HOUSE OF ASSEMBLY

Tuesday, March 14, 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

HOSPITALS.

Mr. HALL: Can the Premier say whether, following the promises made prior to the last State election, any progress has been made in building a 500-bed hospital at Tea Tree Gully?

The Hon. FRANK WALSH: At this stage I have no positive information, but I will try to obtain a report for the honourable member this week.

Mrs. STEELE: In reply to a question on notice by the member for Mitcham earlier this session regarding the time table for the new teaching hospital adjacent to Flinders University, the Premier said that planning had progressed to a stage where plans would be ready for submission to the Public Works Committee in 1967. Can the Premier now say definitely whether the plans are ready for submission to that committee and, if they are not ready when they can be expected to be referred by Cabinet?

The Hon. FRANK WALSH: The plans are not ready to be submitted to the committee. I cannot say when they will be, except that they will be submitted in 1967.

Mr. MILLHOUSE: If there is not sufficient money in the Government coffers to go ahead with both of these projects (and both of them were mentioned in the same paragraph in his policy speech before the last election), which one will have preference?

The Hon. FRANK WALSH: When the Government presents its next Loan programme, the honourable member will probably understand our intentions.

TEACHER'S DEMOTION.

Mr. CLARK: On the 7 p.m. news from television channel 2 last Saturday evening I heard that Mr. Murrie had been demoted because he criticized the staffing at the Larrakeyah school. The editorial in yesterday's *Advertiser* expressed the view that the penalty of demotion to Chief Assistant (with, I understand, a loss of pay of about $1,000 a year) seemed unduly severe. Can the Minister of Education comment on these statements?

The Hon. R. R. LOVEDAY: I regret having to make further statements on this matter because I have already issued two full and detailed statements covering, as far as I thought, most aspects of the question. However, in view of what was telecast from channel 2 and what was printed in the *Advertiser* yesterday, I should say something more about the matter. The statement from channel 2 was incorrect. Mr. Murrie was not demoted for criticizing the staffing of Larrakeyah school: he was demoted because he had urged all parents of children in infants grades to send their children to another school so that, as he stated in his circular, "the educational structure will collapse". He also stated:

> Every parent in Darwin should be made aware and will be made aware that unless their child attends Rapid Creek or Parap school, they will be receiving a second-rate education.

Thus he condemned not only his own school but all other schools except the two with infants schools attached. To justify his action, Mr. Murrie made statements which, he has since admitted, were untrue or misleading. I referred to some of them in my press statement.

Public confidence in the education system in the Northern Territory has been so undermined that the Legislative Council in the Northern Territory has resolved to request the Commonwealth Government to investigate thoroughly the education system there. In my opinion, which is supported by the Director-General of Education and his senior officers, Mr. Murrie is at present unfitted to hold the responsible position of headmaster or deputy headmaster.

The position next in seniority in that of Chief Assistant, Class 1, to which he has now been appointed. As the salary for this position is prescribed by the Teachers Salaries Award, I have no authority to pay a greater salary to a teacher holding such a position. As I have said, Mr. Murrie's actions call for his removal from a position of responsibility, for which he has clearly shown himself to be unfitted at present. If an *Advertiser* employee behaved as Mr. Murrie behaved, I believe he would be instantly dismissed. I emphasize again that Mr. Murrie's future prospects in the education service will depend entirely on himself.

Mr. NANKIVELL: Mr. Murrie is particularly well known to me, and to say that he is as irresponsible as has been claimed seems to be a rather extraordinary statement. As there is a tremendous amount of conflicting evidence, as it has been said that the Minister is not properly informed, as the Minister has said in the House this afternoon that Mr. Murrie has contradicted some of his own statements, and as, in turn, incorrect information has been given in the public statements already referred to in the House, can the Minister say whether he will make available to the House a copy of the circular sent out by Mr. Murrie, together with full information relating to this case, so that members may study the material and ascertain the facts of the matter? Today's *News* states that the Minister has been ill advised, grossly misinformed and misled by senior departmental officers. That is a serious statement. Will the Minister make the full facts available to the House and, if it is considered desirable, will he consider allowing Mr. Murrie to appeal against his demotion?

