment, because the Committee has decided that all words in new section 74d shall remain.

The Hon. Sir THOMAS PLAYFORD: Mr. Acting Chairman, the question that the clause be passed has not been put: the question that has been put is that new section 74d shall not be struck out. My amendment is to strike out not the whole of this new section but only a few words of it.

The ACTING CHAIRMAN: The member for Gumeracha proposes by his amendment to leave out certain words of new section 74d,

which it has already been decided by the Committee shall stand, therefore his amendment is not in order at this stage.

Clause passed.

Clause 7 passed.

Clause 8—"Prohibition against towing of any vehicle unless driver of tow-truck has authority to tow the same signed by the owner or driver, etc., of the vehicle."

Mr. HALL: I move:

In new section 83a (1) after "accident" to insert "from the scene of the accident."

I hope this amendment will receive more detailed consideration than the others have received. The Premier said that he was acting at the behest of the industry, and I can tell him that this amendment is one that has the approval of an important operator within the industry. If new section 83a (1) stands in its present form, it will mean that a tow-truck operator must have an authority in the prescribed form, signed by the owner, to tow a vehicle that has been damaged, and, as I understand it, authority would have to be obtained from someone responsible at the scene of an accident for that vehicle to be towed to a repair shop or to some other place away from the scene of the accident. If the owner then exercised his right not to confirm the contract for repair and said that he wanted his vehicle towed from that repair shop to another repair shop, I believe it would be necessary under this clause for the tow-truck operator to be given just as much authority as would be required for towing the vehicle from the scene of the accident.

This is patently not the spirit of the legislation, for I am sure the Committee is not concerned about tow-truck operators towing a vehicle from one workshop to another. All the trouble that has arisen is in respect of authority to tow a vehicle from the scene of an accident, at which time the driver or owner of a damaged vehicle may be in a disturbed state and may have pressure put upon him. After his vehicle is towed to a workshop he may realize that he had been pressed into a contract for repair and consequently he may seek the removal of his vehicle to another workshop. I consider that this provision as it is worded is obviously not what is wanted by the tow-truck operator, the customer, the police or the Registrar.

The Hon. FRANK WALSH: I accept the amendment.

Amendment carried.

Mr. HALL: I move:

In new section 83b (1) to strike out paragraph (*b*).

Paragraph (*a*) of this subsection stipulates that a contract or authority must be in writing, so we are now moving from the first purpose of the Bill, which was to control tow-truck operators, into the field of regulating repair work which is entered into within 24 hours after an accident. Paragraph (*b*) requires a contract to be conspicuously printed in bold, black type so that certain words will be clearly seen.

It seems to me that in this respect we are getting into a very particular field of personal restriction. I cannot see why this provision is necessary. As long as the signatures are there and proper authority is obtained, there is no reason why the contract must be printed in that manner.

The Hon. FRANK WALSH: I am not prepared to accept the amendment. It is essential that the owner of a damaged vehicle should be made aware of his legal rights to repudiate the contract or authority to repair at the time of signing the contract. If he is not made aware of his rights to repudiate the contract in the manner proposed in paragraph (*b*), he can become aware of this only if he knows what the provisions of the law are in this respect. It is common knowledge that the motoring public are notoriously ignorant of motor vehicle and traffic legislation.

Besides, it must be remembered that persons coming from other States are often involved in accidents in this State, and it is asking a great deal to expect these persons to know the law of this State and their rights under it. The Government considers that it is only fair and just that they should be made aware of their legal rights at the time they enter into a contract or authority to repair their damaged vehicles. The insertion of this provision does not, it is considered, place an unfair burden upon towing service operators. Without this provision the effectiveness of new section 83b would be seriously impaired.

Amendment negatived.

Mr. HALL: I move:

In new section 83b (1) (*d*) to strike out "seven" and insert "thirty".

This refers to the time span in respect of a person who has given an authority in the prescribed form for the repair of his vehicle. Unless he complies with the confirmation provision, the contract will be unenforceable. This would mean that the repair work would not go on, because no person would carry out business for which he would make a charge if the contract under which he carried out the work was not

enforceable. I understand that all these matters apply only if the contract to repair is entered into within 24 hours after the carrying or towing of the vehicle commences.

The limitation in the clause seems peculiar. Obviously the period of six hours is the safeguard. However, there may be many reasons why a person does not confirm a contract within seven days and, as I understand the provision, it would be of no use his confirming it on the eighth day. The repairer and the owner could not make an enforceable contract in those circumstances.

Mr. Hudson: They just say, "Go ahead and do the work."

Mr. HALL: But is everybody on this friendly basis?

Mr. Hudson: If they were not, they would write a new contract.

Mr. HALL: I do not think they would be allowed to. A period of 30 days seems to be a more sensible time. It seems that the provision has been inserted on behalf of the repairer. He does not want his place cluttered up with vehicles when the owners just do not care. A customer may have to go to hospital after an accident, or he may be on his way to catch a plane to another State when the accident occurs.

Mr. Hudson: If he does not confirm, the repairer will not go on with the job until a new contract has been drawn up.

Mr. HALL: Why should it be necessary to draw up another contract? No-one will be inconvenienced if a period of 30 days is prescribed.

The Hon. FRANK WALSH: I understand that the Leader was completely correct when he said that this would be in the interests of the crash repairers. If it is a question of their being further snowed under, it will not matter much to me, so I am prepared to accept the amendment.

