HOUSE OF ASSEMBLY

Wednesday, March 1, 1967.

The House met at 2 p.m.

The CLERK: I have to announce that, because of illness, the Speaker will be unable to attend the House this day.

The DEPUTY SPEAKER (Mr. Lawn) took the Chair and read prayers.

QUESTIONS

FRUIT FLY.

Mr. HALL: I have received a letter from the Secretary of the Barmera Vegetable Growers' Association in which concern is expressed at the possibility of fruit fly entering South Australia through the importing of Queensland watermelon. The letter states:

Since the fruit fly has been found in South Australia the State Governments previously have spent something in the order of $8,000,000 for eradication and still let in vast quantities of watermelons. To further ask why Queensland watermelon is let into South Australia it was noted by some members of our association that a quantity of watermelon arrived at the Melbourne market during the Christmas period and was condemned by the Victorian Department of Agriculture officers due to the heavy infestation of Queensland fruit fly.

As I understand that the recent outbreak detected in this State was of the Queensland variety, does the Minister of Agriculture believe that his department is taking all effective steps to ensure that no Queensland fruit fly enters South Australia in this way?

The Hon. G. A. BYWATERS: I have every confidence in the Agriculture Department's attitude in regard to fruit fly; indeed, that confidence has existed not only since I became Minister in charge of the department. The department has exercised strong vigilance in this regard, and, as the Leader is aware, road blocks have been set up. Very good public relations exist in regard to cases where it is suspected that any insect or pest is being allowed into the State. We have also continued to maintain a good relationship with the people in the metropolitan area. Queensland bananas are fumigated at Mile End. As a result of our precautions we have not had an outbreak of fruit fly for at least four years. Every load of watermelons, too, is inspected at Mile End. So that the Leader may have all the information possible on this matter, I should like to ascertain precisely what precautions are taken in respect of Queensland watermelon. I can only say again, however, that the department's set-up in regard to combating fruit fly is well organized. In fact, I think it is to the department's credit that, when an outbreak occurred after four years, all the necessary machinery was functioning on the afternoon of the day on which the fruit fly was detected. This was achieved because all of the plant had been kept up to date and in working order by the staff at Blackwood. The plant was on the spot and was operating the same afternoon.

Mr. Quirke: Are watermelons scanned for fruit fly?

The Hon. G. A. BYWATERS: I have already said that I will ascertain the exact position about watermelons for the Leader. I assure honourable members that every precaution is taken regarding fruit fly and that excellent public relations have been established. We would rather have 1,000 incorrect reports than let one case of fruit fly go undetected.

The Hon. B. H. TEUSNER: For some time past a fruit fly inspector has boarded the Overland express to ascertain from passengers whether they are carrying with them fruit that has been purchased in the Eastern States. However, over the last few years when returning on the Overland from Melbourne to Adelaide on a Sunday morning, I have noticed that a fruit fly inspector has not been present; at least, I have not seen one, and I certainly have not been interrogated on those mornings. Can the Minister of Agriculture say whether a fruit fly inspector boards the Overland at Mount Lofty or elsewhere on a Sunday, with a view to interrogating passengers; and if one does not, why not?

The Hon. G. A. BYWATERS: As I do not know whether that is so, I will ascertain the position for the honourable member. However, only about two weeks ago when returning from the Agricultural Council—

The Hon. B. H. Teusner: On a Sunday?

The Hon. G. A. BYWATERS: No, on a Thursday. On that occasion an inspector had obtained much fruit from passengers. Indeed, it was pleasing to see that passengers had freely given up their fruit on the officer's request.

SEMAPHORE PARK SEWERAGE.

Mr. HURST: Some time ago, the Minister of Works told me that work on the Semaphore Park sewerage scheme would commence about February. Can the Minister indicate the present position?

The Hon. C. D. HUTCHENS: Commencing tomorrow, well point equipment will be used for dewatering, and digging will commence on April 8 or 9. Pipe will not be laid until

April 22. Of course, the well point equipment is nothing to see. From April 10 to 22 there will be digging and timbering but after April 22 the whole operation will be able to be seen. The digging will be commenced at the corner of Recreation Parade and Sampson Road and will proceed down Recreation Parade.

TORRENS RIVER.

Mr. COUMBE: My question concerns the recent reported pollution of the Torrens River, particularly as the river passes through a portion of my district. About a month ago this matter received much publicity in the press. Subsequent to that I made a statement in which I suggested that the Chairman of the Torrens River Committee, which was set up some time ago, should investigate pollution. The Chairman of the committee (Mr. Johinke) said he would refer the matter to the committee for a report. Can the Minister of Works inform me whether the pollution investigation has been carried out (particularly regarding the area adjacent to Gilberton, upstream from Hackney bridge) and, if it has been, will he bring down a report showing what beneficial results can be expected to solve the problem which, I assure the Minister, is becoming worse year by year?

The Hon. C. D. HUTCHENS: Following a press statement by the honourable member, I took up the matter with Mr. Johinke. We decided to negotiate with the Public Health Department because, as members of the Torrens River Committee were uncertain what type of germ might be generated by the unsatisfactory conditions in the Torrens River, they were uncertain what remedies would be required. Since then I have not heard of the outcome of the negotiations but, the honourable member having raised the matter again, I will ascertain from Mr. Johinke whether the Public Health Department has been able to give any assistance.

ANZAC DAY HOLIDAY.

Mr. JENNINGS: My attention has been drawn to the fact that this year Anzac Day falls on a Tuesday. Will the Minister of Education consider the granting of a school holiday on Monday, April 24, in addition to the holiday on Anzac Day, so that teachers and schoolchildren can have a break of four days, with the lost time at school being made up by ending the first school term on a Friday instead of a Thursday?

The Hon. R. R. LOVEDAY: I shall be pleased to consider the suggestion.

RIVER PLANTINGS.

The Hon. Sir THOMAS PLAYFORD: My question concerns a matter I raised yesterday regarding assistance given to the firm of Tolley, Scott & Tolley to plant an irrigation area of 1,200 acres, of which I understand 400 acres is to be planted this year and the remainder the following year. Can the Minister of Irrigation say whether his department has been consulted regarding the impact that the planting of this large area to wine grapes might have on the ability of soldier settlers and other settlers to sell their grapes and, if it has been, whether any assurance was given that water would be available even though quotas might be applied in other areas?

The Hon. J. D. CORCORAN: My department was not consulted regarding the supply of water as this was the responsibility of the Minister of Works, but I assure the honourable member that I have, in the past, expressed concern not only about this area but also about two other areas coming into development that have been referred to recently. A departmental committee has been set up to investigate the future water requirements of this State and to ascertain how far we can go with irrigated areas.

The Hon. Sir Thomas Playford: Is it advisable to give water to large holdings in preference to the smaller ones?

The Hon. J. D. CORCORAN: The question I am replying to at the moment involves the availability of water which, as I have already said, is the responsibility of the Minister of Works, but I am concerned that not only private interests should be catered for in this regard, but also Government irrigated areas. In recent times we have been reluctant to allow additional plantings for this reason: we want to be certain in the future that we will have sufficient water to irrigate these plantings and not be in the position in 20 or 30 years' time of being unable to supply areas that are developing at present.

Mr. SHANNON: I might have missed it, but I did not hear the Minister comment on what I believe to be the major problem regarding additional plantings, not only by the firm to which the member for Gumeracha referred but also by other important interests from overseas contemplating large plantings. Has the Minister considered the possible impact on the economies of existing growers if there were no assurance of marketing facilities?

The Hon. J. D. CORCORAN: I am concerned about the effect this would have on the industry as it now exists. I am concerned not

only about the availability of water but also about markets and the general economy of the industry over the past few years. I point out that, as Minister of Irrigation, I have no control at all over this expansion at this stage.

The Hon. T. C. Stott: You have Lands.

The Hon. J. D. CORCORAN: Yes, but these people have land that does not come under my control, as the honourable member should be aware. When the land is transferred how am I to know that it may be used for this purpose? However, the control we can exercise in the matter concerns the availability of water, and an inquiry into this is being conducted at present. Undoubtedly the attitude adopted as a result of the inquiry will affect the final outcome of these schemes.

FRUIT JUICE.

Mr. CURREN: On November 17 last I requested the Minister of Education to place before the Education Council of Australia the question of the supply of fruit juice to schoolchildren where milk of a suitable quality was not available. I understand that the matter was discussed by the council, so I ask the Minister to indicate the result of that discussion.

The Hon. R. R. LOVEDAY: Most of the Ministers present at the Australian Education Council felt that this was a matter for the Health Ministers in the respective States, because free milk for schoolchildren was introduced as a health measure. Consequently, the matter has been referred to the respective Health Ministers.

DRAG HOSES.

The Hon. T. C. STOTT: Yesterday the Minister of Repatriation replied to a question asked by the member for Burra on the transfer of land and money from the Commonwealth to the State. Involved in this question, as it affects Loxton settlers, is the vexed problem of the rising water table that is becoming apparent on many of the blocks there at present. I have previously suggested installing drag hoses in lieu of the overhead spray system, as the former system would help eliminate the danger of salinity and consequent leaf fall. Can the Minister say whether his department has considered providing capital assistance for the installation of this system? Is he perfectly satisfied with the intention of the Commonwealth Government to honour the spirit of the agreement entered into with the Loxton settlers some years ago?

The Hon. J. D. CORCORAN: Regarding the last part of the question, I take it that the honourable member considers there is a variation in the assistance given now to settlers over the extended period from the assistance given prior to this. The only variation I am aware of concerns the blocker's activity in preparing the block for drainage and cleaning it up after drainage. Regarding the question of finance being made available to settlers to convert their present irrigation system to the drag hose system, I believe this is one of the matters that was discussed with Mr. Colquhoun in December last year, and as yet I have no knowledge of any decision being made by the Commonwealth. I will certainly take the matter up with the department and obtain what information I can on this aspect.

BIRDWOOD SEWERAGE.

Mrs. BYRNE: The question of the sewering of Birdwood has been raised by some residents as well as by the District Council of Gumeracha, which has informed me that, because of the lack of soakage in this area, this matter should be regarded as urgent. Can the Minister of Works say what steps are being taken by the Engineering and Water Supply Department to have Birdwood sewered?

The Hon. C. D. HUTCHENS: Speaking entirely from memory, I believe that the Engineering and Water Supply Department is preparing a plan on this matter. This plan would have to be submitted later to the Public Works Committee and, of course, would have to receive approval. I understand the proposal is for a scheme that would be implemented in three stages, work on stage 1 to be completed in 1970, on stage 2 in 1971, and on stage 3 in 1972.

NARACOORTE HIGH SCHOOL.

Mr. RODDA: My question concerns the Naracoorte High School and the possible introduction of a fifth or matriculation year at that school. Naracoorte serves a large part of the South-East, and the enrolment at the high school is building up, being, I think, 527 at the commencement of this year. The introduction of a fifth year course at this school would provide a facility for families in the South-East. Will the Minister's department view this matter favourably for the 1968 school year?

The Hon. R. R. LOVEDAY: I shall be pleased to consider the suggestion and to inform the honourable member as soon as I know the facts of the situation.

SPEED LIMITS.

Mr. McKEE: I notice that the New South Wales Government has decided to lift speed limits on certain roads in built-up areas. Will the Minister of Lands discuss this question with the Minister of Roads with a view to taking similar steps in this State where they can be taken with safety?

The Hon. J. D. CORCORAN: Yes.

BORDERTOWN RAILWAY YARD.

Mr. NANKIVELL: Some years ago a proposal was drawn up for the reconstruction of the Bordertown railway yard. It is not necessary for me to emphasize how busy this station has become in the last 10 years or so as a result of development around Bordertown. The first two stages of the plan have been completed but stage 3 (the most important stage), the extension of one of the main spur lines through the railway yard and an extension of the line past the silo and stockyard to join the main line at the Wolseley end of the yard, has not been proceeded with, nor has any work been done in the yard to improve the roadworks and give better access for people using the yard in its present condition. Will the Minister of Works ask the Premier, representing the Minister of Transport, when it is intended to complete the re-laying of these lines and whether it is intended to improve the roadworks in the yard before the coming winter?

The Hon. C. D. HUTCHENS: I shall be happy to ask the Minister of Transport for a report for the honourable member.

STURT RIVER.

Mr. BROOMHILL: This morning I was disturbed to see in the *Advertiser* a suggestion that the Government had not considered evidence that was accepted by the Public Works Committee in respect to the Sturt River drainage scheme. The article states:

The West Torrens council last night criticised a State Government decision to begin work on realigning, deepening, widening and concrete-lining the Sturt River channel. Councillor D. J. Wells said that in making the decision to continue with the Sturt River drainage plan, the Premier (Mr. Walsh) had taken no notice of evidence given before the Public Works Committee that widening and deepening of the channel and disposal of floodwaters into the sea through the Patawalonga would cause serious flooding in the West Torrens area.

Will the Minister of Lands ask the Minister of Roads whether the Public Works Committee considered the objections raised by the West Torrens council, and what the opinion of the committee was with regard to the objections?

The Hon. J. D. CORCORAN: I shall be pleased to consult my colleague about this matter and to obtain information for the honourable member soon.

HOUSING.

Mr. MILLHOUSE: I should like to ask a question of the Minister of Works, as the temporary Leader of the Government. Yesterday, I listened with great attention to the answer given by the Premier to a question by the honourable member for Ridley regarding the housing situation in the State. According to *Hansard*, this is what the Premier said, in part:

I do not ask for a special allocation from the Commonwealth Government—

that is of money—

but it would benefit this State if that Government spent money allocated for Commonwealth buildings on a pro rata basis of State population.

The Premier said that he does not ask for a special allocation of money, and I presume the Government does not ask for a special allocation of money. Only yesterday I was sent by the Housing Industry Association a report on housing trends in South Australia, which states, in part:

The statistical picture in relation to housing in South Australia appears to conform with the pattern typical of declining housing activity and, as far as private home building is concerned, of rapidly declining activity. Figures of approvals available for 1966 and January, 1967, indicate that this is likely to worsen. Building approvals for the three months ended December, 1966, at 1,983 are much below the same quarter of 1965 at 2,802 and are also well below the level of commencements or completions. Thus a further fall in home-building, concentrated in the private sector, appears inevitable in South Australia. This is in direct contrast to the better prospects in other States.

The report then goes on to state that the most effective means of remedying this would be to allocate further funds (the Government being in this case the Commonwealth Government) under the Commonwealth-State Housing Agreement to be advanced for private home builders and/or the Central Bank to release funds to the banking system to be advanced for home building. This suggested remedy to what I think we all agree is a most serious and unhappy situation in this State is directly contrary to the expression of the Premier. In view of what I have quoted to the Minister, can he say whether the Government will reconsider the decision which has apparently been taken and which was mentioned by the Premier yesterday, with a view to following the lines

indicated in the Housing Industry Association's report and seeking more money from the Commonwealth Government?

The Hon. C. D. HUTCHENS: At the moment the Government has not considered what its approach will be to the Loan Council. As the honourable member knows, there will shortly be a change of Treasurer, as the present Treasurer has announced that he will retire from his office on May 31, and this will necessitate the new Treasurer's discussing with his Cabinet this Government's approach to the Loan Council. I assure the honourable member and the House that nothing will be left undone in securing the maximum sum for development, including housing.

Mr. Millhouse: That is four months away. Surely something can be done—

The DEPUTY SPEAKER: I think honourable members realize that interjections must not be made while a Minister is replying to a question.

The Hon. C. D. HUTCHENS: All I can say in regard to the present situation is that many people seem to delight in deprecating the efforts of the Government. Every effort is being made by this Government, which deeply appreciates the efforts of those people who are co-operating with it with a view to obtaining the best possible results in housing.

TRAIN SERVICES.

Mr. HUDSON: Problems have arisen concerning trains from Tonsley connecting with trains to Brighton, in particular, the 4.25 p.m. from Tonsley which is due at Woodlands Park at 4.30 p.m. to connect with the Brighton train at 4.35 p.m. It is becoming a very common occurrence for this train to miss the connection or, alternatively, for a mad rush of passengers to occur, with possible danger to life. I understand that the main reason for the hold-ups occurs at the cross-over of the line from Tonsley on to the Brighton line and that the guard on the Tonsley train often must go to the junction box at that point to telephone the city for an all-clear signal. That seems a completely unsatisfactory arrangement; indeed, I believe it was once responsible for a near collision. Will the Minister of Works therefore take this matter up with the Minister of Transport to ensure whether the problems that exist at present might be eliminated?

The Hon. C. D. HUTCHENS: I am sure that my colleague would be concerned about the possibility of the honourable member's constituents missing connections; that he would be concerned, too, about the other matters raised and that he will take all steps to remedy the situation.

ADULT EDUCATION.

Mr. McANANEY: In the past adult education has been run satisfactorily through the efforts of the Adult Education Board, the Workers Educational Association, and the Education Department. In fact, I believe that with the extra co-operation instigated recently on the part of the Education Department it will be even more satisfactory in future. However, many people are perturbed about a certain recommendation to the effect that adult education activities undertaken at the university may be limited in the future. As I understand that until now it has been left to the States themselves to decide what action should be taken in this regard, can the Minister of Education say whether the Government has reached any decision on the future activities to be undertaken in this State by the university?

The Hon. R. R. LOVEDAY: The Government has not considered this question, because it has no intention of making any alteration to the present arrangement in regard to adult education. Indeed, it has not been suggested that we should make an alteration. I think the honourable member is referring to fears that have been expressed as a result of recommendations on this particular matter made by the Australian Universities Commission. The honourable member will know that we have set up a consultative committee of the three bodies involved in adult education in order to avoid overlapping and to ensure that adult education within the State proceeds along the best possible lines. Personally, as Minister of Education, I believe that a place exists for all three organizations in adult education, and I believe that they should adhere to their own particular spheres and carry out their work accordingly.

DAWS ROAD PASSENGERS.

Mr. LANGLEY: I have recently received correspondence and many requests from people who frequently travel to the Repatriation Hospital on Daws Road (which, incidentally, has recently been widened and is in excellent condition). As many returned servicemen, and elderly people generally, visit this hospital, will the Minister of Works ascertain from the Minister of Transport whether Tramways Trust buses, which travel at present as far as the corner of Goodwood and Springbank Roads,

might not continue on a route to the main entrance of the hospital on visiting days and nights?

The Hon. C. D. HUTCHENS: I shall refer the matter to the Minister of Transport who, I am sure, will be interested in and sympathetic towards this request.