The Hon. R. R. LOVEDAY: This morning, my attention was drawn to a statement that had been given to the *News* by the South Australian Institute of Teachers, and I was asked whether I wished to comment on it. I believe that this is the *News* article to which the honourable member has referred. My only comment was that I believed that the views expressed by the institute would not be the considered views of most teachers in South Australia, and that, in view of what had been said regarding the truth or otherwise of various statements, the best way to test these was for Mr. Murrie to appeal in the proper way under the terms of the Education Act. I would welcome any inquiry for an appeal. I should be happy to supply the House with copies of the circular, but there are difficulties regarding all the other documents. When this matter first broke I approved of the department's Chief Inspector attending in Darwin, together with Mr. LeCornu, Northern Territory Superintendent, to ascertain the truth or otherwise of the allegations made by Mr. Murrie. I gave permission for a representative of the institute to be present throughout the whole of that interview. A transcript was made, and the evidence is in the transcript. Obviously, I cannot make copies of the transcript available to everybody in this House, but I am willing to make available a copy of the circular and, if there is anything else that I feel can be done to give members more information, I shall be only too pleased to do it.

Mr. MILLHOUSE: Today, I have been sent a copy of the news release by Mr. F. A. Woithe (President of the institute) and also a special report on the Murrie case compiled by the institute. The member for Albert (Mr. Nankivell) referred briefly to the press release, but another part of it states:

The statements made by the Minister are erroneous in some respects and are so distorted and incomplete we can only assume they have been devised to support existing malpractices and to attempt to justify the manifestly excessive penalty imposed on a teacher who enjoys the confidence and respect of parents, colleagues, and the community generally.

I shall not quote the 20 paragraphs of the special report, but the first paragraph states:

There is no reference in the Minister's statement to the regulation or regulations under which Mr. Murrie has been demoted. Furthermore, Mr. Murrie received no notification of any charge or violation of the regulation prior to the investigation, nor has the Minister, although recognizing that Mr. Murrie is not a public servant, made it clear under which regulation he has been penalized. We believe also that Mr. Murrie has not been given any opportunity to formally defend himself.

Although the second paragraph states that, in fact, an additional teacher and a replacement for Mr. Murrie were appointed immediately, I refer particularly to the first paragraph, and ask the Minister of Education whether Mr. Murrie has been informed of the regulation or regulations that he has, in the Minister's eyes, breached, and, if he has, whether the Minister can say what those regulations are? If Mr. Murrie has not yet been informed of this, will the Minister take immediate steps to see that he is so informed, and will he, himself, inform the House?

The Hon. R. R. LOVEDAY: I believe that I am correct in saying that, as a result of legal advice, the full statement issued by the institute, from which the honourable member has quoted, is not to appear in print. I have said all that I intend to say in the House about this matter: I have answered two questions and, as there will probably be an appeal, I have nothing further to say.

RESIDENTIAL COLLEGE.

Mr. COUMBE: Has the Minister of Education a reply to the question I asked last week about establishing a university residential post-graduate college at North Adelaide?

The Hon. R. R. LOVEDAY: The Vice-Chancellor of the University of Adelaide has

informed me that a constitution for the proposed college for post-graduate students has been drawn up and approved by the Council of the University of Adelaide, which has agreed to grant the college affiliation. The new college will be called Kathleen Lumley College. An interim council under the chairmanship of Professor R. N. Robertson has been appointed. Sketch plans for the college, which have already been completed, are at present being considered by the Australian Universities Commission. Consideration is being given to a proposal of the University Council to transfer to the college some land between Mackinnon Parade and Finniss Street in North Adelaide. The first building will face Mackinnon Parade.

MAIN ROAD No. 99.

Mrs. BYRNE: Has the Minister representing the Minister of Roads a reply to my recent questions about Main Road No. 99?

The Hon. J. D. CORCORAN: My colleague the Minister of Roads reports that the following works are proceeding in connection with roads leading to the Para Wirra national park:

Black Top District Road (from the Main North Road to One Tree Hill): Construction is in hand by a departmental gang and will be completed in about 12 months.

Smithfield-Modbury Main Road 99 (from Black Top Road to Sampson Flat): The design has been completed and land acquisition has commenced. Construction will be carried out by a departmental gang and will be completed about 12 months after completion of the Black Top Road.

Para Wirra National Park Road (from Sampson Flat to the park): Design is in final stages and land acquisition will commence shortly. Construction will be carried out by both departmental and council gangs, supplemented by contractors; it will commence about October of this year and be completed in about June, 1969.

Smithfield-Modbury Main Road 99 (from Sampson Flat to Golden Grove): Preliminary planning and design is still in hand on this section, which involves extensive deviations. No firm date has yet been fixed to commence construction, but it appears at this stage that it will not be before the end of 1968.