Mr. HUDSON: A problem arises because paragraph (*b*) of section 83b is still part of the Bill. It refers to the enforceability of a contract and refers to a period of not less than six hours or more than seven days. I suggest that further consideration will have to be given to this matter or the whole clause reconsidered later. We cannot have one thing printed in bold black type on a contract document and something else being the position at law. In the Book Purchasers Protection Act, the period is from five to 14 days. Why did the Leader of the Opposition select 14 days in that case? In this case the owner is likely to want the repairs to be done urgently, hence the shorter period of time—six hours rather than 14 days. The repairer also is likely to want the shorter period because his workshop may become cluttered up if the seven-day period is adopted and the contract has not been confirmed. The repairer knows that he cannot proceed with the work because he would be taking a risk; if the owner, on the eighth day, said, "I now want you to proceed with the work," the repairer (to protect himself) would then have to say, "We will have to draw up a new contract." I am worried about making it 30 days. What happens if an owner leaves the matter for 30 days and the car is stuck in the workshop while the repairer wonders if he can go ahead?

Mr. HALL: The member for Glenelg is right: in my enthusiasm to strike out paragraph (*b*), "seven" is left behind, which is not compatible with what I am trying to do here. Is there anything I can do about this?

The ACTING CHAIRMAN: I cannot accept an amendment at this stage.

The Hon. FRANK WALSH: We will obtain a recommittal of the Bill.

The ACTING CHAIRMAN: We can recommit it.

Amendment carried.

Mr. HALL I move:

In new section 83c (*c*) after "vehicle" second occurring to insert "from the scene of an accident".

Mr. HALL: This amendment is similar to the one I moved earlier. This is a restriction on those who solicit, or attempt to solicit, an owner-driver or person claiming to be in charge of a damaged vehicle. The words "to solicit or attempt to solicit" may not be used in any sinister form, and a tow-truck operator may be conducting his business quite properly in attempting to induce an owner to provide him with business. This amendment will make sure that soliciting of business by a tow-truck operator will not be illegal unless it is conducted at the scene of an accident.

Amendment carried.

The Hon. FRANK WALSH: I move:

In new section 83d (*f*) to strike out "and"; and to insert the following paragraph:

; and

(*h*) as preventing a driver of a tow-truck employed by a towing service whose place of business is outside the area from driving a tow-truck to any place within the area for any purpose so long as such purpose is connected with the lifting, carrying or towing in the area of a damaged vehicle.

Its purpose is to ensure that the driver of a tow-truck who operates outside the defined area may drive a tow-truck into the area for any

purpose that is not connected with the lifting, carrying or towing of a vehicle damaged in an accident in the area. It is neither necessary nor desirable for such tow-truck drivers to hold an authorization certificate to drive in the area if they are not using the tow-truck for towing damaged vehicles in the defined area.

The Hon. Sir THOMAS PLAYFORD: The amendments moved by the Premier are designed to be an extension of a privilege. The amendments are designed to enable a person normally living outside the area to drive a tow-truck into the metropolitan area, but the last words of the amendments actually take away that privilege, even if the person concerned has a permit. For instance, a tow-truck service at Lobethal, even with a permit to operate in the area, cannot bring a damaged vehicle into the metropolitan area for repairs. The amendments are more restrictive than is the present provision.

Mr. MILLHOUSE: I support the member for Gumeracha. I suggest to the Premier that if he were to delete the words after "purpose" he would probably achieve his aim.

The Hon. FRANK WALSH: People wishing to come into the area with a tow-truck should obtain a certificate.

The Hon. Sir THOMAS PLAYFORD: I do not object to the requirement that any person operating in the area shall have a certificate, but a person with a certificate should be allowed to come into the area with a vehicle even though his place of business is normally outside the metropolitan area.

The Hon. Frank Walsh: I have just said that.

The Hon. Sir THOMAS PLAYFORD: But paragraph (*g*) does not permit him to do so. Is this provision designed to allow a person operating outside the metropolitan area to tow a vehicle into it?

The Hon. FRANK WALSH: A person operating outside the metropolitan area who wants to tow a vehicle into the metropolitan area must obtain a certificate the same as an operator in the metropolitan area must have a certificate.

The Hon. Sir THOMAS PLAYFORD: I understand that the Bill provides for what the Premier wants without the amendments. The amendments provide a special condition for people living outside the metropolitan area. Although they were meant to be a liberalization, I believe that the amendments provide for a prohibition. I oppose them because they place people in areas outside the metropolitan area in a difficult position.

Amendments carried; clause as amended passed.

Clause 9 and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 8—"Prohibition against towing of any vehicle unless driver of tow-truck has authority to tow the same signed by the owner or driver, etc., of the vehicle."—reconsidered.

Mr. HALL: The Committee is aware of the confusion caused by my omission to consider this alteration to paragraph (*b*). I have received certain advice and now consider that 30 days is too long a period to have used vehicles on the premises. Therefore, I move:

In new section 83b (1) (*b*) to strike out "seven" and insert "fourteen"; in new section 83b (1) (*d*) to strike out "thirty" and insert "fourteen"; and in new section 83b (2) to strike out "seven" and insert "fourteen".

Amendments carried; clause as further amended passed.

Bill reported with further amendments. Committee's reports adopted.

Bill read a third time.

ADJOURNMENT.

At 2.45 a.m. the House adjourned until Wednesday, November 16, at 2 p.m.