METROPOLITAN DRAINAGE.

Mrs. STEELE: During the current session of Parliament last year, and during the first session in 1965, members on both sides have asked the Minister of Works (and sometimes asked the Minister representing the Minister of Local Government) questions about the Government's intention with regard to introducing legislation to establish a metropolitan drainage authority. A variety of replies has been given, ranging from the imminent introduction of such legislation to at least the preparation of a Bill, and reference has been made to difficulties arising in regard to discussions and consultations with metropolitan councils. The fact remains, however, that considerable delay has occurred in implementing what was said to be the Government's intention on this matter when it first came to power. Can the Minister of Works say whether the relevant Bill will be introduced during the remainder of this session or, indeed, within the remaining life of this Parliament?

The Hon. C. D. HUTCHENS: As I understand the position (it concerns not my department but that of the Minister of Local Government) the Minister of Local Government has had meetings with the councils concerned; he has put certain proposals to them, and is awaiting their replies.

PORT FACILITIES.

The Hon. G. G. PEARSON: The Minister of Marine has caused to be set up a committee to inquire into recommendations to be made to the Government on the question of where additional port facilities on Lower Eyre Peninsula should be established—whether the port at Port Lincoln should be enlarged and remodelled (in fact, I think "rebuilt" is the correct word to use in this case) to cater for the great increase, particularly in the grain trade in that area; or whether a port should be built at some other point within reasonable proximity. Can the Minister of Marine say whether that committee has commenced inquiries and when it may report to him? Further, can he say whether or not the committee will take evidence from interested parties or, if it is not proposed to take evidence in the country, whether the committee will be prepared to receive submissions from the parties interested in this matter?

The Hon. C. D. HUTCHENS: True, the committee has been set up and has started its inquiries. Recently, when I was in this area with the Select Committee on the Fishing Industry, I took the opportunity to look at the three places in question, and I concluded that this was a rather grave problem. As I believe that all possible evidence should be taken from all possible sources, I shall certainly ask the committee to accept at least written submissions. However, I believe that the committee should go to these areas so that people will have an opportunity to meet the members of the committee and to make submissions in person. As I believe that is a better procedure, I shall encourage the committee to adopt it.

EYRE PENINSULA ELECTRICITY.

Mr. BOCKELBERG: Yesterday I asked the Minister of Works a question about electricity in connection with the Lock and Kimba water scheme. I believe that he now has a more comprehensive reply than he gave me yesterday.

The Hon. C. D. HUTCHENS: This morning I sent to the Engineer for Water Supply for a report. Unfortunately, because of the Premier's illness, I was unable to give a full explanation of what I wanted. However, I have the following information. The Director and Engineer-in-Chief reports that the position is not quite clear at this stage but it is expected that the main station at Lock will be electrified (although it may be necessary to use diesel at first). The station at Polda may be electrified also. Others along the line will probably be diesel. There are four or five stations altogether. I apologize for the fact that the reply is not more comprehensive. However, as I said yesterday, I believe that operation of the station will be electrified to provide electricity for the use of the Engineering and Water Supply Department, and from there electricity will be supplied to consumers in adjacent towns.

The Hon. G. G. PEARSON: At present the Electricity Trust is constructing a major powerline from Whyalla to Port Lincoln which, I understand, was to be completed by the end of 1966. It is not yet completed but I am not criticizing the trust, because the undertaking is a large one and problems have been associated with it. The work of duplicating the high-voltage powerlines from Port Augusta to Whyalla is also proceeding. Because of the question asked by the member for Eyre about

the electrification of the Polda Basin and Lock pumping scheme, will the Minister obtain a report from the trust as to when it is expected that the powerlines from Whyalla to Port Lincoln will be under load, and whether or not the energizing of this line depends on the completion of the duplication from Port Augusta to Whyalla? Also, will he ascertain whether the breakdown station on the Whyalla to Port Lincoln line at Rudall has been constructed, whether it can go under load when the main transmission line to Port Lincoln takes load and, if it can, whether it is intended to extend the low-voltage line into the Lock and Polda Basin areas?

The Hon. C. D. HUTCHENS: As the honourable member has asked his question in clear terms, I shall call for a report.

GOVERNMENT WORKS.

Mr. HALL: I understand from reports that work on the reconstruction of the Royal Adelaide Hospital has slowed down to about half speed. I have also heard reports that construction on the Tailem Bend to Keith main has been stopped. In view of the public interest in these matters and because of the economic loss incurred by the State as a result of unfinished and ineffective facilities, will the Minister of Works, as Acting Leader of the Government, obtain for me a report listing any cessation of public works that may have occurred in the last few months?

The Hon. C. D. HUTCHENS: First, I flatly deny any slowing down of work on the reconstruction of the Royal Adelaide Hospital; such a statement is completely contrary to the facts. In reply to the member for Albert, I promised to give a full reply regarding the Tailem Bend to Keith scheme, and I believe this will be helpful to the Leader.

POWER BOATS.

Mr. CURREN: Last year a committee was formed to investigate and report upon various aspects of the registration of power boats. As that committee has taken evidence for some time, can the Minister of Marine say when its report will be available?

The Hon. C. D. HUTCHENS: Much interest has been expressed in the work and inquiries of this committee. I have followed its work closely and I compliment its members on the way in which they have applied themselves to their jobs. From a report I received from the Chairman of the committee only two or three days ago, I understand that the final draft of the committee's report is being considered and should be with me within a few days.

THEVENARD HARBOUR.

The Hon. T. C. STOTT: The honourable member for Eyre introduced a deputation to the Minister of Marine concerning the deepening of the Thevenard channel. The honourable member has been good enough to inform me that the Minister told him that the Harbors Board was investigating an alternative channel, with a depth of about 28ft., at Thevenard, and that the matter might be referred to the Public Works Committee for examination soon. The Minister will realize that the matter is becoming extremely urgent. I assure him that great difficulty is being experienced in even getting ships into Thevenard simply because the ships can only half load owing to the present depth of the channel. Undoubtedly the Minister is also aware that wheat is still in the paddocks because there is insufficient room in the silos. It is on the cards that next year's harvest will be as large as this year's; I am reliably informed that a considerable acreage has been sown for the coming season. As this matter is urgent, will the Minister take all possible steps to expedite the inquiry in order to alleviate this problem at Thevenard?

The Hon. C. D. HUTCHENS: The honourable member did not introduce the deputation: I was at Ceduna and the deputation waited on me. I told the deputation that I would inform the honourable member for Eyre of my findings so that he, in turn, could advise members of the deputation. I said I would also inform the honourable member for Ridley because the United Farmers and Graziers of South Australia came to see me. While at Ceduna I witnessed the great problems of the farming community in having to line up to get rid of their grain. I think this was on about January 22, and one driver told me he had joined the line on December 19 and his truck was still waiting to be unloaded. We are well aware of the increasing difficulty experienced by primary producers in that area. Upon returning, I took the question up with the General Manager of the Harbors Board, and I can assure the honourable member that we are conscious of the difficulties and the urgency of this matter, which will be attended to with all possible haste.

TEA TREE GULLY SCHOOL.

Mrs. BYRNE: Can the Minister of Education say what steps have been taken by his department to acquire land for school purposes in the Vista and Tea Tree Gully area?

The Hon. R. R. LOVEDAY: In view of the building activity in the Tea Tree Gully area adjacent to Vista, departmental investigations revealed that the most suitable site for a school to serve the Vista district would be a 10-acre site in section 833, hundred of Yatala. Preliminary negotiations have been opened.

MARINO QUARRY.

Mr. HUDSON: Residents in the Marino area have been greatly concerned for a long time over the dust problem created by the Marino quarry, and the question has arisen as to the peculiar properties of the blue metal mined in that quarry and its usefulness for road making. Will the Minister of Lands obtain a report from his colleague, the Minister of Roads, on the special qualities of the metal mined at the quarry for road-making purposes? What are its peculiar advantages and what are the alternative sources of supply of a similar type metal available to the Highways Department? If none is available from other quarries, can the Minister say what substitute metals could be used for road making and what difficulties or increased costs, if any, would be associated with their use?

The Hon. J. D. CORCORAN: Yes.

TAXATION.

Mr. MILLHOUSE: My question is directed to the Minister of Works, as Leader of the Government for the time being. It has been reported to me, by one who was present, that at an election meeting in Norwood prior to the last Commonwealth general election, the Attorney-General, who was speaking on behalf of the Labor candidate, said that the State Government intended to increase taxation. I therefore ask the Minister of Works whether he can detail, for the benefit of the House, what proposals the Government may have for increasing taxation?

The Hon. C. D. HUTCHENS: I am glad the honourable member stated precisely the meeting at which the statement was made. I was at that meeting and I say most emphatically that the Attorney-General made no such statement.

The Hon. G. G. PEARSON: Can the House take the Minister's statement as an assurance that the Government does not intend to increase taxation?

The Hon. C. D. HUTCHENS: I am not a prophet and cannot look into the future. Therefore, I cannot give any such guarantee.

PORT PIRIE POLICE LAUNCH.

Mr. McKEE: Following a recent drowning at Port Pirie it has been suggested locally that the Port Pirie police should be equipped with a fast efficient launch capable of handling all emergencies that might arise. Because of the increasing population of this area I think there is some merit in this suggestion. I ask the Minister of Marine to treat this as a matter of urgency.

The Hon. C. D. HUTCHENS: As this is a matter for the Chief Secretary, I will refer the question to him for consideration and reply.

BROKEN HILL ROAD.

Mr. McANANEY: When I was in Broken Hill recently, the main topic of conversation was the fear that, if the road from Victoria to Broken Hill were bituminized before the sealing of the Peterborough to Broken Hill road, the tourist trade from Broken Hill would go to Victoria. If this happened it would be difficult to get that trade back. In view of the great importance of this matter to this State, can the Minister of Lands, representing the Minister of Roads, report on the progress being made on the sealing of this road, so that Broken Hill residents may be assured that the road will be completed in a year or two?

The Hon. J. D. CORCORAN: Yes.

MARGARINE.

Mr. HURST: I understand that at a recent meeting of Ministers of the various States it was decided not to increase the quotas of table margarine. As an industry in my district manufactures this product, and as there is speculation in various places, can the Minister of Agriculture say what the effect on the industry might have been if the quotas had been increased?

The Hon. G. A. BYWATERS: I cannot say how the industry the honourable member refers to would have been affected if quotas had been increased. If they had been increased I believe the allocation of that increase would have been decided by an independent committee, but the Agricultural Council decided unanimously that there would be no increase in quotas at this time. Mr. Deputy Speaker, the particular company the honourable member referred to (Unilever) wrote to me asking that the quotas be increased or, alternatively, that they be abolished altogether.

I also had this request from two other leading margarine companies. I asked the particular company concerned and two other companies what would be the result to South Australia

if quotas were abolished, and where they would manufacture, and they all said that they would manufacture not in South Australia but in New South Wales. Therefore, if the quotas were abolished we would lose the industry referred to by the honourable member. I might add that one company that has had much prominence and spent much money on advertising claimed that it could manufacture wholly with Australian-produced vegetable oil. However, I doubt that very much indeed, and I have some figures here to confirm my doubts. This year the total quantity of vegetable oil produced in Australia was 16,850 tons, made up of 10,000 tons of safflower oil, 4,650 tons of cottonseed oil, and 2,200 tons of peanut oil, whereas the current Australian usage of edible type oils, including that used in excess table margarine manufacture, is estimated at about 59,000 tons, of which some 16,500 tons are used for non-edible purposes, such as paint and stock food, while usage for edible purposes could be as high as 42,500 tons. Members will see that there is quite a large difference there.

It is interesting, too, to note that in the case of safflower, although a record production of 10,000 tons will probably be achieved this season, imports in the first five months of the present financial year totalled 3,383 tons or almost as much as the importation for the whole of 1965-66, which amounted to 3,605 tons. Therefore, it appears that there is still an increasing amount being imported into Australia. Regarding Marrickville Margarine Pty. Ltd., it is pertinent to note that this company, which is at the centre of the table margarine quota controversy, produced 5,543 tons of table margarine between July 1 and November 10, 1966, while it had no licence. Since its licence was renewed on November 10, 1966, entitling it to produce 2,166 tons between November 10, 1966, and June 30, 1967, its actual production up to January 31, 1967, has been 336 tons. Thus its average weekly production since the renewal of its licence has been only 28 tons a week, whereas it could have been producing at the rate of 65 tons a week. Therefore, this statement does not add up with the claims it makes.

Regarding the suggestion that this company could manufacture wholly with Australian-produced vegetable oil, I wonder how this would be policed, because the company makes other products as well. There is a distinction between table margarine and cooking margarine, plus cooking oils and salad oils and other things they make, so this production would be difficult to police. In fact, I have estimated that it would take at least 60 employees of mine to be in one factory alone to police this, and, as I said, if one company did this other companies would do it. In effect, it would be an abolition of quotas if this took place, and this is what this company is aiming at; and if this happened there would not be any margarine manufactured in South Australia, on the admission of at least three companies.

GRAIN TRUCKS.

The Hon. T. C. STOTT: I have been reliably informed that the Queensland Government is now going fairly extensively into the question of manufacturing hopper-bottom bulk trucks for the delivery of grain. I know that the Minister of Transport would be aware that these trucks are being used in New South Wales and, to a lesser extent, in Western Australia, and that he would realize that this type of truck makes for a more rapid movement of grain. Will the Minister of Works ask his colleague, the Minister of Transport, to take this matter up with the Railways Department to see whether it can introduce this type of truck into South Australia to assist in handling the increased grain production in this State?

The Hon. C. D. HUTCHENS: I shall be most happy to take the matter up with my colleague.

WATER PRESSURES.

Mrs. STEELE: Has the Minister of Works a reply to a question I asked earlier this session regarding the poor water pressure in, and the reticulation of water to, certain parts of my district?

The Hon. C. D. HUTCHENS: Following the honourable member's question in the House on November 15 last, an investigation was made, as promised, to see whether an improvement could be effected to the water supply to properties in the eastern districts whose owners had made complaints to the honourable member about dirty water. The Director and Engineer-in-Chief has recommended the replacement of these 3in. mains with new 4in. cement-lined pipes, and I have pleasure in stating that Cabinet has approved his recommendation to enable the work to be carried out. The streets involved are Rothbury Avenue, Barr-Smith, Stirling, Bakewell, Fisher, Hyde, Brandreth, Lvnington, Kenneway, Burke and Treacy Streets, and the cost is estimated at about $40,000. The department is expected to be able to commence this work towards the end of this month.

DENTAL SERVICES.

Mrs. BYRNE: Can the Attorney-General, representing the Minister of Health, say what emergency services exist in the metropolitan area on Sundays for adults and children to receive dental treatment (especially to have a tooth extracted) both from private dentists and at the Adelaide Children's Hospital and the Royal Adelaide Hospital, and the extent of the services available?

The Hon. D. A. DUNSTAN: I will get a report from my colleague and let the honourable member have it.

STURT GORGE.

Mr. MILLHOUSE: Over the last 12 months or so I have asked the Minister of Lands questions about the Sturt Gorge and the prospects of its becoming a reserve. A few weeks ago I read in the newspaper (I have been searching for the reference in the last few minutes and cannot find it, but I am pretty confident of my recollection) that there is now a suggestion that this should be done, and I think the report quoted from the Minister himself. I ask the Minister whether he knows anything of recent developments in this matter and whether in fact there is now a prospect of part at least of the Sturt Gorge becoming a reserve.

The Hon. J. D. CORCORAN: At this stage I think it would be reasonable to say that there are prospects of part of this area becoming a reserve. As the matter is at present with either the Attorney-General's Department or the Town Planning Department, I would prefer at this stage not to make any statement on the matter, but I assure the honourable member that because of his interest in the past in this matter he will be informed of the outcome of any negotiations.

HOUSING TRUST REPAYMENTS.

Mr. CURREN: Recently, it has been brought to my notice by a constituent that the contract signed by the purchaser of a rental-purchase house from the Housing Trust does not contain a clause providing for the reduction of principal by means other than the payment of the agreed weekly sum, although some purchasers may have spare cash and may wish to reduce the principal and pay for the house more quickly. Will the Minister of Works, as Acting Minister of Housing, inquire of the Housing Trust whether what I have said is true and, if it is, whether the trust will consider inserting such a clause in the contract?

The Hon. C. D. HUTCHENS: I shall refer the matter to the Minister of Housing, who, unfortunately, is absent today, and obtain a reply for the honourable member. As I am not aware of the facts I cannot give a considered reply.

LAND TAX.

The Hon. T. C. STOTT: A letter, dated February 28, 1967, from a constituent of mine at Loxton complaining about land tax, states:

I received my new land tax assessment last year dated March 29, 1966. I duly asked for an appeal form which was ignored till I asked a second time. When received I duly returned it and up to date no reply has been received *re* the appeal. I have not heard of one instance where appeals have been dealt with by the department and now the new land tax demands have been sent out—naturally ignoring the appeals.

As this is the first I have heard of this, and as the department should acknowledge that the appeal form had been received, will the Minister of Works, representing the Premier, inquire whether this letter is factual and whether any notification has been sent about the hearing of the appeal?

The Hon. C. D. HUTCHENS: I should think that if no acknowledgment of the application to appeal was received it would be a mistake in one case, because I am sure the department would acknowledge the application. However, if the honourable member gives me the details I shall investigate this matter and inform him of the result.

STATE'S FINANCES.

Mr. HALL: Has the Minister of Works a reply, promised by the Treasurer yesterday, to my question about the State's finances?

The Hon. C. D. HUTCHENS: I regret that time did not allow me to discuss this matter with Treasury officials, but I shall try to have a reply ready tomorrow.

ELECTRICIANS REGULATIONS.

Order of the Day No. 1, Other Business: The Hon. Sir Thomas Playford to move:

That the Regulations—General—under the Electrical Workers and Contractors Licensing Act, 1965-1966, made on October 13, 1966, and laid on the table of this House on October 18, 1966, be disallowed.

The Hon. Sir THOMAS PLAYFORD (Gumeracha): My notice of motion for disallowance concerned regulations to which I had objected because they did not include a right of appeal should a person be refused a licence. The Minister has informed me that action has

been taken to have a right of appeal granted to people where applicable and, as this removes my objection, I move that this Order of the Day be now read and discharged.

Order of the Day read and discharged.

LONG SERVICE LEAVE BILL.

Adjourned debate on second reading.