PORT PIRIE INDUSTRY.

Mr. McKEE: I was pleased to notice in the weekend press a statement by Mr. Stadler (President of Australian Ceramic Industries) that his company had decided to establish an industry at Port Pirie and that negotiations were proceeding for the purchase from the Government of the plant formerly used to treat uranium. Has the Premier further information on the establishment of this industry?

The Hon. FRANK WALSH: Negotiations were carried out with the Premier's Department by a representative of the company towards the end of last year. At that time is was requested that no public announcement be made concerning the project until inquiries had been made overseas. As the Government was not consulted again prior to the recent announcement being made, I have asked the Minister of Mines to inquire concerning this matter. He has not yet received additional information, but he expects to receive it soon.

Mr. HALL: In view of the enthusiasm shown by the member for Port Pirie when asking his question, does the Premier believe that this industry would require natural gas?

The Hon. FRANK WALSH: I have no authority to delve into that matter. The organization concerned has made no further approaches to me but, if and when it makes them, its requirements will be considered thoroughly.

MOONTA MINES WATER SUPPLY.

Mr. HUGHES: The Leader of the Opposition was reported as having said in Mount Gambier yesterday that the Government was falling down on its obligations to country areas, whereas I think he should have told the people there that the previous Government had fallen down on its obligations to those areas, as is evident from a letter I have which was addressed to me in the form of a petition. That letter states:

We, the undersigned, wish to draw attention to the extremely poor water supply to our properties in and around Moonta Mines. Throughout the summer months inconvenience is caused through insufficient water to our homes for maintaining gardens, poultry, and septic tanks. Should a fire occur, the position would be serious, so much so that we would have to watch our homes burn. We ask that the position be investigated with a view to action being taken to improve the supply. We feel that we are paying for service which we are not receiving. We would appreciate your assistance in having a better water supply to this area.

I have previously received a number of similar letters regarding poor water supplies in my district, in which some of the mains have been down for 90 or 100 years. This would appear to be the position in the present case,

and therefore it is a reflection on the previous Government. If I hand this letter (which is in the form of a petition carrying the signatures of 102 people from Moonta Mines and East Moonta) to the Minister of Works, will he have the matter investigated with a view to seeing whether a better water supply can be given to these people, such as that which he gave to the people in Cross Roads last year?

The Hon. C. D. HUTCHENS: If the honourable member hands me the letter and the petition I shall certainly take steps to see what can be done, and I hope I shall be as successful as I was previously.

The Hon. G. G. PEARSON: Does the Minister agree with the following facts: that during the previous Administration the Warren trunk main was completely rebuilt, one of its purposes being to augment supplies to the district of the member for Wallaroo, particularly to the townships of Wallaroo and Moonta; that many extensions were made as a result of that augmented supply, namely to the north shore of Wallaroo and to other places; and that towards the end of the term of office of the previous Administration substantial areas in the District of Wallaroo (to which he referred) were re-organized and re-laid with improved supplies as part of a programme to complete re-organization in later years? Can the Minister say whether that programme has been continued since he became Minister and, if it has not been, does he not think that the member for Wallaroo should attribute some responsibility to him?

The Hon. C. D. HUTCHENS: The answer to some of the questions asked by the honourable member is "Yes". During the 32 years in which it was in office the previous Government would have been expected to effect many improvements and to have had a development plan. When this Government has been in office for 32 years, it will be able to boast of much better results.

The Hon. G. G. PEARSON: In my previous question I referred to projects that had been carried out in the District of Wallaroo, particularly in the townships of Wallaroo and Moonta; but my natural modesty prevented my saying that these projects were carried out in the latter stages of the previous Administration when I was Minister of Works. I must now make my question more specific and come from behind my veil of modesty in order to do so. Is it a fact that all the projects I referred to were carried out during the last seven years of the previous Administration? Has the Minister done anything to improve the water supply in the area referred to by the member for Wallaroo and, if he has, what has he done?

The Hon. C. D. HUTCHENS: Even with all his modesty, I believe that the honourable member has been a little mischievous, and I cannot blame him for that. The area referred to is a very wide area represented by the honourable member for Wallaroo, and much has been done to improve the water supply there as a result of representations made by him.

GOVERNMENT PRINTING.

Mr. RODDA: On November 16 last year I raised with the Premier a question regarding the possible printing of Government documents and stationery in the South-East. Has he a reply?

The Hon. FRANK WALSH: The Government Printing Office is in a much better position in processing the printing requirements of Government departments at present, and the backlog of work has been considerably reduced. All printing orders for the Woods and Forests Department are issued from the main Stationery Office in Rundle Street, Adelaide. The printing firms could advise the Stationery Officer of the facilities available at these printing establishments, and probably some of the work could be sublet to them as the occasion arises.

BRIGHTON ROAD.

Mr. HUDSON: For some time now Brighton Road throughout most of its length has been in a fairly unsatisfactory condition. The Highways Department has agreed to resurface that portion of Brighton Road extending between Dunrobin Road and Stopford Road. Will the Minister of Lands ascertain from his colleague, the Minister of Roads, whether this work has been delayed, and, if it has, when it is expected to be completed? The second part of my question relates to the rest of Brighton Road scheduled for widening and resurfacing. In view of the near completion of that portion of Drain No. 10 that runs along Brighton Road, can the Minister indicate when the rest of Brighton Road can be resurfaced and widened?

The Hon. J. D. CORCORAN: I shall be happy to obtain a report for the honourable member as soon as possible.

UNIVERSITY LIBRARY.

Mr. FREEBAIRN: Has the Minister of Education a reply to my question of last week about proposed extensions of the Barr Smith Library at the University of Adelaide?

The Hon. R. R. LOVEDAY: The Vice-Chancellor has informed me that the University of Adelaide plans to provide additional accommodation for its library in a new building (part of which will be underground) to the south of the existing library building and linked to it for easy access. The proposed building will also provide a large lecture theatre (mainly for mathematics) and accommodation for the Faculty of Architecture. The finance available to the university in this triennium is not sufficient to complete these plans, but the university will begin the project. The first stage, which will cost about $470,000, will provide the lecture theatre, part of the required accommodation for architecture, and some space for the library. The next stage will cost about $2,000,000. When it can be completed, the university will have sufficient library accommodation for many years.

RAILWAY CROSSINGS.

Mr. CASEY: Has the Premier, representing the Minister of Transport, a reply to my question of last week about railway crossings?

The Hon. FRANK WALSH: My colleague has supplied the following report:

Locomotives are provided with headlights which are clearly visible by day and by night to the drivers of road vehicles approaching level crossings. In addition, secondary lights are provided on locomotives that are visible from the side at night, and marker lamps are provided on brakevans that are also visible from the side. Consideration has been given to the provision of additional side lighting, but it is evident that such lights would prejudice safe train operation through interference with statutory railway signals. The placing of additional lights on the sides of the locomotives only (as suggested by the honourable member) would not, in my opinion, add anything worthwhile to the illumination already provided on locomotives.

SAND.

Mr. HURST: There has been a controversy regarding the removal of sand from the sand dunes in the Semaphore South and Tennyson areas. Can the Minister of Works say who controls the use of this sand, whether any contracts have been let for the removal of the sand, and what are the future intentions regarding the use of these deposits?

The Hon. C. D. HUTCHENS: As the honourable member indicated earlier that he would ask this question, I have obtained the following report from the General Manager of the Harbors Board:

South Australian Silicates Company Proprietary Limited has a mineral lease current until 1985 over a stretch of sand dunes just south of Fort Glanville from which it removes sand. No details are available. Australian Glass Manufacturers Co. Pty. Ltd. leases 10 acres of land from the board just north of Estcourt House and under the terms of its lease can remove sand down to a certain level. The lease was granted in 1954 for a term of 25 years. The sand is used for the manufacture of glass. The removal of sand by the Harbors Board from the Tennyson area is now completed, about 50,000 cubic yards having been removed recently for the reclamation of a container depot site at Gillman, Port Adelaide.

Any further removal of sand from this area will be under the Upper Port Reach Development Scheme, at present in abeyance. Under this scheme all the remaining sandhills in the board's ownership will be levelled. The recent removal of sand left the dunes at a level of about R.L. 120 or 8ft. higher than the highest recorded tide. All the land from which sand has been removed, both recently and over the past 10 years, is scheduled for development under the Upper Port Reach scheme.

RENTAL HOUSES.

Mr. CURREN: Has the Premier a reply to my question of last week concerning the Housing Trust building programme in the Upper Murray towns and the waiting time for applicants to obtain houses in that area?