(Continued from November 16. Page 3157.)

The Hon. C. D. HUTCHENS (Minister of Works): The Labor Party considers that it is of the utmost importance that all workers should receive an adequate period of long service leave; in fact, this was one of the matters specifically mentioned by the Premier when he made the policy speech of the Australian Labor Party in February, 1965, which policy was endorsed by the electors of this State and resulted in the present Government assuming office.

The Government is aware that the present situation in South Australia regarding long service leave is quite unsatisfactory: in fact, the member for Torrens, in his second reading speech, referred to the position as being chaotic. However, after such a long period in Opposition it has not been possible for all of the most important industrial reforms to have been undertaken since we were elected as a Government. Industrial matters generally had been so neglected by the previous Government that it was necessary for us to decide priorities, because all of the necessary reforms could not be made in one or even two years. As honourable members are aware, important industrial legislation was passed by Parliament in the first session of this Parliament, and more is being presented during the current session. The Government intended to introduce legislation in the next session concerning long service leave to give effect to its policy.

The introduction of this Bill by a member of the Liberal and Country League represents a complete somersault from the position his Party adopted on previous occasions. As long ago as 1954, Mr. M. R. O'Halloran, who was then the Leader of my Party, introduced into this House a Long Service Leave Bill to enable workers generally in South Australia, who serve an employer for a substantial period of time, to receive the benefit of long service leave, which 13 years ago had been recognized to be just and reasonable in three of the other Australian States. This attempt by the Labor Party was denied by the Government that was in office at the time. Subsequently, in 1957 the Premier of the Government of the time introduced a Bill under the title of Long Service Leave Act but, as the writers of fiction would say, any resemblance between the principles of long service leave and the provisions of the Bill was purely coincidental. However, because the Liberal and Country League then had a majority in both Houses, the Bill, although amended in various respects, was passed in the form in which we now find the Long Service Leave Act, 1957.

As the member for Torrens said in introducing this Bill, the 1957 Act provided for one week of additional annual leave to be given to an employee in the eighth and subsequent years of service with his employer. This Bill was strongly opposed by members of the Labor Party, not only because it was not a Long Service Leave Bill at all but also because it was thought at the time that if it was passed it would considerably retard the progress that members of my Party had made towards achieving a scheme of true long service leave.

Although the Bill was so strongly opposed, Mr. O'Halloran made it quite plain in his second reading speech on the Bill (page 346 of 1957 *Hansard*) that "we on this side of the House are unequivocally in favour of long service leave in its true sense and if a Labor Government were in office—and in power—it would have no hesitation in legislating for it without any subterfuge, disguise or hypocrisy". He went on to say that he was speaking of long service leave in the sense in which anyone who cared to give the matter the slightest consideration would understand it—that is, leave in respect of long service to be enjoyed as such and to be of sufficiently long duration to be worth while.

The very introduction of the Bill now before the House indicates that the view the Labor Party took at the time, as expressed by its Leader and other members, was absolutely correct. Time has proved this. Not only have the unions continued to be opposed to the principles (if they can be called that) contained in the present Act but so also have the vast majority of organizations of employers. This has led to the spectacle of one long service leave agreement after another being entered into and registered with the Industrial Registrar, pursuant to the Industrial Code, so that the leave provisions of the Act could be avoided. There are in existence at present no fewer than 105 of these agreements that have been made between many unions and many employer organizations. Also, employer organizations have sought and obtained long

service leave awards both from the Commonwealth Conciliation and Arbitration Commission and also from the State Industrial Commission. This means that the provisions of the present Act do not apply to a substantial number of persons who are paid under awards, and in this connection I remind honourable members that when the last survey of the incidence of awards was made by the Commonwealth Statistician in May, 1963, it was found that 85 per cent of all employees in this State included in the survey were subject to either a Commonwealth or State award.

By 1964, the position had been reached that most employees in this State received entitlements to long service leave under an industrial agreement registered with the State Industrial Registrar. However, in May, 1964, the Commonwealth Conciliation and Arbitration Commission inserted long service leave provisions in the Metal Trades and Graphic Arts Awards on the basis of 13 weeks' leave after 15 years' continuous service, with pro rata leave as provided for in the Bill now before this House. These provisions have been subsequently included in other Commonwealth awards, and the main agreement registered with the Industrial Registrar has recently been similarly altered. In his last two annual reports the Secretary for Labour and Industry has referred to the confusing situation regarding long service leave entitlements because of the existence of four different long service leave provisions. As the periods of leave and conditions of eligibility differ under each system, the situation is confusing to employers and employees alike.

The Government therefore favours the repeal of the 1957 Long Service Leave Act and the introduction of a new Act that provides for three months' long service leave after a period of employment. The Government does not consider that the terms of entitlement contained in the present Bill are the appropriate ones. As the Premier said in his policy speech to which I earlier referred, "As a Government we will introduce legislation to provide for long service leave on the basis of three months' leave after 10 years' service with any employer with provisions for pro rata leave for any period of time thereafter." Therefore, the only reason why the Government will support the Bill at its second reading will be to enable me to move that the period of leave to which any worker should be entitled will be three months after 10 years' completed service, and not after 15 years' service as contained in the Bill, and for pro rata leave to be granted after five years instead of 10 years as contained in the Bill and also in respect of any period of service in excess of 10 years.

Clause 4 (1) provides that the service of a worker will be recognized from the date from which it is now taken into account in calculating long service leave pursuant either to the long service leave agreement or scheme at present in operation or to the present Act. The basis of calculating such leave will be that set out in clause 5 (5). This will mean that any period of continuous service of a worker since 1937 will be regarded as service in determining the amount of leave due.

When the previous Government opposed the 1954 Bill, and later, in 1957, introduced the Bill under which service prior to July 1, 1950, was not to be taken into account, one of the grounds for the opposition in the first case, and the operative date in the second, was that it would be wrong for any Bill to specify a long period of retrospectivity. Notwithstanding this attitude, many employers subsequently, in 1957 and 1958, of their own volition entered into agreement with unions under which 20 years' past service was recognized for the purpose of granting long service leave: that is, in repect of service from 1937. Here we find in this provision in the present Bill yet another change of attitude on the part of members opposite, and it is obvious that the progressive thinking of the Labor Party has permeated to other areas. It is therefore not too much to expect that the various amendments that I intend to move regarding the entitlement to long service leave will also be accepted.

There are a number of other amendments that the Government considers should be made to the Bill. These have been printed and distributed to members. While the present Act is admittedly unsatisfactory this Bill will not give to the workers of the State the entitlement to long service leave that the Labor Party considers to be reasonable and appropriate, unless the amendments that I have submitted are made to it. I support the second reading.

Mr. COUMBE (Torrens): I have listened with considerable interest to the Minister of Works speaking to this measure on behalf of the Government. In fact, I could have given exactly the same speech, except for submitting my name for that of the Hon. Mr. Potter, because it was the same speech as the one given by the Minister of Transport in another place two or three months ago. At least, however, the Government and the Opposition are united on one point, namely, that this is an important matter. The Minister commenced by saying

that, and I said it during the second reading explanation. But from there onwards our views differ.

As I previously said, the Bill is a real and genuine attempt by the Opposition to do something to correct the somewhat chaotic position existing in South Australia today in regard to long service leave. It is also an attempt to achieve uniformity in this type of legislation within South Australia and with other States of the Commonwealth. About 85 per cent of all employees in South Australia today are covered by awards (either Commonwealth or State), except for the 1957 State Act concerning long service leave. We can see, therefore, that since the introduction of the original legislation a marked change has taken place in the outlook of both employers and employees in regard to long service leave.

In contrast to the 1957 measure (which provided, amongst other things, 20 years as the period of qualification), most of the awards today, in essence, provide for a total long service leave of 13 weeks after the completion of 15 years' continuous service, and a pro rata payment after the completion of 10 years' continuous service. This Bill was introduced for two main reasons: first, to give uniformity within South Australia in respect of agreements that are in force for all workers in this State, and to provide uniformity with the other State Acts, most of which provide for 15 years' service and long service leave, pro rata, after 10 years' service. Secondly, the Bill seeks to give all employees in South Australia the benefits that are at present already enjoyed by most workers in this State.

From what the Minister of Works has just said, it is clear that the Government opposes the action that we are suggesting, and that it clearly intends not to support our Bill. In fact, instead of accepting our Bill and passing on some of the benefits to the workmen that would be contained in the measure, the Government is prepared (and the Minister plainly said this only five minutes ago) to defeat our Bill and to defeat our aims in this matter by pushing its own narrow views. By that means it risks losing the Bill completely, because another place has expressed definite views in favour of the measure. As Deputy Speaker, you will know quite well, Sir, that the Bill originated in another place.

If the Bill is accepted by the House it will mean, of course, that South Australia will have a Long Service Leave Act almost identical to legislation in every State of the Commonwealth and to practically every relevant State and Commonwealth award. Every State in Australia today has a Long Service Leave Act, providing for 13 weeks' leave after 15 years' continuous service, with the exception of New South Wales, whose provision is for 10 years. The Minister said that reference was made in the 1965 policy speech to long service leave provisions; that was part of the Government's election policy and platform.

True, long service leave provisions were mentioned on that occasion, but not a word was said about a pro rata payment for long service leave after five years. In fact, it was just the opposite: a pro rata payment would be made after 10 years' service. In essence, the policy speech stated that effect would be given to legislation to provide for long service leave after 10 years and for pro rata payment after that 10 years—not in the way in which the amendments are couched, which will provide for pro rata payment after five years.

It is ridiculous for anybody to say in this House that five years' continuous service with one employer represents long service; five years' service is not long service, and we have seen the Government's one-sidedness in trying to foist this type of thing on the people of South Australia. What really riles the Government (and the Minister let this out of the bag just now) is the fact that the Liberal Opposition had the gall to introduce a Bill that would give further benefits to the workers of South Australia, and that the great Labor Government of this State did not have the temerity to do so! We jumped the gun! It proves that our Party has at heart the real interests of the majority of workers in South Australia: we support entirely the wonderful record of industrial improvements through legislation that the Liberal and Country League Government introduced into this State when in office for so many years. Rather than pass on the benefits provided in the Bill, the Government would see the worker go without them, by pushing its own narrow views. The other place has already voted on this measure.

Mr. McKee: The workers are entitled to these benefits.

Mr. COUMBE: Why does the Government not agree to the benefits in the Bill we have presented?

Mr. Ryan: The same as you give your own employees.

Mr. COUMBE: If the members for Port Adelaide and Port Pirie had listened carefully they would have heard me say that the Bill is

designed to bring all workers of the State under the provisions of the Commonwealth and State awards which now apply and which have been negotiated by the unions of this State, have the full agreement of employer organizations, and have been agreed to by the various organizations concerned, both Commonwealth and State. The members interjecting are refusing to allow 15 per cent of the employees in the State to receive the benefits of certain awards.

Mr. Broomhill: Who is represented by the 15 per cent?

Mr. COUMBE: I have already said that 85 per cent of workers are covered by State and Commonwealth awards while 15 per cent of workers are not covered by the Commonwealth awards. The Bill is designed to bring all workers under the Commonwealth awards. By its foreshadowed amendments, the Government intends to go much further than the Bill envisages. I believe the provisions in the Bill are realistic and workable but the whole Bill could be lost if the Government insists on its amendments.

The Government proposes these amendments at a time when South Australian industry is facing considerable difficulties and when economic prospects are somewhat vague. Only yesterday, in reply to a question by the Leader, the Premier complained that not enough was being done in the housing industry. If the foreshadowed amendments were carried increased difficulties would be placed in the Government's way. The effect of the amendments would be that costs of development would inevitably rise. One of the points referred to by the Premier in his reply yesterday was that South Australia needed to attract more industries. The effects of the proposed amendments would undeniably discourage the establishment of new industries in South Australia. At present we have more unemployment than we would wish to see, and at such a time I would have expected the Government (which, after all, is a responsible Government) to come forward with positive encouragement to industries to expand or with provisions that would attract new industries to this State. However, the foreshadowed amendments would place further financial burden in the way of industrial development.

Development was canvassed in the debate on a motion I have on the Notice Paper at present. At this time we should encourage industrial development in South Australia and we should certainly not create impediments in the path of new industries. The Government's proposals would cause a further deterioration in industry and in the unemployment position in South Australia. It is ridiculous to load employers with a burden of the type suggested. It is now exactly 10 years since the original State Act was introduced. In 10 years' time conceivably the economic position in the State may be vastly different from what it is today. In 1957 nobody thought that there would be so many awards subsequently introduced (I believe about 100 awards at present work on a 15-year basis).

What will be the position in 1977? The Government's present proposals may well be suitable at that time. However, in Committee I will strongly oppose the suggested amendments because only yesterday the Premier said that the financial position in the State was not very bright; therefore, this is hardly the time for such proposals. From the monthly statements from the Treasury, it appears that the State is running further and further into debt. I find it incredible that the Government should choose this time to foreshadow these amendments. The Government's attitude is completely reckless and shows a disregard of the economic consequences to the State. I should have thought that the Government already had sufficient financial worries without further damaging the South Australian economy.

These provisions would react unfavourably against the Treasury. The Minister of Education is responsible for building many schools, the erection of which is let by public tender. The Minister of Works is responsible for building many capital works for water supply, hospital buildings and so on, and the construction of these works is also let by public tender. These Ministers are rightly worried that costs seem to be soaring and, because of excessive costs, they are unable to build enough schools, hospitals, dams and so on. The Government's proposals regarding this Bill will inevitably mean that the costs per job will rise steeply indeed, and almost immediately. Long service leave entitlements are dealt with by large business organizations by ear-marking a certain sum progressively for when the entitlements fall due; each job has to be loaded with a margin to recoup this expense. Our economy needs bolstering and not undermining; we need to attract new industries and not drive them away.

I understand the Minister of Works will support the second reading but move amendments to the Bill in Committee. However, the Bill

was introduced by a private member in another place. The Bill passed the Legislative Council and came to this House, where it was introduced by me on behalf of the Opposition. It seeks to secure uniformity of long service leave legislation so that everyone in South Australia will enjoy the same privileges, advantages and benefits that the majority of workers under Commonwealth and State awards are receiving today. In essence, that is all we seek to do. On the other hand, the Government, by putting forward its narrow views in this regard, risks losing the Bill altogether and as a consequence denying the benefits that we wish to pass on to the workers of this State. I ask members to support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretations."

The Hon. C. D. HUTCHENS (Minister of Works): I move:

In the definition of "ordinary pay", before "penalty" to insert "or other".

The first amendment, the inclusion of the word "other" before "penalty" in line 9, is consequential upon the second amendment which is the deletion of all words after "commissions" in the definition of "ordinary pay". The Bill as it stands excludes "commissions" from the definition of "ordinary pay". While it is reasonable to exclude shift premiums, overtime and similar penalty rates, it is not fair to a worker who is paid partly by wages and partly by commission to exclude commission from the amount of pay he is to receive for long service leave. Admittedly, it is excluded in the metal trades award provisions for long service leave, but under that award full wages are prescribed for all workers for a week's work, and there is nothing like commission.

The Government considers that commissions should be considered in assessing the wage, for they are part of a person's weekly wage. There should be some provision that a worker who is paid a retainer and commissions should not go on long service leave receiving only that retainer. The amendment inserts "or other" and is the first of those amendments which are inter-related.

The omission of "commissions" is proposed so that I can then move an amendment to include piece work and bonus payments as ordinary pay for the purpose of this Act. I maintain that commissions are part of a weekly wage, in the same way as are bonus payments. In my opinion, a person who works on piece work should have the average of his weekly income as his long service leave payment. Otherwise, a person on a retainer could be paid less than the basic wage for that leave. It seems to me to be completely wrong that a person who has a retainer and commissions should go on leave at a payment that could be only half of his normal weekly wage.

Mr. COUMBE: I wonder whether the Minister realizes the import of his amendment. I express some sympathy for what he is trying to do but the amendment would be completely unworkable. Moreover, the mover of this motion went to considerable trouble to get over this point. This provision is not to be found in any other State award. We agree that any person entitled to long service leave should be paid for that leave at ordinary rates. Thus, if a man is on shift work he does not get paid the shift premium but only his ordinary rate and, if a person works much overtime, he does not get paid for his leave at overtime rates but only at his ordinary rate. It is fair that, when a man who has worked overtime for some years goes on long service leave, he loses his overtime rate and goes on ordinary pay.

The point at issue, however, is the question of bonuses, which might be paid depending on the turnover or profitability of a concern in a particular year or because of good conduct. A bonus may not be paid one year but could be quite large another year. On the other hand, commissions may bear a direct relationship to the amount of business conducted by an employee. Some employees work on a part retainer and part commission, and how on earth one determines how much of this commission is to be paid to an employee in his long service leave payment is beyond me! Other States have not put this provision in their legislation. In fact, they appear to have excluded it because of this particular difficulty. I believe that the courts in other States have expressed this point of view. Although we all agree with the principle involved, the fact that other Acts are silent and deliberately exclude a provision seems to me to lend strength to my argument that this would be unworkable. Therefore, in the interests of the workers themselves, I oppose the amendment.

Mr. HURST: I remind the honourable member for Torrens that long service leave is to some degree an extension of the principle of annual leave. Following decisions by tribunals in this State with respect to annual leave, it is only right and proper that the principles established in those decisions should apply to long service leave.

Mr. SHANNON: It seems that the Minister regards the economy of industry as a separate consideration entirely. The member for Torrens has put his finger on the problem in respect of the implementation of this scheme because many of these factors are variables. The company in which I am interested employs about 1,200 or 1,300 people, and to record all these various payments would involve the employment of at least one more man. Obviously, if this amendment were carried the cost to industry would increase considerably. I should have thought that in the present circumstances of the State's economy we would be looking for avenues where we could reduce costs rather than increase them. To my knowledge, there has been no outcry for this additional payment. In fact, since 1957 our Act has worked well, and we have had a happier relationship between employer and employee than any other State has had.

Mr. McKee: You are a bit out of touch with things now.

Mr. SHANNON: I should have thought that the member for Port Pirie would have been looking for more employment opportunities. This must have some effect, especially on the smaller industries and those that have recently started up and not had the opportunity to build up and to accumulate profits to meet this burden. If the Government's intention is to so load this thing with all sorts of extra cost that it will run the risk of the measure being defeated because of the cost involved to industry, this amendment is one move in that direction.

The Hon. C. D. HUTCHENS: I think members opposite have mistaken the point; they have not taken the trouble to look at the further amendment which provides that the average weekly earnings payment will be made. This is part and parcel of the New South Wales Act, and is nothing new. Regarding the economy of the country, surely the worker does not have to pay all the time for the development of the country. Does he not have some entitlement? Of course he does. I hope the Committee will accept the amendment.

Mr. SHANNON: The Minister is trying to cloud the issue. People who do not have jobs do not enjoy any of these benefits at all. I agree that the worker is entitled to something, but the first thing he is entitled to is a job, and the Minister is jeopardizing the worker's chances of getting a job.

Mr. QUIRKE: Government members seem to overlook the fact that every increase in industry is paid for by the worker. Making hotchpotch additions to the general economy of the State in this way will react against the worker in the long run.

The Committee divided on the amendment:

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

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

Pairs.—Ayes—Messrs. Bywaters and Walsh. Noes—Messrs. Brookman and Stott.

Majority of 2 for the Ayes.

Amendment thus carried.

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

In the definition of "ordinary pay" to strike out "bonuses, or any like allowances. In the case of employees employed on piece or bonus work or any other system of payment by results ordinary pay shall mean ordinary time rates."

This amendment needs no explanation.

Mr. COUMBE: I accept it.

Amendment carried.

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

In paragraph (*a*) of definition of "ordinary pay" after "service" first occurring to insert "or in the case of a worker employed on piece or bonus work or any other system of payment by results."

This amendment is consequential.

Mr. COUMBE: Does this mean that if a worker is receiving by bonus or by payment by results more than the ordinary rate of a fellow worker engaged on non-bonus work he will receive more, and that the men are not on the same rate?

The Hon. C. D. HUTCHENS: Yes.

Amendment carried; clause as amended passed.

Clause 4—"Right to long service leave."

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

In subclause (2) to strike out "fifteen" first occurring and insert "ten".

This is the first of a series of amendments to grant long service leave after 10 years' service. I said in my second reading explanation that the platform of the Australian Labor Party provided for the granting of 13 weeks' long service leave after 10 years' service, not after 15 years' service. Many things have been said about our policy. When we pointed out that leave on this basis had been available to all Public Service officers, whether salaried or daily-paid, we were told that it was expected

that the conditions of public servants should be better than those obtaining in outside industry.

The previous Government told the unions that wages outside were higher than the wages paid in the Public Service and that the Government could not pay an attraction wage. Therefore, conditions in the Public Service were not better than those applying outside, and were not expected to be, until this Government came to office. Many outside employers paid rates higher than the rates prescribed in the award, and agreements were reached to provide something above the standard. It is not an argument to say that we cannot provide for outside industry what is provided in the Public Service. It is not a good argument to say that South Australia should be a low-wage and low-working-conditions State because, if these conditions are not provided, we will not get industries here. When the previous Government intervened in the basic wage cases, it was stated that our basic wage should be so much lower than that in other States, and that the basic wage in country areas should be lower again.

The people do not agree that we should have a low-wage and low-working-conditions State. Opposition members and employers say that we should keep this a low-wage and low-cost-structure State, but when one talks about low costs, one can talk only about wages. We are told that we are short of tradesmen because they are encouraged, in some instances, to go to other States. We cannot have it both ways: we cannot have a lower wage structure here and get all the tradesmen we want, and at the same time say that we have to keep this a low-wage State because we want industry.

What is the good of industry if we cannot get tradesmen to stay here? This applies to the Public Service, where we cannot get people in certain classifications because they can earn more money elsewhere. It is implied that the trade unions want and are happy with the 15-year agreements in this State, but the unions were forced to accept 15 years because this was a compromise on the way to 10 years. We should amend this Bill to make it 10 instead of 15 years.

Mr. COUMBE: This is the crux of the Bill, and is the first amendment giving effect to the Government's policy in respect of 10 years instead of 15 years. The Minister has not rebutted any of my suggestions made on behalf of the Opposition. The purport of the Minister's argument in this case is mainly in regard to the Public Service of South Australia. We all know most of the conditions of employment in the Public Service. What the Minister did not give us was the complete picture. What he said was that, after 10 years in the Public Service, an officer was entitled to 13 weeks' long service leave. What he did not say was that Public Service members did not receive pro rata payment after five years but had to wait 10 years, which is at variance with the amendment to the Bill.

Several facets of the amendment concern not only industry in South Australia but also the Government itself, particularly the Treasury, which must find extra revenue for its public works. I am sure that the Treasurer and the Minister of Works would be the last ones to welcome a large increase in the cost of public works. I agree that the worker is entitled to some extra benefit, and I agree that the purport of the Bill is to give him benefit but, if he gets a benefit, somewhere along the line he must pay for it.

We should strive for uniformity in this regard and not give a fleeting advantage to the worker in the way the Minister has suggested. Sooner or later wage increases granted by the courts are gobbled up, either by income tax or by higher cost of living. I strongly resist the amendment, and I hope the Committee will not accept it. The Minister is risking losing the whole of the Bill in another place and risking passing on to workers the benefits accruing if the Bill is carried.

Mr. McKEE: There are awards in existence now giving long service leave after 10 years. District councils, corporations, and many private industries extend this privilege to their employees. I see no reason for depriving a few of the workers of the benefit the majority is now receiving. I support the amendment.

Mr. SHANNON: The Minister who introduced this amendment failed to realize the impact of retrospectivity this measure could have. Most employees in industry today entered employment on the basis of long service leave after 15 years. It is the custom for all well-conducted businesses to set aside certain reserve funds to meet this obligation, but they have had no opportunity to provide for the shortening of the period of entitlement by five years. By this move, embarrassment could be caused to certain people who are negotiating to bring industries to South Australia.

The Hon. C. D. HUTCHENS: I suggest that members read clause 5 (5), which states, in part:

". . . calculated on the basis of thirteen weeks for twenty years' service in respect of his period of service (if any) prior to 1st January, 1966 . . ."

It is not retrospective forever.

Mr. HEASLIP: Does the Government realize what it is doing? If it wishes to keep the worker employed and to develop the State, that can be achieved only by developing secondary industry. Unfortunately, however, the Government is seeking to add yet another burden to industry, even though in most cases workers throughout the State are receiving over-award rates. I strongly oppose the amendment.

Mr. McANANEY: Being interested primarily in living standards, I support the Bill, because it will raise one of our standards to those existing in the other States. Surely, South Australia is under a large enough handicap at the moment: the amendment is merely one of the things that will render it impossible for our industries to compete with those in other States. I believe the proposal in the amendment is premature if we are to move ahead of the other States.

The Hon. G. G. PEARSON: I wonder whether the Government really wants the Bill to be passed? I suspect that the Government desires to load it with provisions that are so damaging to industry and to the economy of the State that it will not be accepted by members of another place. The Government knows by what has happened in another place already that, if the amendments are carried, members of another place are unlikely to accept the Bill. Therefore, I suspect that the Government intends to put up a sham fight in this place, knowing that the Bill will not be accepted in another place, but intending to use this debate to influence the people it claims to represent.

I believe the Government knows what these proposals will mean to the Treasury and to the industrial economy of the State. Earlier this afternoon the Minister of Works quoted the New South Wales Act, which was the only Act of value to his argument because all the other States have been more restrained in this respect. New South Wales has economic advantages that we have been battling to surpass in our industrial development for 30 years. If costs in New South Wales and this State were equal, we could not expect to attract any industry here in competition with New South Wales. Only by scheming one way or another and by clever management of the affairs of the State over the last 25 years or so have we been able to offer economic conditions and a cost structure to industry that have enabled us to attract industries to this State in competition with the better endowed States of New South Wales and Victoria, in particular.

Mr. Hughes: You admit industries are being attracted here.

The Hon. G. G. PEARSON: I am not giving the Government any credit for what has happened in the last two years. I believe the Government is well aware that the Bill will not be accepted if these amendments are carried. It will be glad to go to the people at the appropriate time and to criticize the other place for the rejection of this Bill, a practice it has adopted with relation to other legislation. I believe the Government is as much aware as we are that there are limits to what the industries of this State can bear in competition with the better endowed States. The Government is over-loading the cost structure of the State. I know the Government is intent on including these amendments in the Bill.

Mr. Ryan: We are entitled to.

The Hon. G. G. PEARSON: I do not object to the Government's attempt. If it thinks that these proposals are a proper burden to impose on industry and represent a proper way to force up costs then let it introduce them. However, do not let the Government come along when the next Budget is introduced and talk about the increased costs it must bear because of industrial awards, when it is introducing proposals of this nature.

The Committee divided on the amendment:

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

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

Pairs.—Ayes—Messrs. Bywaters and Walsh. Noes—Messrs. Brookman and Stott.

Majority of 1 for the Ayes.

Amendment thus carried.

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

In subclause (2) (*i*) to strike out "fifteen" and insert "ten".

This amendment is consequential on the previous amendment.

Amendment carried.

The Hon. C. D. HUTCHENS moved:

In subclause (2) to strike out paragraph (ii) and insert:

(ii) in respect of each year of service completed with the employer after such ten years service, to nine calendar days leave.

Mr. COUMBE: As the Committee has agreed, on a division, to the ten years and as this will necessarily be written in, I accept the amendment.

Amendment carried.

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

In subclause (2) (iii) to strike out "fifteen" and insert "ten".

This is also a consequential amendment.

Amendment carried.

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

In subclause (2) (iii) to strike out "thirteen weeks for fifteen years service" and insert "nine calendar days for each completed year".

This is a consequential amendment.

Amendment carried.

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

In subclause (3) to strike out "ten" and insert "five"; and after "years" first occurring to insert "adult service".

This amendment is to give effect to the policy of the Labor Party that a person whose services are terminated for reasons set out in this subclause shall be entitled to payment in lieu of leave if he has completed five years' service, instead of after 10 years, as provided in the Bill.

Mr. COUMBE: I ask the Committee not to accept this amendment. The Committee has accepted the principle of 10 years' long service leave despite Opposition efforts. When it comes to the question of pro rata payment after five years' continuous service, I think we should take a good look at it. The Minister is suggesting that five years' continuous service with one employer constitutes long service. How silly can you get? The Government is suggesting that these provisions shall apply to adults, but some workers, particularly apprentices, will not be entitled to long service leave although they have had five years' service. This provision is not in accord with the Premier's policy speech in which nothing was said about allowing pro rata payments after five years' service.

Mr. Broomhill: Are you saying there is a fantastic difference between five years' service and seven years' service?

Mr. COUMBE: If an employee wanted long service leave after five years' service he would be entitled to five-tenths (or half) of 13 weeks. Under the seven-year scheme he would be entitled to one week in the eighth year and that is different. The Committee should strongly oppose this provision, not only in the interests of the State but in the interests of the unskilled worker who may face short-term employment.

Mr. SHANNON: Because of the retrospective features of this legislation, if this amendment is accepted there will be an immediate payout to many people. Perhaps the Highways Fund will be able to pay the money required! People responsible for establishing industries in this State must know the conditions under which they will work and what sort of Government is in control. If the industry is faced with a payout that cannot be provided for, it will not establish in this State.

Mr. RYAN: It is apparent that Opposition members have not studied this clause: they do not know the difference between "terminated" and "continued" employment. Many employees have had their services terminated because of conditions over which they have no control, and surely they are entitled to some privileges. In the past an employer has dismissed an employee in order to dodge his obligations. Yet, the honourable member praises the Long Service Leave Bill of the previous Playford Government which gave every employee not covered by an agreement or award long service leave entitlement after seven years! That is not ridiculous! He gets full entitlement! If an employer wants to be unscrupulous and dodge his obligations, at least let the employee have some legal rights. I support the amendment.

Amendment carried.

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

In subclause (3) to strike out "fifteen" first occurring and insert "ten".

This is a consequential amendment.

Amendment carried.

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

In subclause (3) to strike out "fifteen" second occurring and insert "ten" and after "made" to insert "in respect of the number of completed years of service with the employer."

The inclusion of "ten" instead of "fifteen" is consequential. The second amendment is consistent with the new paragraph (ii) of subclause (2). It provides that leave shall only be granted in respect of completed years of employment.

Amendments carried; clause as amended passed.

Clause 5—"What constitutes service."

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

In subclause (1), in the proviso, to strike out "and shall not by reason only of paragraph (*b*) of this subsection be taken into account to the extent of more than three weeks in any one year."

The effect of this amendment is to provide that any period of absence on account of illness or injury will count as service for calculating the amount of long service leave. This is so under the present Act in respect of absence for injury arising out of and in the course of employment. A workman may be injured at work through no fault of his own, and possibly as a result of some unsafe procedure associated with that work. He may then have to lose considerable time, and this would affect his long service leave, which I do not think is reasonable.

Mr. COUMBE: The purpose of this amendment is to take out the limitation of three weeks' sickness in one year, which means that a workman will not be penalized and will not lose his long service leave. Three weeks is a reasonable period. At the moment, under industrial awards an employee is entitled to one week's sick leave a year, and in some cases it can accumulate. The Minister is suggesting no restriction whatsoever. A man may be ill periodically, and may not remain in employment. I do not agree with the amendment, but I support it.

Amendment carried.

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

In subclause (5) to strike out "fifteen" and insert "ten".

This is a consequential amendment.

Amendment carried.

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

In subclause (6) to strike out "and eight and two-thirds weeks in respect of any subsequent period of entitlement."

This is consequential on new paragraph (ii) of clause 4 (2). That paragraph does not provide for any period of entitlement after the first one, so that the words to be deleted here are redundant.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7—"Time for taking leave."

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

In subclause (2) to strike out "twenty-eight" and insert "sixty".

The effect of this amendment is that if there is no agreement between the employer and the worker, as to the date from which leave shall commence, the employer must give 60 days' notice of the date from which the worker is to take his leave. It is considered that 28 days is not sufficient notice for an employee who has saved sufficient money to enable him to travel some distance during his 13 weeks' leave. He would not have sufficient time in which to make the necessary arrangements for extensive travel.

Mr. COUMBE: I think 60 days is too long. The Act provides for leave to be taken in one period, or in more than one period at separate times if an employer or employee wishes. However, I do not press the point.

Mr. RYAN: If the employer and employee agree, the leave may be taken at two days' notice. The amendment is merely a safeguard for the employee.

Mr. Coumbe: The safeguard works only one way.

Mr. RYAN: The member for Torrens has no consideration for the employee.

Mr. Coumbe: You have no consideration for anybody else!

Mr. RYAN: It would be a ridiculous situation if an employer told an employee to take his 13 weeks' leave within 28 days, without the employee's having sufficient opportunity to make arrangements. The amendment merely covers cases where agreement is absent. I can see no hardship on either the employer or employee in respect to this particular provision.

Amendment carried.

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

In subclause (3) to strike out "in not more than two separate periods".

This is consequential on the amendment to subclause 4 (2) by which a new paragraph (ii) was included. Under that new paragraph, entitlement to leave will accrue each year, so that the words sought to be struck out by this amendment are no longer needed.

Amendment carried.

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

In subclause (3) after "entitlement" second occurring to insert "in periods of not less than four weeks".

This is also consequential on the amendment to clause 4 (2), to which I have just referred. Although a worker with more than 10 years' continuous service will, by that amendment, accrue an entitlement to leave in respect of each year of service in excess of 10, provision must be made for a minimum period of leave. It is, after all, long service leave, and it is considered that no employee should be required to take such leave in periods of less than four weeks.

Amendment carried; clause as amended passed.

Clauses 8 to 10 passed.

Clause 11—"Exemptions."

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

In subclause (1) (*a*) after "leave" to insert "(whether immediately or upon fulfilment of certain conditions)".

This is a drafting amendment necessary because, at the time of making an award, there will always be some workers who have had insufficient service to qualify for leave. They will, however, be entitled to their leave when they fulfil the qualifying conditions. These words have been found necessary in the New South Wales Act.

Amendment carried.

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

In subclause (1) to insert the following paragraph:

(*aa*) for whom provisions entitling the worker to long service leave (whether immediately or upon fulfilment of certain conditions) have been made by an industrial agreement filed pursuant to the Industrial Code, 1920-1966, and which provisions the Industrial Commission of South Australia, constituted by the President or a Commissioner or the Industrial Registrar has declared, on the application of any party to the industrial agreement, to be not less favourable to the worker.

The Government considers that it should be clearly stated that the period of entitlement under the Act should not apply in respect of any worker who is granted not less favourable leave entitlements by the terms of a registered industrial agreement. As an agreement can be registered without submission to, or perusal by, the Industrial Commission, it is necessary to empower the Industrial Commission to decide whether the long service leave terms are, or are not, less favourable. This is the purpose of the new paragraph.

Amendment carried.

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

In subclause (1) (*b*) to strike out "obtained an exemption from" and insert "been exempted by".

Unless this amendment was made, and a new subclause (3a) inserted in this clause, only an employer could obtain an exemption from the Industrial Commission. The amendment will remove this restriction.

Amendment carried.

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

In subclause (2) to strike out "(*b*)" and insert "(*aa*)"; and after "may" to insert "also".

These are drafting amendments.

Amendments carried.

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

After subclause (3) to insert the following subclause:

(3a) An application for exemption may be made by the employer concerned or by any registered association (within the meaning of the Industrial Code, 1920-1966) which is a party to the agreement or scheme.

There is no provision in this section as to who can make application for exemption. The new subsection which is proposed to be inserted by this amendment provides for such application to be made by the employer concerned or any association registered under the Industrial Code which is a party to the particular long service leave agreement or scheme.

Amendment carried; clause as amended passed.

Remaining clauses (12 to 17) and title passed.

Bill reported with amendments. Committee's report adopted.

The DEPUTY SPEAKER: The member for Torrens?

The Hon. C. D. HUTCHENS (Minister of Works) moved:

That this Bill be now read a third time.

The Hon. Sir Thomas Playford: Out of order!

The DEPUTY SPEAKER: The honourable member for Torrens is responsible for the Bill. I ask the honourable member now whether he will move the third reading.

Mr. COUMBE (Torrens): The Bill, as introduced by me originally, has been so emasculated and so altered that it is completely unacceptable to me, so I will decline to move the third reading.

The Hon. C. D. HUTCHENS moved:

That this Bill be now read a third time.

The Hon. Sir Thomas Playford: You have to suspend Standing Orders before that can be done.

The Hon. C. D. HUTCHENS moved:

That Standing Orders be so far suspended as to enable me to move the third reading of the Bill.

The DEPUTY SPEAKER: I have counted the members present and there being present an absolute majority of the members of the whole House I accept the motion. Is the motion seconded?