The Hon. FRANK WALSH: At Renmark a further 23 rental houses have been approved and construction has already commenced. At Berri six rental houses are under construction; at Barmera one rental house is being constructed under the Rental Grants Homes Scheme, and consideration is being given to a further programme in this town. It is realized that the demand for rental accommodation is strong in the Upper Murray and consideration will be given to including double-unit houses in next year's quota.

GUM TREES.

The Hon. T. C. STOTT: I understand that the Minister of Irrigation now has a reply to the question I asked on March 2 concerning gum trees, the syphoning of water from the basin opposite Loxton, and the salinity in the Murray River.

The Hon. J. D. CORCORAN: Syphoning of water from the evaporation basin into the river to reduce the level of seepage water affecting gum trees was commenced in May, 1965, when the water level in the basin and the river flow conditions were such that the release of the seepage water could be effected without harm to irrigators downstream. However, by the end of 1965 the relative salinity of the seepage water and the river were such that the syphons had to be shut down. Since then the water level in the basin

has been below the level of the river or river flow has been insufficient to permit further release from the basin. Following submissions by a deputation representing local organizations in January last, the Director and Engineer-in-Chief was asked to investigate the practicability of constructing an embankment east of Horse Shoe Lagoons to prevent the movement of saline water from the northern drainage outfall towards the gum trees in the vicinity of the lagoons.

The deputation was informed at the time that the practicability of its proposal would depend not only on the costs and engineering aspects involved but also on the length of time the spread of seepage water could be restricted to a portion of the evaporation basin, having regard to the present and future rate of flow from the drainage outlet. The investigation by engineers has progressed to the stage where present flow rate has been assessed and preliminary inspection of possible embankment sites has been made. I expect a report from the Director and Engineer-in-Chief within a few weeks.

INSURANCE PREMIUMS.

Mr. McANANEY: Has the Premier a reply to my recent question concerning third party insurance premiums on country motor vehicles?

The Hon. FRANK WALSH: The report of the Insurance Premiums Committee has been tabled today and the detail supplied by the committee will be available for study by the honourable member. The committee's procedures involve an examination of the number and value of claims that have occurred since the last investigation, for each of several classes of vehicle. From this examination it is able to calculate the premium which would have been necessary to meet claims and costs in that period.

At the time of the 1964 review the weighted average premium required for country private and business cars, derived from the experience of the preceding two years, was about $14.5 and the premium then set was $15. The similar weighted average derived from the experience of the two years up to June 30, 1966, was nearly $22. Having regard to the sharp increase and the prospect of continuance of this trend, the committee considered that $25 was a fair and reasonable premium to fix for country private and business cars for the next two years.

HOLDEN HILL HOUSING.

Mrs. BYRNE: Has the Premier a reply to the question I asked on March 8 about the erection of houses at Holden Hill by the Housing Trust?

The Hon. FRANK WALSH: It is intended that the 63 houses at present under contract will be for sale.

TAILEM BEND TO KEITH MAIN.

Mr. NANKIVELL: Has the Minister of Works a reply to the question I asked about revenue received from the completed section of the Tailem Bend to Keith main?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief has supplied the following details:

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Current estimated cost of the Tailem Bend to Keith main	8,000,000
Expenditure to February 28, 1967	2,540,000
Interest on outlay at current rate of 4.7 per cent	119,000
Rates charged for 1966-67 ..	3,731.87

It is reported that 36 properties have been connected, and further services will be provided off the Tailem Bend to Keith main as applications are received.

GLENCOE ROADS.

Mr. RODDA: Has the Minister representing the Minister of Roads a reply to my recent question about roadworks being undertaken at Glencoe?

The Hon. J. D. CORCORAN: The Minister of Roads reports that reconstruction and sealing of these roads has been considered on several occasions but that because of their minor nature, in relation to the pressing needs concerning other roads in the State, allocation of funds has had to be deferred. The work is not included in the department's advance programme.

OAKLANDS CROSSING.

Mr. HUDSON: The Oaklands railway crossing in my district has become a difficult crossing to negotiate, particularly because leading into the crossing are four roads to the north and five to the south. It has recently come to my attention that in the late afternoon, when the traffic is heavy, motorists have been held up at the crossing because of passenger trains. In addition, immediately after the flashing lights cease and the traffic proceeds over the crossing, many of the motorists travelling south, who desire to turn

half right into Morphett Road or full right into Addison Road, are held up on the crossing as traffic passing to the north clears. I point out that trains frequently pass over the crossing in either direction within a short space of time. Indeed, conditions at the crossing are becoming increasingly dangerous, bearing in mind that traffic is actually held up on the crossing itself and is in danger of stalling, with the possibility always of a train which is coming in the opposite direction causing an accident for that reason.