Mr. RYAN: Yes, Sir.

The House divided on the motion:

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

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

Majority of 1 for the Ayes.

The DEPUTY SPEAKER: There are 17 Ayes and 16 Noes. As the number of Ayes is less than the required number the motion lapses.

The Hon. C. D. HUTCHENS: In view of the statement made by the member for Torrens, I move:

That the third reading be made an Order of the Day for tomorrow.

Motion carried.

LICENSING BILL.

The Hon. D. A. DUNSTAN (Attorney-General) obtained leave and introduced a Bill for an Act to consolidate and amend the laws relating to the supply of intoxicating liquors and matters connected therewith and for other purposes. Read a first time.

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

That this Bill be now read a second time.

Its object is to give effect to the recommendations of the recent Royal Commission on the subject of licensing. All of the recommendations, but two, have been incorporated in the Bill.

The Hon. Sir Thomas Playford: How many haven't been approved?

The Hon. D. A. DUNSTAN: I suggest that the honourable member turn on his hearing aid and listen. All of the recommendations except two have been incorporated in the Bill. The two exceptions are provision for Sunday afternoon trading in drinking lounges and the employment of barmaids, on which subjects the Government did not feel that it could proceed. Otherwise the Bill, which has been drafted in close consultation with the Royal Commissioner (and I may add that we have also had the close assistance of the senior magistrate dealing with licensing matters, Mr. Johnston, and the Superintendent of Licensed Premises in the drafting), gives effect to all of his recommendations. Although the Bill follows the general plan of the existing Licensing Act, it was considered advisable, in view of the large number and substantial nature of the amendments required, instead of a complicated amending Bill, to produce a completely new Bill, thereby enabling honourable members to consider the whole matter without considering the effect of piecemeal amendments. Therefore, we have placed a completely new proposal before the House.

The Bill is clearly a Committee Bill and I do not propose to deal with every clause that it contains, because many of them, particularly in the latter part of the Bill, simply reproduce existing sections of the Licensing Act with the necessary consequential amendments, omitting, of course, provisions that are outmoded.

The main changes in the existing law comprise the establishment of a completely new and permanent Licensing Court, alterations of hours, removal of the provisions for memorials and local option polls, removal of certain types of licence, including the substitution of licences for restaurants instead of permits, provision for cabaret and theatre licences and general alterations in procedure to bring it into line with modern conditions. Many drafting and machinery amendments have also been incorporated in the new Bill, among these being provision for the payment of fees directly to the Clerk of the Court instead of to the Treasurer, thereby avoiding unnecessary administrative work.

Part II establishes a permanent Licensing Court to consist of a chairman and deputy chairman and a panel of Licensing Court magistrates in place of the present system of a series of district courts meeting only at quarterly intervals. Honourable members who have had experience of Licensing Court matters will understand the delays that can occur to necessary applications for licences under the existing system, where there are only quarterly meetings and the two-yearly local option poll provisions.

Any three members of the court, including the chairman or the deputy chairman, constitute a Full Bench of the court and it is provided that its jurisdiction with certain specified exceptions mentioned in clause 6 can be heard by a single member of the court. There are many applications of a formal character to which no objection has been taken which may be decided without the necessity of a hearing by the Full Bench but applications for licences, forfeiture, removal and suspension of licences, the imposition of conditions, appeals from a single member of the court and special cases are to be heard by the Full Bench.

Subject to these exceptions the distribution of jurisdiction will be determined under clause

6 by rules of court. Clauses 7 and 8 make necessary administrative provisions, including power to make rules of court, while clauses 9 and 10 provide for an appeal to the Supreme Court or the stating of a special case on questions of law. The new court will sit all the year round as occasion requires either as a Full Bench or as a single magistrate (for the most part the chairman) sitting in chambers and dealing with matters as and when they arise. Part III provides for licences generally.

Clauses 11 to 13 reproduce existing sections under the Licensing Act, excluding the exemption of vignerons selling on the premises. This matter can be covered by a retail licence. Clauses 14 to 30 inclusive deal with classes of licence. These will comprise a publican's licence, wholesale licence, retail licence, club licence, packet licence, railway licence, restaurant licence, cabaret licence, theatre licence and special licence. The existing storekeeper's, storekeper's Australian wine licence, brewer's Australian ale licence and distiller's storekeeper's licence will be replaced by wholesale and retail licences, while the existing provision for permits for restaurants will be replaced by a restaurant licence. Cabaret and theatre licences are new. Special provision is made in clauses 15, 16 and 17 for the grant of licences at Wilpena, Leigh Creek and Aboriginal institutions, while clause 18 provides for a special licence for the Barossa Village vintage festival.

The hours of trading will extend, in the case of publican's licences, from 9 a.m. to 10 p.m. unless other periods (not exceeding 13 hours) between 5 a.m. and 10 p.m. are fixed by the court. Christmas Day will remain, apart from the service of liquor with meals, as at present, that is, from 9 a.m. to 11 a.m. Liquor with meals will be served on ordinary days until 11.30 at night or such other hours as are fixed and on Sunday, Christmas Day and Good Friday between 12 noon and 9.30 p.m. In addition, provision is made for supper permits on ordinary days up until 11.30 p.m. There will be a period of grace of 15 minutes in the case of the ordinary supply and 30 minutes in the case of supply with meals.

Special provision is made not only for the fixing of different hours of trading but also for the grant or renewal of licences for publicans restricting the supply of liquor on certain conditions set out in clause 19 (3). This provision will, as the Commissioner points out, make for flexibility in the grant of publican's licences according to the nature of the business undertaken and the locality. Some hotels may concentrate on bar trade, others such as motels on the provision of accommodation and meals, while others again may require a full licence. I think that I need not traverse those sections of the Commissioner's report that deal with this flexible system of different classes of publican's licence, subject to special restrictions and conditions, so as to enable a flexible service to be given, not necessary covering the whole of a service of a full hotel licence.

Provisions relating to hours for licensed clubs are similar to those relating to publicans' licences, and the provisions in the present Act for exempt clubs has been removed. From memory, there are only five of these. In the Commissioner's opinion, there was no reason for maintaining some special privilege for the exempt clubs, in view of the wide span of hours now recommended for all clubs.

Clauses 20 and 21 deal with wholesale and retail licences. After the expiration of current licences covering wholesalers, they will be permitted to sell only to licensees. Retail licences will authorize sales between 9 a.m. and 6 p.m. or other hours fixed by the court, with provision for night trading once a week where stores have late closing. Packet and railway licences (clauses 23 and 24) will remain unaltered. The hours for the sale of liquor with meals in restaurants are set out in clause 25, ranging between 12 noon and 11.30 p.m. on ordinary days and on Sunday, Christmas Day, and Good Friday from 12 noon to 9.30 p.m. or such other hours as the court may fix. There is also provision for supper permits.

Cabaret and theatre licences are provided for by clauses 26 and 27, which are self-explanatory. Clauses 28 and 30 are machinery provisions, while clause 29 (which reproduces section 28 of the present Act) provides for a special licence where an application has been adjourned.

Clauses 31 to 33 inclusive provide for fees that have been altered to the extent necessary to give effect to the new provisions. A minimum fee of $50 has been provided. Division IV (clauses 34 to 44 inclusive) deals with applications for licences and objections. These provisions largely follow the existing provisions, but I point out that in future it will be necessary for applicants for all licences except packet licences to deposit plans (clause 35), while clause 36 enables the court to permit alterations in plans, a power which the existing courts have hitherto not had. I point out also that clause 41 is new and follows the recommendation of the Royal Commissioner that the onus should be on the applicant for a licence

to satisfy the court of certain matters set out therein, generally that the licensing of the premises in the locality is necessary, that the site is suitable, and that regard shall be had to public needs.

Clause 42 relating to objections widens the grounds of objection that may be taken by including the grounds set out in clause 41 in addition to the present range of objections that may be taken. Divisions V and VI (clauses 45 to 49 inclusive) deal with the procedure on transfer and transmission. Largely, these clauses reproduce existing sections, but I draw attention to clause 46 relating to the sale of licensed premises, which is new. It provides a new procedure requiring application by the transferor and transferee jointly, and the production of certain documents in connection with the transfer. Division VII (clauses 50 to 52 inclusive) deals with the removal of licences, and no substantial alteration has been made to the present procedure, except to bring it into line with the general procedure, with an additional power in the court to approve alterations in licensed premises.

Likewise Division VIII (clauses 53 to 58 inclusive), dealing with the procedure on the hearing of applications, has not been substantially altered but has been brought up to date. I come now to Division IX (clauses 59 to 65 inclusive) dealing with special authorities to sell liquor. Clause 59 reproduces with appropriate amendments existing section 71 regarding both licences, except that, as recommended by the Royal Commissioner, only publicans may obtain this type of licence. Clause 60 is entirely new and is designed to cover and extend the range of permits provided by existing sections in the Licensing Act. This clause enables any person whether licensed or not to apply for a special permit for the supply or consumption of liquor at an entertainment, and sets out the procedure to be followed and the terms and conditions upon which the permit may be granted. Clause 61 will enable licensed or unlicensed clubs to apply for permits for the sale and consumption of liquor on their premises on such days and during such times as the court fixes, having regard to the club's practice during the past two years.

The Royal Commissioner drew attention to the fact that many unlicensed clubs were, in fact, breaking the law by supplying liquor without any licence or permit, and the new clause is designed to enable these clubs to put their affairs in order by obtaining a permit from the court. The remaining clauses of Division IX reproduce, with any necessary amendments, existing provisions. Divisions X and XI (clauses 66 to 78 inclusive), dealing with forfeiture and general matters, reproduce, with appropriate amendments, existing provisions. I should draw attention to the fact that forfetiure on conviction of an indictable offence will not be automatic as in the past, and that provision has been made for discretionary forfeiture where a licensee allows his premises to become unsuitable in any particular as well as ruinous or delapidated as at present provided in clause 66. I point out also that subclause (2) of clause 74 (2) includes directors of companies for the purpose of objections to applications for licences by companies.

Division XII (clauses 79 to 96 inclusive), dealing with clubs, has not been substantially altered except that, as I have mentioned, the provisions for exempt clubs have been removed. All club licences will in future authorize trading during the same hours and on the same conditions. No club will be permitted after a period of three years to sell liquor otherwise than for consumption on the premises (clause 7). This is a recommendation of the Royal Commissioner that has met with most objection from existing clubs, because he recommends after a period there be no off-licence sales by registered clubs. Although I do not deal with it in detail, members will see from the Bill and the Commissioner's report that it is intended that club licences be either general or restricted with certain conditions that may be laid down, just as the tribunal will be able to lay down restrictions and conditions for publicans' licences.

In certain cases these conditions may provide that a club may buy at retail within a specified area but may not, as will be the position with a general club licence, be able to buy wholesale for members. In certain cases there would be considerable objections, upon the removal of local option polls, by publicans about the inroads on their trade by general club licences. If a licence could be obtained by a club that had liquor facilities provided in association with some sporting activity in the area and there was a condition or restriction providing they should buy at retail from a licensee within a specified area, the objections of publicans within the area would be largely resolved. Division XIII (clause 97) dealing with licences at Renmark remains unaltered, while Part IV (clauses 98 to 109 inclusive) has been altered only to

bring this Part dealing with railway licences up to date.

I deal now with Part V (clauses 110 to 186 inclusive), which deals with the rights, duties and liabilities of licensees and others, and offences. In the main, this Part reproduces the greater part of Part VI of the existing Act with necessary consequential amendments and the excision of obsolete or outmoded sections, such as section 133 requiring publicans to have lamps on the front of licensed premises; section 134 relating to additional bar rooms; section 135 requiring publicans to receive corpses; sections 172 and 173 relating to Aborigines; secton 176 relating to the exclusion of children from bar rooms; section 178 relating to the supply of liquor to police on duty; sections 179 and 180 relating to the supply of liquor to drunkards; section 192 relating to the prohibition of the sale of temperance drinks in licensed premises; and the provisions relating to permits.

I shall not deal with all clauses in this lengthy Part for, as I have said, this Bill is essentially a Committee Bill, but I draw attention to important provisons or amendments. The first of these is clause 110, which adds to existing section 132 the requirement that a publican who holds a limited licence shall exhibit on his premises, in addition to his name, a reference to the restrictions on his licence. That is, restrictions as to use or terms of trading. In some restricted licences it is conceived that there will be no bar trade, and consequently that restriction must be exhibited.

I refer next to clause 113, which incorporates in rather more up-to-date form the existing provisions of the Innkeepers Act enabling a licensee to sell goods on which he has a lien for a debt owing to him. The Royal Commissioner recommedned that the provisions of the Innkeepers Act should appear in the Licensing Act, rather than in a separate Act. I refer next to clause 146 relating to the prohibition of the supply of liquor to minors. To this section has been added a subsection providing that a minor who obtains or attempts to obtain liquor from licensed premises or consumes liquor on licensed premises will be guilty of an offence. This is an important amendment that has been sought by almost all parties before the Commission.

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

The Hon. D. A. DUNSTAN: I refer next to clause 159 relating to the register of lodgers. Existing section 194 sets out what is to be contained in the register. The new clause provides that the register shall be in the prescribed form and contain the prescribed particulars. Existing section 195 relating to *bona fide* lodgers appears in a clearer form in clause 160, the amendment providing simply that, so long as a person has arrived and been assigned a bedroom during the night of the day of his arrival or during the night of his arrival, he shall be a *bona fide* lodger without the necessity of a special declaration. Clause 164, relating to permits for wine tasting, reproduces in a somewhat simpler form the existing provisions of section 199b. Clause 165, which corresponds to existing section 200 relating to the duty to supply food and lodging, has been amended to include holders of restaurant licences, with the necessary consequential amendments.

Clause 175 reproduces existing section 212 with the addition that the Superintendent of Licensed Premises may be heard on any application, make a report and make submissions or recommendations on any matter, including the fixing of fees for licences or permits. Honourable members will no doubt remember the Full Court case that gave rise originally to this Royal Commission, in which it was held that the superintendent could not be an appearer or objector before the court in certain applications. This was one of the matters that made continuance of the present licensing administration virtually impossible. Clause 178 corresponds to section 215 of the present Act, which requires a publican to keep his premises in good repair or to put them into such repair as may be required by an inspector. The new clause transfers the power to require a licensee to put his premises into repair to the Licensing Court, as recommended by the Royal Commissioner.

I refer now to two new clauses, clauses 185 and 186. Clause 185 introduces the new principle of the licensing of hotel brokers. After six months from the commencement of the Bill a person acting as agent in connection with the disposal of any licensed premises will be required to hold a licence in terms of regulations to be made. This was considered by the Royal Commissioner to be a desirable provision. Clause 186, which is also based upon the recommendation of the Royal Commissioner, enables the Governor to fix maximum and minimum prices for liquor. We regard this as an essential provision. The fixing of maximum and minimum prices for liquor will avoid some of the cut prices that now occur, and will also avoid the unreasonable mark-ups

on liquor prices that occur in numbers of licensed or permitted premises today.

Part VI (clauses 187 and 188), relating to tied houses and onerous leases, reproduces sections 221 and 222 of the present Act, with a slight amendment to the first clause omitting a reference to the Midland District, since licensing districts will not exist after the commencement of the Bill. Part VII (Legal proceedings and Evidence) requires no particular comment except to say that in clause 190 witness fees are equated to those payable in the Supreme Court; that section 260 of the present Act limiting proceedings to a period of one month after an offence has been committed has been omitted; and that a general penalty clause has been inserted by clause 193, most of the references to penalties throughout the Act having been omitted.

The last part of the Bill (Part VIII) relating to regulations and forms (clauses 207 to 210 inclusive) reproduces the present Part, with the omission of the separate references to the necessity for regulations to be published in the *Gazette*, since this matter is already provided for by the Acts Interpretation Act. As I said at the beginning of my remarks, this being a completely new Bill and essentially a Committee Bill I have not dealt with every clause because many clauses are no more than reproductions of existing sections with necessary amendments. I believe that I have said enough to indicate in broad outline the main purpose and intention of the Bill, which I commend to all honourable members for their serious consideration. I believe that the Bill marks a step forward in the social legislation of this State, which at least in this regard has been out of date and lagging behind legislation on the subject in other States of the Commonwealth. Indeed, the former Chief Justice said of the present Licensing Act that it was an Act designed for a horse-and-buggy era and only appropriate to it, and that it was completely inapposite to the needs of the present day.

I believe that if honourable members give this matter their due attention we will be able to complete the second reading and the Committee stages of the Bill so that the new provisions may be introduced not later than September of this year. I know that the Leader of the Opposition has suggested that, following some general remarks of the Commissioner in one part of his report, we might have introduced a measure that could provide in the interim for the immediate change in trading hours and left the remainder of the provisions until a later date. However, there are two basic objections to that course. The first objection is that in order to introduce changed trading hours for hotels and clubs we will either have to provide for the new tribunal that will be able to consider applications from licensees or proposed licensees for flexible trading hours and flexible trading provisions according to the new licence system proposed, or we must simply provide new trading hours for existing licences but with interim alterations in procedures in the existing Licensing Court.

It would be an impossibly complicated exercise to introduce new interim provisions which would have to be complicated and detailed in their nature in changing the existing provisions for procedures before the Licensing Court and which would last only six months. That would be an extremely time-wasting manner of proceeding. Given the fact that we have a heavy legislative programme it is essential that we introduce the whole of this measure at the earliest possible moment so that we do not have any interim provisions but the new procedures that will be provided for consideration by the tribunal of flexible trading hours will be immediately operative.

The second thing is that since the Government is not at this stage prepared to proceed with the Commissioner's proposals about Sunday trading of hotels and clubs in lounges, different provisions have to be made for maintaining the *status quo*, the situation that was allowed to occur under the previous Government, where wide tolerance was given to illegal trading and the commission of offences by many organizations within the State. If we are to provide for a new permit system, we have to provide the new procedures by which those permits may be allowed, and we have to provide the new tribunal to which applications may be made, rather than have a permit system that will allow applications either to magistrates sitting in a summary court or to the quarterly sittings of the Licensing District Courts.

The sensible provision was to introduce the whole of this measure as soon as possible. We have done what the Commissioner originally considered might not be possible. By working long hours, we have prepared a comprehensive measure containing all the Commissioner's proposals apart from the two exceptions I mentioned at the outset. That will mean that the whole new structure will be available at the earliest possible moment to the State. We will

not have to concern ourselves with lengthy interim provisions that would operate for only a few months after which we would have to consider the whole thing again in this Parliament. The Government believes that this is the appropriate way in which to proceed in order to put into effect as rapidly as possible the Commissioner's recommendations, or at least to place them before the House so that every member is able to make his own contribution concerning licensing provisions in this State.

In introducing this measure, the Government is not committed to any of the proposals therein. I have no commitment of support from any member in this House, Government or Opposition, for the measures that I shall put forward.

The Hon. Sir Thomas Playford: Why was the barmaid provision not included?

The Hon. D. A. DUNSTAN: I should have thought that the reason would be quite clear to the honourable member; it has been stated on a number of occasions. It is not included because it is clearly contained in the stated policy of the Government that a provision for barmaids cannot be introduced by a member of the Labor Party.

The Hon. Sir Thomas Playford: Yet it is a free vote!

The Hon. D. A. DUNSTAN: It is a free vote except that every member of the Labor Party is bound by a pledge that he has signed. The Labor Party has a policy, and before the Commission was appointed it was well known to those who bothered to read the policy (and I understand that it was bedside reading for honourable members opposite; they all rushed down and paid their 50c to obtain a copy) that that policy contained specific proposals, instead of things like "home sweet home" and "dog is man's best friend", which represent the policy of honourable members opposite. I would have thought that honourable members opposite were well aware of the fact that no Government member could introduce a proposal for the licensing of barmaids in South Australia. Members opposite are free to move an amendment on that score, but members on this side of the House will not be able to vote for it.

The Hon. Sir Thomas Playford: Otherwise they are free!

The Hon. D. A. DUNSTAN: Yes, they are completely free on anything not contained in our policy. I do not know whether honourable members feel free to frolic with barmaids; I do not know whether they have any policy on this, because they seem to have policies completely unexpressed that depend on their arms being twisted by vested interests.

Members interjecting:

The DEPUTY SPEAKER: Order! I ask members to refrain from interjecting while the Attorney-General is addressing the Chair.

The Hon. D. A. DUNSTAN: Thank you, Mr. Deputy Speaker. I shall be interested to hear the member for Gumeracha move an amendment relating to barmaids. I shall look forward with eager anticipation to the eloquent speech that he will deliver in favour of such a proposal. Apparently members opposite are not quite as keen about the barmaid provision as some of the interjections would lead us to believe. What we have done in this measure is put forward what is basically a Committee Bill on which every member will be able to make a contribution, I trust, according to his conscience.

The Hon. Sir Thomas Playford: Except one!

The Hon. D. A. DUNSTAN: As I say, I am waiting with eager anticipation for the honourable member's contribution upon that one provision. I hope that honourable members opposite will not treat this as a Party measure; it will certainly not be treated so on this side of the House, because I am already apprised of the fact that certain members amongst my colleagues (including Cabinet colleagues) propose certain amendments to the Commission's recommendations.

We have appointed a Commission of inquiry which has carefully sifted evidence from all sections of the community interested in this matter. The general public and all of the interests particularly concerned with licensing have had full opportunity to put forward their evidence, and to discuss the measures to be recommended by the Commissioner, in open and in private session. The Commission has reported in an extraordinarily short time, as compared with the Commissions that have occurred in other States. An extremely workmanlike job has been done, and effective information has been put before members which could not have been provided for them in any other way. We now have an enormous amount of information and the contentions of interested parties available to us. That is a sensible basis for proceeding with this measure. The measure has been brought in before members; it has been the subject of debate at second reading and will be discussed in Committee; and I hope every member

will act in this measure according to his conscience and according to representations made.

I believe that out of the exercise which has been undertaken here (and which has been squibbed previously, despite all the difficulties facing licensing administration in this State) we shall get something that is satisfactory to the South Australian community, and that we shall have at last a law in South Australia that is respected and obeyed by the community.

Mr. HALL secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (BLOOD TESTS).

The Hon. D. A. DUNSTAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act, 1961-1966. Read a first time.

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

That this Bill be now read a second time.

It is introduced to give effect to a particular part of the report of the recent liquor Royal Commission. The Commissioner, in addition to his recommendations on the Licensing Act, recommended that there should be created a new statutory offence for the driving of a motor vehicle while the percentage of alcohol in the blood was .08 per cent expressed in grammes per 100 millilitres; that there be provision for making regulations for approval of breathalysers and their maintenance and use; that there be provisions enabling a member of the Police Force to require persons, believed on reasonable grounds to have driven a motor vehicle and consumed alcohol so as to have impaired their ability to drive, to submit to a breathalyser test; and that the reading shown by a breathalyser be *prima facie* evidence of the blood alcohol concentration at the time of the test and two hours prior thereto.

This Bill makes the foregoing provisions by way of amendment to the Road Traffic Act, which is the appropriate place for the new provisions. Therefore, the Bill is consequent upon the introduction of the Licensing Bill. We believed it was far more appropriate to include this provision in the Road Traffic Act than to put it in as part of the new Licensing Bill. However, it is an essential corollary of the alterations to the hours and facilities recommended in the Licensing Bill.

The Royal Commissioner also recommended that an inquiry be made within 18 months on whether any further amendments were desirable. The Government will take action on this recommendation, which is, of course, not appropriate for insertion into a Statute. Honourable members will have seen from the Royal Commissioner's report that he was rather inclined towards a .05 per cent test rather than the .08 per cent test supported strongly before him in evidence. The .08 per cent blood test is in force in Tasmania and the .05 per cent test in Victoria. It is already clear from the experience in Victoria that the introduction of this particular law has been significant in providing a reduction in the number of road accidents and, particularly, in the number of convictions for driving under the influence of liquor. It has significantly reduced the road toll and, consequently, seems to be essential to the introduction of new facilities for obtaining liquor. The provision of an impairment test was strongly supported by nearly all who appeared before the Royal Commission, and particularly by the Woman's Christian Temperance Union and numbers of church interests.

Clause 3 inserts a new section 47a into the principal Act creating the new offence. Section 47 of the principal Act already provides for driving under the influence of intoxicating liquor or drugs in such a manner as to be incapable of exercising effective control of a vehicle, but the new section will make it an absolute offence to drive a motor vehicle while the percentage of alcohol in the blood exceeds .08. Honourable members with any experience of section 47 will know that much litigation takes place around the question of whether the driver concerned is incapable of exercising effective control. Many questions under the present law can arise in a case on whether this particular offence is proved. The new measure will simply provide that if it is shown that a person has more than a certain concentration of alcohol in the blood stream, he is committing an offence if he drives a vehicle. The basis for this is that the majority of people at that concentration of alcohol in the bloodstream have their judgment and ability to drive affected to some discernible extent, whereas a minority are not so discernibly affected. However, it is considered that Parliament should provide for the safety of the community and that people who have drunk sufficient alcohol to have the blood alcohol concentration at which a majority of people are affected should not drive a vehicle.

This law has worked well overseas and it has already been proven in Australia. In consequence, the Commissioner has strongly recommended that this be an essential provision

consequent upon the provision of additional facilities for obtaining liquor. The penalties prescribed are the same as those in section 47. New section 47b provides for the use of breathalysers; the percentage of alcohol shown by the breathalyser shall be *prima facie* evidence at the time of the test and during two hours before the test. It is *prima facie* evidence only; it is rebuttable by other evidence, but the working of the breathalyser in South Australia and elsewhere in Australia so far has shown a high degree of accuracy in arriving at the content of alcohol in the bloodstream.

The Hon. G. G. Pearson: Is there a definite relationship which is constant?

The Hon. D. A. DUNSTAN: The honourable member will see much evidence on this score in the appendices to the Commissioner's report. I think he will find this both informative and useful. Subsection (3) of the new section makes the necessary evidentiary provisions, while subsection (4) enables the police to require breathalyser tests of drivers who have behaved in a manner showing that their ability to drive is impaired. As a result of the representations made before the Commissioner, he has not at this stage recommended compulsory snap tests. These have been used elsewhere, I believe to good effect. The Commissioner is not recommending these tests at this stage, but suggests that within 18 months the matter should be re-examined in the light of the experience of the new provisions.

New subsection (5) provides for a penalty for refusal to undergo a test, while new subsections (6), (7) and (8) provide the necessary machinery provisions, including power to make regulations concerning breathalysers.

I do not need to stress the importance of this amending Bill. It is based upon provisions existing in Victoria and I think that I need do no more than refer to the Royal Commissioner's report as to the reasons why the Bill is introduced in the interests of road safety. Clause 4 is a formal amendment of the principal Act relating to decimal currency.

Mr. FERGUSON secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT ACT (No. 2), 1966, RECTIFICATION BILL.

Adjourned debate on second reading.

(Continued from February 28. Page 3281.)

Mr. HALL (Leader of the Opposition): The Bill, as the Minister has stated, is brought in to correct a Bill that was very ineptly drawn or placed before the House earlier in the session. I must say that I almost forgot to secure the adjournment of the debate after the Attorney's promise of good things when he explained another measure a few minutes ago. However, the shouting about the tow-truck legislation, which was supposed to be good legislation, died very quickly after it was passed by this House.

In November, towards the end of that part of the session, the Premier adamantly, deliberately and very ignorantly refused to listen to members of the Opposition who pointed out one of the main difficulties that would arise from the Bill. The main issue which we took with him on that evening and which he so summarily rejected has necessitated an amendment being introduced before the session has ended. I hope that that type of opposition to sensible amendments will not be repeated during this session, at least.

The Hon. Sir Thomas Playford: Can we deal with the same matter twice in the same session, under Standing Orders?

Mr. HALL: I do not know. Perhaps this is a matter for the Deputy Speaker to rule on, but we want to make the measure work. It did not work very well in the form in which the Premier presented it to the House. I know that we should not go beyond the rules of the House, but the new Bill (certainly clause 3, the operative clause) removes the mistaken impression that may be gained concerning the licence that is required to drive a tow-truck. As the Premier has explained, that clause repeals and re-enacts section 5 of the amending Act. He also said that the combined effect of sections 5 and 6 was to render it unlawful for a person to drive a tow-truck outside the area and that that was clearly not the intention of Parliament.

It was intended that provision should be made in relation to driving within the prescribed area. As far as I have been able to ascertain in the short time at my disposal, the provisions in this Bill are necessary, and my study of it has not revealed anything that may give trouble in future. I would think that clause 4 would be the provision that heralded the admission now made by the Premier of his mistake of November 15 last year, when I took the debate on the Bill for the Opposition and pointed out this particular difficulty in some detail. I said then:

> 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.

The debate continued:

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—

The Premier then made a long explanation why it was necessary to reject the Opposition's amendment. The Parliamentary Draftsman has had further time to devote to the Bill and has now suggested numerous amendments. Someone must have apprised the Premier that he did not know what the clause was all about and did not know what he was talking about. The worst feature is that he could not understand what other people were talking about.

Mr. Millhouse: And he insulted me, too.

Mr. HALL: Yes, for raising a particular point.

The Hon. B. H. Teusner: That is not unusual.

Mr. HALL: We are pleased that the Premier has realized his error, and that the Minister of Works has introduced this legislation. Obviously, the Premier is still the Leader of the Government. The Bill has been improved and, although not many principles are involved, it concerns licences, their operation, and the tightening up of section 5, which means that under section 83 (*c*) of the Motor Vehicles Act it is now necessary to have the normal licence to drive a tow-truck although one may be exempt from the provisions of the tow-truck legislation within the restricted area for particular provisions. These exempting provisions in the original Bill could have been construed to exempt the driver of a tow-truck from having any licence at all. This is not what the Legislature intended, and the Bill has been amended without altering any exemptions or taking any freedom away that was granted under the exemptions. Because of the swift change in the viewpoint, I support the Bill and believe that it will be supported by the House.

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

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

That this Bill be now read a third time.

Mr. HALL (Leader of the Opposition): I do not want to refer to any particular matter at this stage but perhaps I may be allowed to say that I was handed a Bill, and I find that it has only now been put on members' files in this House. I consider that not to be correct procedure, even though we are passing a Bill that members know is of no great consequence compared with the weighty matters now facing us. However, had they wanted to look at this Bill, they could not have unless they had come to my table. I sense that we are getting loose in the provision of information to members at this time of the session. I say nothing more than that. This is a small protest that a Bill is going through the House and members have not been able to sight it.

Bill read a third time and passed.

COMMONWEALTH POWERS (TRADE PRACTICES) BILL.

Adjourned debate on second reading.

(Continued from February 28. Page 3288.)

Mr. MILLHOUSE (Mitcham): The aim of this Bill is to hand over to the Commonwealth Parliament part of our legislative powers. There are, I suggest, two matters that should be considered by the House at this stage. The first is the whole question of restrictive trade practices legislation and the second is the question whether or not we are well advised to hand over a part of our legislative power to the Commonwealth Government. Dealing first with the first of those matters, I say here and now I am and always have been in favour of the idea of restrictive trade practices legislation.

I have often in debates in this place, especially in the annual debates on the Prices Act, expressed this view and said I believe that this is the way to deal with the evils that are at present dealt with, or allegedly dealt with (though not, in my view, effectively) in the Prices Act. So, Sir, I can say quite plainly and unequivocally that I am in favour of restrictive trade practices legislation. However,

I am afraid that does not mean to say that in the case of this Bill I am able to support it.

I had always imagined that we would enact restrictive trade practices legislation in this State through this Parliament, and, of course, the 1965 Commownealth Act contemplates that we should do so, because we find in section 5 of that Act a definition of "complementary State Law". We see the words, "a State Act that is specified in the proclamation in force under section 8 of this Act". Then section 8 of the Act specifically deals with the question of what is complementary State legislation. Therefore, in 1965, when the Commonwealth passed this legislation, it did so in the expectation that some at least of the States would enact complementary legislation.

Now, Sir, I understand (and I am prepared to accept it) that it is being found up to date exceedingly difficult, if not impossible, to enact satisfactory complementary legislation. There has, of course, been a singular lack of enthusiasm on the part of the States to do anything about it, and of this we heard something from the learned Attorney-General yesterday during his second reading explanation. It is only in this State and in the State of Tasmania that there has been any move at all, as I understood him (and I believe this is the position in any case) to do anything about this matter. I will mention what I think is the reason for this in a moment.

May I deal now with the learned Attorney's speech. It was a long one, 16 foolscap pages of typing, but I may say with very great deference to him that the last 11 pages were in my view a complete waste of time and paper and effort, because all of those 11 pages dealt with the features and effect of the Commonwealth Trade Practices Act, something that we could read for ourselves and have been able to read for ourselves if we wanted to for many months in Commonwealth *Hansard*. The learned Attorney went on and supported them as though he was in fact introducing a Bill into this House. As I say, it does not matter much that he went to such lengths, except that it was wasting our time, and at a time when the impatient Attorney has declared himself to be very keen that we get on with the matters that he has brought before the House.

The Hon. D. A. Dunstan: Well, you are getting on now. If I give you information, you decry it, and if I don't you lambaste me for not giving it.

Mr. MILLHOUSE: I am not sure that I can accept the strictures of the Attorney. May I remind him of the time not long ago when I was freely insulted by his Leader, who now, if he were here, would have to eat his words. However, that is by the way. I was going on to say, before the Attorney interjected, that the first four pages at least of his speech were to some effect, and I will refer to that in a moment. I mentioned that it was only in this State and in Tasmania that any move had been made in this matter, and, of course, we do not have to look far to find the reason. The fact is that the Australian Labor Party is in Government in both of these States, and the A.L.P. believes in the destruction of the federal system of government and in the vesting of full powers in the Commonwealth Parliament. The destruction of the State system is part of their platform, and I do not think anybody would argue about it; they are proud of it when they are not kicking it under the mat. Therefore, the transfer of powers by a Labor State Government to a Commonwealth Government will cause that Labor State Government no qualms at all because it is in line with the beliefs of its members. This, however, is not the view that is taken on this side of the House: the view taken on this side of the House is that the federal system is still worth preserving in this country. The handing over of any State powers to the Commonwealth must weaken the legislative powers of the State. The powers which it is sought under this Bill to hand over to the Commonwealth are very wide powers indeed; they are contained in clause 2 of the Bill, and I may say they are in identical terms to the powers handed over, or purported to be handed over, by the Tasmanian Parliament. These are the powers:

> Agreements, arrangements, understandings, practices and acts restrictive of, or tending to restrict, competition in trade or commerce.

Members have only to think of those words—

Mr. Coumbe: What does the word "tending" mean?

Mr. MILLHOUSE: Quite. Members have only to think of this for a few seconds to understand how widely and indefinitely this power has been drawn. That is subclause (1) (*a*). Paragraph (*b*) states:

> The exercise or use by a person, or by a combination or a member of a combination, in or in relation to trade or commerce, of power, influence, or a position of advantage resulting from the extent of the share of that person or combination in some portion of trade or commerce.

Again, this is an exceedingly wide expression of power, and an expression of power, I may say, which has been subject so far to no judicial interpretation at all. I defy anybody,

even the Attorney-General himself, to put a definition upon the powers that we would be giving away if this Bill were passed. This is something to be borne in mind by honourable members. However, leaving that to one side for a moment, I had always believed from the days when I was a law student that, once a power has been handed over pursuant to placitum xxxvii of section 51 of the Constitution by a State legislature to the Commonwealth Parliament, it was gone for good, whatever restriction in time was expressed by the State legislature to be attached to it. It is at least arguable that this is still the position, not that one would believe so by reading the learned Attorney's speech. He dealt with this supremely important matter in one short paragraph of his 16-page effort. This is what he said:

At this point I would like to assure honourable members that in the case of *The Queen v. Public Vehicles Licensing Appeal Tribunal of Tasmania*—

and he gives the reference—

the High Court held that the time limitation in the Tasmanian Act referring the matter of air transport for a period terminable in the same way as expressed in this Bill was a valid reference, and that an Act which refers a matter for a time which is specified or which may depend on a future event, even if that event involves the will of the State Governor-in-Council and consists in the fixing of a date by proclamation, was within the description of a reference in section 51 (xxxvii) of the Constitution.

One would think, on a quick reading of that paragraph, that the authority which the learned Attorney quotes supported the proposition that a transfer of power by a State to the Commonwealth could be taken back. As I say, the case is no authority for that proposition, and there is no authority in Australia for that proposition.

The Hon. Sir Thomas Playford: There is eminent legal opinion against it.