Having made previous representations to the Minister of Transport concerning this matter, I have been informed that an interdepartmental committee, representing the Railways and the Highways Departments has been considering redesigning the whole crossing, with a view ultimately of establishing boom gates there. In view of the increasing density of the traffic at this point and of the hold-ups that occur on the crossing itself, will the Premier take up with the Minister of Transport the possibility of installing boom gates at the crossing prior to its being redesigned?

The Hon. FRANK WALSH: I will take up this matter with my colleague and try to ascertain the position for the honourable member.

TORRENS RIVER BRIDGE.

Mrs. STEELE: Has the Minister representing the Minister of Roads a reply to the question I asked last week about the Highways Department's intentions concerning a river crossing east of the Paradise bridge on the Torrens River?

The Hon. J. D. CORCORAN: The Minister of Roads reports that the Highways Department at this stage has no plans for a bridge across the Torrens River east of Paradise bridge.

WEST BEACH SCHOOL.

Mr. BROOMHILL: Last week I asked the Minister of Education for information as to the use of land held by the Education Department for a new school at West Beach. I understand the Minister now has some information.

The Hon. R. R. LOVEDAY: The building of this school was recommended by the Public Works Standing Committee on November 8, 1966. Tenders have not yet been called, but construction is expected to commence before the end of 1967 and the school to be ready for occupation in the third term of 1968.

POWER BOATS.

Mr. CASEY: My question is directed to the Minister of Marine. Some time ago, I directed several questions to the Minister of Agriculture, who I understood controlled the use of small craft in South Australian waters. Indeed, I understand this matter still comes under his jurisdiction regarding some of its aspects. Recently, a special committee was set up to inquire into the pros and cons of small craft operating in South Australian waters. This committee covered a very wide field. My questions directed to the Minister of Agriculture over the past six or eight months brought to his notice the advisability, as I saw it, of equipping all craft operating in South Australian waters with lifesaving equipment. Many small craft have been overturned both away from and close to the shore. Equipping small craft with lifesaving equipment seems to be the best possible way of saving lives. As the report is now available, can the Minister of Marine say whether he has read it and, if he has, what are the recommendations of the special committee?

The Hon. C. D. HUTCHENS: With the permission of the House, I should like to take this opportunity, in replying to the honourable member's question, to thank the committee that studied the registration and safety of power boats. Considering that it was a voluntary committee, it has done a remarkable job, and at less cost than the the Government allowed. I can understand the member for Frome's confusion in thinking that the Minister of Agriculture was responsible for the control of small craft, as it was because of the Minister's persistence over many years that the Government finally set up the committee. In reply to the honourable member, the committee recommends that the compulsory carriage of basic lifesaving equipment be implemented by State law and that the responsibility for such implementation be vested in the State marine authority.

EGGS.

Mr. FREEBAIRN: I understand that officers of the Agriculture Department have undertaken a management survey of poultry farms in South Australia in the last financial year. Can the Minister of Agriculture say whether that is so and, if it is, when the report will be printed?

The Hon. G. A. BYWATERS: I shall obtain the information for the honourable member.

FIRE BRIGADE.

Mr. LANGLEY: Has the Premier an answer to the question I asked on January 27, 1966, concerning the staffing of fire stations in order to meet the demands of industrial and residential areas?

The Hon. FRANK WALSH: The Fire Brigade Board has under constant review the provision of adequate facilities for the protection of life and property against fire in its expanding districts. The board recently opened a new station at St. Marys and has purchased land in strategic locations with a view to building new stations. Plans and specifications are currently being prepared therefor. The board has a policy of regularly replacing its older fire appliances and of modernizing buildings, equipment and methods to maintain and improve efficiency.

DRAINAGE.

The Hon. T. C. STOTT: I understand the Minister of Lands has a further reply to the question I asked last week on the allocation of the cost of drainage between the Commonwealth Government and the State Government.