Mr. MILLHOUSE: Indeed there is. Let us start with section 51 of the Constitution (and I am sorry the Attorney-General is not here, but he may be listening, anyway). The relevant part of it provides:

The Parliament—

that is, the Commonwealth Parliament—

shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred or which afterwards adopt the law.

That is the straight-out provision in the Constitution pursuant to which we are tackling this Bill. I have been reminded by my old friend, or should I say my good friend from Gumeracha—

The Hon. Sir Thomas Playford: Good, old friend!

Mr. MILLHOUSE: —of the debates that took place in this Parliament about 25 years ago on the question of the transfer of powers to the Commonwealth, and I have looked particularly at, and have read with great interest, parts of the speeches made on that occasion by the Hon. R. S. Richards, who was Leader of the Opposition and Leader of the Labor Party, and the Hon. R. J. Rudall.

The Hon. B. H. Teusner: A Constitutional authority!

Mr. MILLHOUSE: Indeed. If members are interested, I am sure their time would be repaid by a study of those speeches. If we pass on from what was said and what was the position under the Constitution in the 1940's to something which is a little more recent, I do not think we can do any better than look at the book on the Constitution written by our own State Parliamentary Draftsman—*Legislative, Executive and Judicial Powers in Australia*, by Wynes. The learned author of this work deals with the reference of powers under this particular placitum, and it is quite clear, from what Dr. Wynes says in his book, that there is some doubt about the matter. I refer to the second edition, page 221:

A reference once made would clearly be revocable until acted upon by the Commonwealth but not afterwards, since an Act passed in accordance with this paragraph becomes binding in respect of the referring or adopting State as a law of the Commonwealth to which supremacy and binding force are attached by section 109 and clause 5 of the Covering Clauses of the Constitution.

Section 109 provides that if there is a clash between Commonwealth and State laws the Commonwealth law prevails.

The Hon. B. H. Teusner: It can be amended by the Commonwealth.

Mr. MILLHOUSE: Yes, indeed. The publication continues:

But the subject referred does not become an exclusive power of the Commonwealth, so that the State concerned still retains its concurrent power, subject, of course, to the operation of section 109. Upon the repeal or expiration of the Commonwealth legislation the reference could clearly be withdrawn.

Then, the learned author, after drawing an analogy between the Commonwealth Constitution and the British-North America Act, which

contains the Constitution of the Dominion of Canada, ends the paragraph by saying:

Similar reasoning would apply to paragraph (xxxvii) subject, of course, to the reservation mentioned above as to irrevocability during the currency of Commonwealth legislation passed in pursuance of a reference. Two questions remain. Can a State make a reference irrevocable, either absolutely or for a fixed period? And is it competent to a State to refer exclusive power in respect of a matter to the Commonwealth?

I shall not worry about the second question but the following is the answer that Dr. Wynes gives to the first question:

The answer to the other question appears to be less clear. In the *Uniform Tax Case* Latham C.J. said that a State Parliament could not bind itself or its successor not to legislate upon a particular subject, "not even, I should think, . . . under section 51 (xxxvii)". The Chief Justice, with the other members of the Court, found it unnecessary to pronounce upon this matter in *Graham v. Paterson*, but both McTiernan and Webb JJ. seemed doubtful as to the validity of the Queensland Commonwealth Powers Act of 1943, referring matters to the Commonwealth for a period of five years. So far as section 51 (xxxvii) in concerned, the language does not seem to suggest anything in the nature of a permanent reference; on the other hand, so far as a reference for a fixed term and no longer is concerned, there would seem to be no reason why such a limited reference should not be made—the reference would be a matter "X-for-a-period-of-X-years", a compound expression analogous to the interpretation which has been placed upon the acquisition power of the Commonwealth.

There, on that conclusive point, Dr. Wynes leaves the matter. I shall pass on to the case that Dr. Wynes mentioned in that matter (*Graham v. Paterson*) as reported in 81 Commonwealth Law Reports at page 1. It is quite obvious to anybody reading this case that the High Court expressly avoided making a judgment or saying anything about this particular matter. I think I need only read a couple of sentences from the judgments where, at page 23, Mr. Justice Williams says:

The Commonwealth Powers Act purports to refer a number of matters to the Commonwealth Parliament for a term (that is the Queensland Commonwealth Powers Act). The validity of such a reference was not argued because the parties and the interveners were all interested in upholding the validity of the Act, and on it I say nothing.

The following comments of Mr. Justice Webb were to the same effect:

I leave undecided the question whether the Act of 1943 is beyond power.

Surely that is enough to show that in that case the High Court of Australia avoided making any pronouncement upon this particnlar matter.

The Hon. Sir Thomas Playford: There were several pronouncements before they went on to the High Court.

Mr. MILLHOUSE: That may be so. I now come to the sole authority upon which the learned Attorney apparently relies on this occasion, and that is the case decided in 1964—*the Queen v. the Public Vehicles Licensing Appeal Tribunal of Tasmania and others, ex parte Australian Airways Pty. Ltd.* I have read the judgment in this case with some attention in the 24 hours since the Bill was introduced, and the background is that some years ago Trans-Australia Airlines began operating intrastate air services in Tasmania. Ansett-A.N.A. complained to the licensing tribunal on the ground that T.A.A. was not legally entitled to operate intrastate services. T.A.A. was operating in Tasmania at this time pursuant to section 19A of the Australian National Airlines Act. That particular section of the Commonwealth Act depended for its operation in Tasmania upon a reference by the Tasmanian Parliament of the air power to the Commonwealth. That reference had been made by the Commonwealth Powers Air Transport Act, 1952. As the judgment said, the Act consisted of four sections. The material part of section 1 is subsection (2), which provides that the Act shall commence on a date to be fixed by proclamation. Sections 2, 3 and 4 are set out. In fact, it was a reference to the Commonwealth Parliament of the air power, with provision for a determination of that power on a revocation of the reference to the Commonwealth. Section 3 states:

The Governor may at any time by proclamation fix a date on which this Act shall cease to be in force, and this Act shall cease to be in force accordingly on the date so fixed.

The argument in this case was that because the reference of the power by Tasmania contained a provision for its revocation, it was not a valid reference of that power to the Commonwealth and, therefore, that section 19A of the Commonwealth Act fell to the ground and T.A.A. had no authority to operate in Tasmania. That was substanitally the point of the case. It was a strong High Court and consisted of the Chief Justice, Sir Owen Dixon, and Justices Kitto, Taylor, Menzies, Windeyer and Owen. It was a strong and fully constituted court. The High Court's judgment states:

The chief argument, however, relied on on behalf of Ansett-ANA is that paragraph (xxxvii) contemplated the reference by the Parliament or Parliaments of a State or States

of a matter or matters once for all and that the power given by s. 3 of the State Act (No. 46 of 1952) to the Governor of Tasmania by proclamation to fix a date on which the State Act shall cease to be in force is incompatible with a reference under par. (xxxvii) of s. 51 of the Constitution.

The judgment further states:

The simplest approach, however, to the problem is simply to read the paragraph and to apply it without making implications or imposing limitations which are not found in the express words. We must remember that it is part of the Constitution and go back to the general counsel to remember that it is a constitution we are construing and it should be construed with all the generality which the words used admit. (See per O'Connor, J. in the Jumbunna Case (1908), 6 C.L.R. 309, at pp. 367, 368. So reading it, why should there be found in the words "matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States" any implications concerning the period of reference? It is plain enough that the Parliament of the State must express its will and it must express its will by enactment. How long the enactment is to remain in force as a reference may be expressed in the enactment. It none the less refers the matter. Indeed the matter itself may involve some limitation of time or be defined in terms which involve a limitation of time. In the argument before us there seemed to be an assumption that to include the Tasmanian Act No. 46 of 1952 within par. (xxxvii) there must be implications in the words the paragraph employs. But this seems to be an error. There is no reason to suppose that the words "matters referred" cannot cover matters referred for a time which is specified or which may depend on a future event if that event involves the will of the State Governor in Council and consists in the fixing of a date by proclamation.

Again, I say to the learned Attorney, so far so good. The report goes on:

The question which was discussed at length before us as to whether when the Parliament of a State has made a reference it may repeal the reference does not directly arise in this case. It forms only a subsidiary matter which if decided might throw light on the whole ambit or operation of the paragraph. We do not therefore discuss it or express any final opinion upon it.

It is perfectly plain from the passage I have just read that the High Court has not expressed a final opinion on the validity of the revocation of a power referred by a State to the Commonwealth. All that this case decides is that the reference of a power with such a limitation is a valid reference under section 51 (xxxvii). In so many terms they refuse to go further and say that the power may be taken back. I remind honourable members again of the words in the learned Attorney's explanation when he was dealing with this case. He said that the Act "was within the description of reference in section 51 (xxxvii) of the Constitution."

That is literally correct. Of course, the learned Attorney took those words straight from the headnote of the case. The words used are " . . . is within the description in paragraph 37." It is a little longer since the learned Attorney was a law student than it is since I was. However, one of the first things that I, as a law student, was taught was never, never to rely on the headnote of the report of a case but always to look to the body of the judgment. Yet, in this instance the learned Attorney has relied upon a headnote of a report of a case. He has quoted it and it is entirely misleading, as one finds when one reads the judgment, because it does not support the point that the learned Attorney was apparently trying to make.

Therefore, we are in the position that the law on this matter of whether a power can be taken back once it has been referred to the Commonwealth is still in doubt. It is at least arguable that, once we give away to the Commonwealth any of our powers, we can never take them back. That is what the Government is asking us to do by this Bill and I do not consider that we should do it. I do not consider that we should simply hand a power to the Commonwealth, not knowing whether we could ever get it back knowing that, while that power is referred to the Commonwealth, the Commonwealth is omnipotent. The Commonwealth can alter its legislation. Tomorrow it can alter the legislation that the Attorney took 10 or 11 pages to explain to us yesterday and, as altered, it would be binding on us so long as the power remained referred. That could be forever.

This is a mighty thing to give away. I do not consider that we should give it away. I consider that we should retain what is left to us of our sovereign powers in South Australia and, even though I favour the principle of restrictive trade practices legislation, I would not favour introducing that legislation in South Australia at the price the Government is asking us to pay. For those reasons I oppose the second reading.

The Hon. Sir THOMAS PLAYFORD (Gumeracha): I oppose the Bill for reasons different from those stated by my learned colleague, although I agree with his statements about the reference of powers. In the debate when the 14 powers were the subject of a reference from this Parliament to the Commonwealth, several speeches were made by learned

persons, one in particular by the Hon. Reg Rudall, probably one of the most notable constitutional lawyers we have had in this State. That speech is reported in Volume 2 of 1942-43, *Hansard*, and I suggest to all members who wish to be enlightened on this problem that they read that speech and see how much research Mr. Rudall undertook. It was not just a passing reference such as that made by the Attorney-General last evening: he went to considerable trouble to find the truth about whether the State, having referred a power, could take it away again even if it was stated that the power was referred only for a period; what happened when a power was referred, and whether the Commonwealth law coming into existence as the result of a referred power could go out of operation when the power was retracted.

At that time all authorities agreed on at least one aspect: that if a power were referred and if the Commonwealth Parliament legislated in respect of that referred power, the State could not interfere with the legislation that had been passed. That power has gone while it continues to be exercised by the Commonwealth, because no State law can operate if it conflicts with a Commonwealth law that has been properly made. I am sure that that point cannot be argued.

I wish, however, to discuss this matter from another point of view. I claim that I have had as much experience of restrictive trade practices in this State as any member has had. For many years I was the Minister in charge of the Prices Department. When the Commonwealth relinquished price control and the States took it over, I was one of the original Prices Ministers, and I continued to be a Prices Minister until my Government was defeated a couple of years ago. During that time I came in contact with many practices which were inimical to the public interest and which should have been suppressed. Indeed, this Parliament would be justified in suppressing them. However, I have never found a lack of power for this Government to deal with those restrictive trade practices. We did not have a slipshod method of price control: it was a real method. If we found several organizations joined together to hold the public to ransom, we took immediate action. That was the simple method we used. I emphasize to the Attorney-General that this Commonwealth legislation is most one-sided: it fixes the prices only of goods not of services, whereas the State has power to fix the prices of goods and services. Under the Commonwealth legislation the prices of professional services can be subject to arrangement —they are completely outside the Act. If, for instance, some organization likes to fix charges for services for a primary producer, he has no power under the Commonwealth legislation to take action; but, under the State Prices Act, the prices of goods and services can be fixed. Services were not controlled in this State and had to be brought under control. The Commonwealth legislation will undoubtedly come into conflict quickly with our prices legislation.

The Hon. D. A. Dunstan: How?

The Hon. Sir THOMAS PLAYFORD: Because prices are one of the things to be dealt with by the Commonwealth Government under its Bill. Price-fixing is one of the most important arrangements made and, if the Commonwealth Government, having studied an arrangement made for prices, considers it a proper arrangement, it immediately cuts across our ability to fix prices. It is no good the Attorney-General not realizing that.

The Hon. D. A. Dunstan: How will the Commonwealth restrictive trade practices legislation affect, under section 109, our Prices Act?

The Hon. Sir THOMAS PLAYFORD: I took the trouble of looking at the lengthy explanation of the Commonwealth legislation last night, and I considered whether a conflict would arise. I have a good knowledge of the prices legislation in this State and I say without fear of contradiction that a conflict between our prices legislation and the restrictive trade practices Bill would arise immediately if they both operated in the same field.

The Hon. D. A. Dunstan: But they do not.

The Hon. Sir THOMAS PLAYFORD: The purpose of this legislation is to bring Commonwealth legislation to operate locally. The Commonwealth already has power in respect of restrictive practices in trade between States. In fact, Sir Garfield Barwick once went so far as to say that the Commonwealth could carry on satisfactorily without State legislation, and a Bill was prepared. The present Bill has been prepared without any assurance from at least four of the States that they will pass complementary legislation. The authorities under the Bill have been appointed, and the legislation, which is being put into operation without our efforts, will deal with the vast amount of commerce and trade that passes between the States.

The purposes of the present Bill are twofold. The first is to allow the Commonwealth legislation to operate in this State on an intrastate basis. Secondly, I believe that the honourable Attorney thinks this may be a convenient time to extend the powers of the Commonwealth Parliament by giving away some of the authority of the State. Does the Government intend to give away its price control? If it is not going to do that, this Bill is not only unnecessary but undesirable, because it will conflict with the price control legislation. I say that without any fear of contradiction. The Attorney will probably make an assertion about this, whether it is supported or not, like the assertion he made about the reference of powers. The fact still remains that the prices legislation has stood the test of time. If it is properly administered, if sufficient officers are appointed to police the work of the department, and if the principles upon which the Commonwealth legislation first operated are maintained, the prices legislation can be efficient and beneficial, and a complete answer to any restrictive trade practice that may spring up, whether it be in the supply of goods or in the provision of services. I could quote a number of cases where agreements that had been entered into had to be completely dropped as a result of action by the Prices Commissioner, who can void any agreement.

I do not intend tonight to traverse the whole of the Commonwealth legislation. In my opinion, that legislation has many defects, the chief one being that it is so cumbersome in its operation that there is never likely to be very much public advantage from it. So many problems are associated with its operation that in my opinion it will not be very effective. It is interesting to note that while the legislation has been passed now for a long time we have still only reached the stage of talking about it. When Dr. Evatt submitted a proposition to the State Parliaments for the transference of the 14 powers, the States reacted in various ways. Some States passed the legislation with minor amendments, some passed it with some fairly substantial amendments, while others did not pass it at all. The interesting thing was that unless all the States passed the same legislation it became inoperative in the Commonwealth sphere.

The Bill now introduced by the Attorney has been very much publicized: we heard about it for a long time before it emerged. What is the position regarding the Bill before us? I believe that Tasmania has passed a Bill substantially the same, if not precisely the same, as this Bill. Victoria and New South Wales have not passed Bills in this form and, as far as I know, they do not intend to pass any more legislation on this topic. Queensland and Western Australia also do not intend to proceed with such legislation. From the Commonwealth's viewpoint, how effective will be a transfer of power from South Australia and Tasmania if the bulk of the country's commerce is in the States that are not passing the legislation? This legislation is ill-advised; it is a poor excuse for not effectively using legislation that is available to the Government. The Prices Department is starved of personnel, and a much more effective way would be to put our own house in order without trying to make a transfer of powers which, I believe, if made, would be made for all time, notwithstanding any provision in this Bill. I oppose the Bill.

Mr. McANANEY (Stirling): We have just heard a clear explanation of this Bill from the legal viewpoint. What happens if we transfer these powers? I suspect that such a transfer might prove dangerous. I am not an experienced lawyer and I cannot present the kind of case that we heard from the member for Mitcham. However, there are precedents in the law, and the Attorney-General only yesterday, when dealing with the Adoption of Children Bill, said that agreement could not be reached on the Bill and he went ahead with his own ideas because he believed that such action would be best for this State. I do not believe that the Attorney-General is consistent if, on this matter, he is prepared to hand over powers holus-bolus to the Commonwealth Government.

Although I oppose this aspect of the Bill, I believe in the principle of restrictive trade practices. This may seem strange, because I was the only member who opposed price control in this House. The whole principle of restrictive trade practices is that the sources of increased prices are nipped in the bud. To chase round with an army of men to control prices is basically wrong, but if we concentrate on restrictive trade practices we are attacking the roots of price increases, yet we are not interfering with people who are trading in a proper manner without exploiting the public. Price control in this State has been a mixture of restrictive trade practice legislation and price control. It would be much better to eliminate the element of price control; this has been done in other States and in the rest of the world. We should introduce restrictive trades practices legislation.

The Hon. D. A. Dunstan: How would you do that in this State?

Mr. McANANEY: We have just been told that legislation has been in force for a number of years here.

The Hon. D. A. Dunstan: You say that you do not want price control legislation, and that restrictive trade practices legislation should be introduced.

Mr. McANANEY: Two years ago we included some restrictive trade practices in the prices legislation.

The Hon. D. A. Dunstan: Under what section?

Mr. McANANEY: We amended the legislation in regard to discounts and the selling of more than one commodity.

The Hon. D. A. Dunstan: These do not affect collusive practices of the kind dealt with in this legislation, which the member for Mitcham has been talking about. How are we going to do it in this State?

Mr. McANANEY: These are all restrictive trade practices.

The Hon. D. A. Dunstan: How are we going to legislate for them?

Mr. McANANEY: The member for Gumeracha said he had been doing so for 25 years.

The Hon. D. A. Dunstan: You said that was no good.

Mr. McANANEY: We are opposed to the principle of controlling individual prices. The Attorney-General does not know where he is going.

The Hon. D. A. Dunstan: Yes I do.

Mr. McANANEY: He is handing over powers to the Commonwealth Government, but first he should have power to do so. It is interesting to see how ineffective price control has been under the administration of the present Minister in charge of the Prices Department. Prices in South Australia in the December quarter were the highest in Australia and, during the year, were second only to prices in Western Australia, where a boom has been created by an influx of oversea money and where the payment of wages of $100 and $120 a week in the north of the State has been reflected throughout the State generally. Price control has been really ineffective. Over the last few years people in certain organizations wishing to retail a particular commodity have had to be voted on to a selling list by a group of four or five representatives in a particular industry, who have decided whether the person concerned was, in fact, to be a free citizen to sell a certain commodity.

The Hon. D. A. Dunstan: How do you control that under the present Prices Act?

Mr. McANANEY: I am dealing with powers which the Attorney-General says he possesses, and which he can hand over to the Commonwealth.

The Hon. D. A. Dunstan: Do you want us to set up a separate State tribunal as to intrastate practices, when there is a Commonwealth tribunal as to interstate practices? What do you want us to do under them?

Mr. McANANEY: We have restrictive trade practices legislation in this State—

The Hon. D. A. Dunstan: I pointed out that it would be impossible for us to set up a tribunal of our own dealing with one set of practices.

Mr. McANANEY: A Royal Commission in Tasmania recommended that complementary legislation be introduced in that State. I thought Mr. Whitlam said he was going to listen only to experts and would not make any decisions himself. We on this side obtain an expert's report and act on it, whereas the other side apparently does so up to a point but will not permit a fair go for barmaids. I do not support the transfer of power to the Commonwealth Government. Possibly an occasion could occur when a Bill could be introduced into the House to plug up a loophole. Then this Parliament could decide on the facts and this would be satisfactory. Many of these things can be accomplished at the State level. Restrictive trade practices legislation has been introduced in Great Britain with tremendous results and with actual reductions in prices. Under an arrangement, one constituent of the chemical industry was controlled and gradually, with competition, the prices were reduced considerably. A similar result is not achieved through straight-out price control, for that system provides for cost of production plus a reasonable margin of profit.

The Hon. D. A. Dunstan: Under your proposal there would be a separate prices tribunal in every county in the United Kingdom.

Mr. McANANEY: There is only the one Parliament for the whole of the United Kingdom. I oppose the transfer of powers provided under the Bill. The member for Mitcham pointed out that once the Bill is passed the transfer is irrevocable. On the other hand, it would be possible to introduce complementary State legislation providing complementary powers when a need arose. The

other States have now abandoned price control. Therefore, the States that have not agreed to transfer these powers to the Commonwealth Government do not have price control in any form. We can thus appreciate the fact that those States are not prepared to transfer the powers for that reason. Although I believe in the principle of restrictive trade practices legislation, I believe that the procedure in this case would be dangerous.

Mr. SHANNON (Onkaparinga): The points about State rights and privileges have been well covered by the members for Mitcham and Gumeracha. I wish to deal with only one clause of the Bill, and it is the most remarkable clause I have seen since I have been a member of Parliament, which is not only since yesterday. I refer to clause 4 which states:

(1) The Governor may at any time, by proclamation, fix a day as the day on which the reference made by section 2 of this Act shall terminate.

If such a proclamation were promulgated and, because of the passage of this legislation there were some Commonwealth legislation in operation resulting from the transfer of powers from the State to the Commonwealth, has anybody thought what would be the result of a State proclamation in such circumstances? I believe that legally it would be a nullity. If the Attorney-General thinks he is sugar-coating this Bill with a clause such as that, then I can tell him he will not fool anybody.

Perhaps some members are old enough to remember that in the Second World War, before the States agreed with the Commonwealth about uniform taxation, this State was its own taxing authority. When I first entered the Parliament, the State did its own budgeting and levied its own income tax to carry on the business of the State. As a war-time measure, we agreed to what is now commonly called uniform taxation.

The Commonwealth acts as tax gatherer and passes to the States by agreement between the Commonwealth and the States their portion of the taxes so gathered. Does any honourable member remember Sir Henry Bolte's attempt to break with that arrangement? It is not so long ago, and should be within the living memory of every member of Parliament. Sir Henry said he was going to impose his own income tax, but where did he get? Nowhere, because the Commonwealth charge came first and took priority. Having once given the power to the Commonwealth Government, it is theirs for all time unless they pass it back voluntarily. I have not yet seen any legislative body that wants to pass away powers, except this Government. I should be amazed that any responsible Government would bring in such a Bill as this to give away some of its own legislative authority. Surely we know enough about the varying conditions that apply in the six States of this country. Surely we are aware that at the moment, if we have complaints, we do not get a fair deal (the Premier has said just that) commensurate with the disabilities this State suffers. Geographically, the State consists of a vast area cut into three pieces: the mainland, Yorke Peninsula, and Eyre Peninsula. This creates grave disabilities for the State with regard to the communications and the services provided for the people of the State. These are all valid grounds on which the people of South Australia should get a better deal. I am all for the Premier's claim that we are not getting a fair deal.

I am certain that if we give this power to the Commonwealth Government, we will regret the day we do so. Occasions will arise, particularly in this State, which in our own knowledge we would know about, act upon and take steps to correct, but to get the ear of the Commonwealth Government is difficult. Although we have our own representatives in the Commonwealth Parliament, they are so few in number that their voice is like a voice in the wilderness. I have grave fears that if we transfer this power to the Commonwealth Government some things will happen in this State that we would like to take action on. I am not going into the legal argument as to whether our present prices legislation is adequate, but I believe that the experience that Sir Thomas Playford had in administering the Prices Act should have some weight with honourable members who are not acquainted with the workings of the Act.

I do not suppose that any honourable member on either side of this Chamber will fail to remember the occasions when Sir Thomas had to have this power re-enacted, sometimes in the face of opposition from his own members but rarely in the face of opposition from the present Government members. I know he has had opposition from his own Party in this field. I know that under the power given by the Prices Act certain remedial action was taken against people who, in collusion, were holding the general rank and file of the public to ransom with regard to prices. I understood from what Sir Thomas told us that that matter would be dealt with by the Prices Department,

as by fixing a price that particular type of collusion would be broken immediately. I do not intend to debate whether we should have legislation complementary to that of the Commonwealth because, if in the opinion of the present Government it is desirable to plug up some of the holes that we think exist in Commonwealth legislation, we have the power to do it as long as the action we take is complementary to and not in conflict with Commonwealth law. It is a safer policy for this State to adopt a line of action where our own peculiar circumstances warrant some action rather than to trust a Government in Canberra that may or may not listen to our plea.

If our proposal is not in keeping with the thinking of Melbourne and Sydney, the cities that virtually govern Australia, we can whistle but we shall not get a response. I urge the House not to repeat the action of granting powers to another authority when there is no need to do so. If there was a vital need for us to hand this power over in order that certain evils could be dealt with (and the Attorney has not shown that), I would listen. I am a keen supporter of buckling up on the fellow who tries, by agreement with his fellow traders, to fleece the public. I have no sympathy with that kind of trader and agree that he should be dealt with.

I will not suggest that this is an attempt to dodge a dirty job; I consider that there is another reason. The present Labor Government is in favour of transferring all powers now residing in State Parliaments to a unified Government for the whole Commonwealth. That is its avowed policy, as has been stated frequently, and this is a step in that direction that I must oppose.

Mr. HUDSON (Glenelg): I support the Bill. I have been rather surprised by the action taken tonight on this measure by members of the Opposition. I always understood that they were great apostles of competition. However, I think the attitude that they have expressed tonight demonstrates effectively that they are apostles not of competition and free enterprise but of private enterprise, with emphasis on the word "private".

Mr. Quirke: Absolute rubbish!

Mr. HUDSON: The member for Burra may say that but, if he knows anything about the history of Australia compared with that of the United States—

Mr. Quirke: I wouldn't have to know anything about the history of Australia to know that that is bunkum.

Mr. HUDSON: Honourable members opposite have demonstrated tonight that they do not want restrictive trade practices legislation within South Australia: they may privately want it, but there are interests supporting the Liberal and Country League in this State that do not want it.

Mr. Nankivell: Rubbish!

Mr. HUDSON: It is not rubbish, and the honourable member knows that. One great difference between Australia and the United States of America has been the extent of anti-monopoly and restrictive trade practices legislation in the United States. Whatever else one may say about the U.S.A. and Americans in general, they have practised what they preached in relation to private enterprise and competition in a manner that Australian Governments, by and large, have never dreamed of practising. Our record in this field is appalling. One reason for this has been the existence of a Commonwealth Constitution that has been interpreted in relation to section 92 to make Commonwealth legislation governing trade between States difficult indeed.

Whether we like it or not, it is clear from the history of the Commonwealth Government and of State Governments in this field that, generally, they have not been interested in practising the so-called doctrine of competition and free enterprise. Compared with the U.S.A. or the United Kingdom, Australia has a far greater degree of monopoly influence in industry after industry. There are many more instances in Australia of complete monopoly, with one producer of a particular product, than there are in either the U.S.A. or Great Britain.

The Hon. G. G. Pearson: You are not serious!

Mr. HUDSON: I am. If one reads text books, or if one talks to an American coming to this country to study the economy (even if one thinks he is an ivory tower theorist), he will comment on the degree of monopoly within the Australian economy. One of the outstanding features of the Australian economy is the number of products under the sole control of one firm, and that is not at all common in the United States. American economists, when speaking on this subject, say (and this can be found not only in their practical talking but in text books) that the case of an outright monopoly, with one firm completely controlling a particular project, is almost non-existent in the United States. However, there are 14 or 15 examples of that in the Australian economy. I favour State price control, but I cannot delude myself, as honourable members

opposite delude themselves and the public at large, that State price control is effective. It controls prices in a limited field; where a product is produced and sold entirely within the State and it cannot be readily shipped to another State because of high transport costs, the price of that product in South Australia can be effectively controlled. Where a service is provided, such as that of a hairdresser or a plumber, the price of that service can be effectively controlled, because it is difficult for the hairdresser or plumber to say, "I am not getting enough for my services; I shall go to another State." He cannot shift his services to another State without shifting himself as well.

In relation to any product traded outside the State on which transport costs form a relatively low proportion of the total costs, State price control, as a matter of hard cold fact, does little more than match the movements of prices in other States. One of the best examples of that would be the State control on the price of potatoes. We cannot keep the price of potatoes down to 5c a pound in South Australia if the price in Melbourne and Sydney rises to 20c a pound.

Mr. Nankivell: You wouldn't want to, anyway.

Mr. HUDSON: The consumer might have some interest in it. Even the member for Albert and his learned financial friend would like the price of potatoes to be kept at 5c a pound, if possible, in the interests of the consumer. A product like potatoes can be readily shipped to other States. Under section 92 of the Constitution we cannot prevent the movement of South Australian potatoes to other States, so all that State price control does is match the movement of prices of potatoes in other States and probably prevent some profiteering occurring.

Mr. McAnaney: The Minister of Agriculture will have you on the mat!

Mr. HUDSON: He can have me on the mat if he likes but what I have said is true. It is no good members opposite looking at the State Prices Act and saying that this is a great weapon of control over restrictive practices and monopoly. It has not in fact been that. Indeed, if the member for Gumeracha would care to check the Commonwealth statistics, either the C series index or the consumer price index since 1948 when the Commonwealth Government relinquished control over prices, he would find that according to those indexes the extent of the price change in South Australia over the whole period from 1948 until today, or over some periods of that total time, was much the same as it was in the rest of Australia. The member for Gumeracha can shake his head as much as he likes, but that is the case.

Mr. Nankivell: How does a monopoly become collusive?

Mr. HUDSON: If the member for Albert would care to read the Attorney-General's speech in introducing this Bill, he would see that monopolization was covered in the Commonwealth Restrictive Trade Practices Act under a different section from those sections dealing with collusion; he would also see that monopolization had a peculiar definition in that Act: monopolization can exist where one firm controls at least 33 per cent (I think it is) of demand for a particular product. With that definition of monopolization in the Commonwealth Act, it is perfectly possible for collusion to exist between the firm that is a monopolist under that definition and another firm producing the same product, although the economist's definition of "monopoly" is difficult from the Commonwealth Government's definition.

Mr. Deputy Speaker, members opposite have ignored that part of the second reading explanation that explained the advantages of bringing in legislation in this way and the difficulties that would be avoided. I refer honourable members to the words of the Attorney, who said:

By no means the least important of these advantages are as follows:

(1) The public will be subject to one law. Instead of having separate State and Commonwealth laws varying in certain respects there will be one law, and this will lead to a greater degree of certainty and knowledge of what the law is. The Attorney went on to say:

The public of the State and the administering authorities would not have to concern themselves with many complex and unnecessary problems and, in particular, would be able to avoid the duplication and overlapping of inquiries and procedures.

It would be a real problem if we had duplicating State legislation with Commonwealth legislation in this field. The problem of duplication would raise the costs of business, yet we heard nothing from any honourable member opposite about the horrors of raising those costs in this way, and one can only conclude that Opposition members just do not like restrictive trade practices legislation. Certainly the member for Rocky River (Mr. Heaslip) has not even made any comment on what would happen if we had State legislation covering

the same field as the Commonwealth legislation and the duplication that would result from that. The third advantage the Attorney mentioned was as follows:

There being no scope for a complementary State Act to contain any material departures from the scheme provided for in the Commonwealth legislation, the problem whether the Commonwealth would or would not recognize the State Act as a complementary State Act would not arise.

Detailing the advantages further, the Attorney went on to say:

There could be no possibility of any hiatus between the Commonwealth and State laws with the consequence that some agreements and practices would be covered by neither law. Effective Ministerial responsibility for a complementary State Act would not be possible... The serious questions whether the State Parliament can vest State jurisdiction in the Commonwealth Industrial Court and how that court's orders wherever made can be enforced would not arise.

It may well be the case that if we had to introduce complementary State legislation we would have to bring it under a court purely of State jurisdiction, and there could well be, as a result of that kind of procedure, proceedings before both State and Commonwealth courts. I should like now to refer to a matter raised by the member for Mitcham, because I do not think he did justice to the Attorney-General. The Attorney, in his second reading explanation, said this:

At this point I assure honourable members that in the case of *The Queen* v. *Public Vehicles Licensing Appeal Tribunal of Tasmania* (37 A.L.J.R.503), the High Court held that the time limitation in the Tasmanian Act referring the matter of air transport for a period terminable in the same way as expressed in this Bill was a valid reference, and that an Act which refers a matter for a time which is specified or which may depend on a future event—

such as a proclamation by the Governor in Council—

was within the description of reference in section 51 (xxxvii) of the Constitution.

True, as the member for Mitcham says, the judgment specifically excludes a decision on whether or not a revocation of this power by a State would be valid. Even if it had been attempted to decide that in that case (and the member for Mitcham, as a student of law, would know that that was not a firm decision on which we could all rely in future) it would not be part of the law determined by that particular case. In the term of the lawyer, it is *obiter dictum*. While it would be a guide for future determination by the courts, it would not be a firm point of law, and the remarks of the member for Mitcham could just as well have been made even if the court in that particular case had said that a revocation by a State would be valid. That statement by the court would not be binding on the court in the future; it would not be a firm determination of law; it would only be an *obiter dictum*.

Despite the doubt on this particular point, it is nevertheless true that that case decides what in certain respects is a good reference of a State power to the Commonwealth and, by implication, we could suggest certain types of reference that would be bad references. Now, surely, if a reference of power to the Commonwealth that contains a specific time limitation is held to be a good reference of power, that reference carries a strong implication that the possibility of revocation implied in the reference would be held by the High Court to have a certain meaning. I think that while there has been no complete determination upon this point, it is highly probable that the High Court in future will hold (should the situation ever arise that we wish to revoke this reference of power to the Commonwealth and we wish to use clause 4 of this Bill) that it is valid for us to do so.

In conclusion, I want to return to the theme at the beginning of the Bill. If we look at the history of restrictive trade practices and monopoly in Australia and if we regard Australia, at least in part, as a nation and in some matters as needing legislation nationally, then we will recognize the need for effective restrictive trade practices legislation and legislation covering monopoly in this country. We will also recognize that something similar to the Commonwealth restrictive trade practices legislation, which at present is confined to interstate trade and commerce, needs to be applied to intrastate trade and commerce. If we really accept the doctrine of free competition and free enterprise, it is necessary to shake out the cobwebs in many areas of business by promoting competition of one sort or another.

If we recognize this necessity, we shall not judge this Bill from the viewpoint of outside business interests who say, "We do not want restrictive practices legislation operating against us": we shall judge this Bill in terms of the most effective way of obtaining restrictive trade practices legislation that can apply to intrastate trade. Nobody on the Opposition side has yet answered the extensive case outlined by the Attorney-General in his

second reading explanation, listing the advantages of making a reference of power rather than legislating separately, and the disadvantages that would result if, instead of making the reference of power, we legislated separately.

The Hon. D. A. Dunstan: We set out to try to devise separate legislation and found that it was an impossible exercise. We had the Commonwealth Draftsman and our own draftsmen here trying to do it, and it just would not work.

Mr. HUDSON: I am comforted by that remark, because I think it emphasizes once again that members of the Opposition are in a peculiar position on this matter; they like to regard themselves as apostles of free enterprise, but they are subject to all sorts of pressure from vested interests, and they do not wish to offend their friends.

Mr. Quirke: Nonsense!

Mr. HUDSON: I am prepared to except the member for Burra. It must be a comforting position for members opposite to be able to oppose a Bill such as this, not on the ground that we should not have restrictive practices legislation or anti-monopoly legislation but by raising the cry of State rights, and by raising it stupidly, I suggest. There are many circumstances where, if effective legislation on a national problem is desired (and this is a national problem) it must be undertaken nationally. If we adhere rigidly to a federal system we shall not be able to bring about effectively that sort of legislation. I am not suggesting for one moment that we should refer all power to the Commonwealth, as some honourable members opposite have suggested. All I am suggesting is that the extent of interstate trade and commerce today is such that restrictive trade practices and monopoly are not a problem to be dealt with in one particular State: they are a national problem. For those reasons I support the Bill.

Mr. QUIRKE secured the adjournment of the debate.

ADJOURNMENT.

At 9.50 p.m. the House adjourned until Thursday, March 2, at 2 p.m.