The Hon. J. D. CORCORAN: The additional expenditure estimated at $750,000 consequent upon an extension of the drainage assistance period to June 30, 1972, being expenditure after valuation, is legally the responsibility of the Commonwealth Government. However, having regard to experience since the drainage assistance period was previously fixed, the State Government accepted the fact that it had a moral obligation to share the cost and agreed to do so on the same basis as applied to the excess of the total cost involved in acquiring, developing and improving holdings and the sum of the valuation of land and improvements, namely, three-fifths to be contributed by the Commonwealth and two-fifths by the State. The Commonwealth will provide the capital moneys for the additional cost of drainage and the State's two-fifths share will be paid to the Commonwealth progressively until the State's liability is liquidated. No date for payment to commence or to be finalized has been sought or arranged.

WARDENS' COMPENSATION.

Mr. CURREN: I have received the following letter, dated March 9, 1967, from one of my constituents at Overland Corner:

I would be pleased if you would ask the Minister of Agriculture to answer the following query: Are honorary wardens appointed under the Fauna Conservation Act, 1964, covered by insurance or compensation in the event of any injury or death occurring while carrying out their duties under the Fauna Conservation Act? In explanation, I would like to point out that all persons I have spoken to, whom I suspected were committing an offence against the Act, were carrying firearms. Invariably the firearms point in my direction. The only shooter safety conscious enough to unload his rifle did so with the muzzle pointing at my chest.

Will the Minister of Agriculture have the matter investigated and ascertain whether wardens are covered for compensation?

The Hon. G. A. BYWATERS: Yes.

UNEMPLOYMENT.

Mr. MILLHOUSE: Last Friday I was approached on behalf of a registered plumber who was about to be put off from his employment with a private building firm because of slackness, and I was requested to see whether it would be possible for him to get a job with any Government department. I therefore spoke about this to an officer in the Public Buildings Department who is well known to me, and he told me that in his section there was a complete embargo on new employment, and that even those who were leaving were not being replaced. I understand that the position is the same in other sections of the Public Buildings Department, and inquiries of the Highways Department and the Engineering and Water Supply Department elicited that no employment was available in those departments. The question I ask the Minister of Works is whether in fact there is a complete embargo on the taking of new employees into departments under his control and, if there is, how long it has been in force; and whether he proposes that it should be continued indefinitely or, if not, for how long?

The Hon. C. D. HUTCHENS: I know of no embargo. I must admit that the building industry is suffering considerably in South Australia. However, I point out that the Public Buildings Department has spent more this year than in any previous year in an endeavour to keep building activity going as much as possible. Therefore, the falling off in building which is evident is not due to the Government programme. I think we should have a very good look at the possible causes of this falling off in the building industry. Honourable members will be well aware that we in South Australia depend very largely upon our pressed metal industry, and that the sales from that industry largely decide whether our building programme develops or remains static. Only 50 per cent of our

pressed metal products is sold in South Australia, so we depend to a great extent on sales in the Eastern States, and the sales there have fallen off largely because of the drought in New South Wales. My Cabinet colleagues are very conscious of the disability being suffered by the building industry and are at present considering what action they may take with a view to bringing about some improvement.

VICTOR HARBOUR TRAIN.

Mr. McANANEY: Has the Premier a reply to my recent question regarding the Victor Harbour train service?

The Hon. FRANK WALSH: The Minister of Transport states that the number of passengers carried on this service during 1965-66 was 10,576. The revenue from this service was as follows: passenger, $15,843; parcels, $7,045; and mails, $1,418, making a total of $24,306.

GAUGE STANDARDIZATION.

The Hon. Sir THOMAS PLAYFORD: My question refers to a matter that was dealt with in a letter to the *Advertiser* and also in a press report regarding the number of unemployed persons. In an agreement that was signed between the State of South Australia and the Commonwealth Government (in 1946, I believe), the Commonwealth Government agreed to undertake the standardization of certain railway lines in South Australia and also the completion of a standard-gauge line through to Darwin in accordance with the Northern Territory Surrender Act of 1907. Will the Premier take up with the Commonwealth Government the question of proceeding either with the link in standardization between Adelaide and Port Pirie or alternatively with the link between Marree and Alice Springs (where at present there is a most serious dislocation of services), not only in the interests of improving the position of this State commercially but also from the point of view of giving a service and at the same time providing some alleviation of the employment position?

The Hon. FRANK WALSH: I am prepared to take this matter up first with the Minister of Transport, after which it would be necessary for me to communicate with the Prime Minister. However, I am unable at this stage to indicate any particular preference in this question of standardization, particularly in view of the known facts associated with the standardization between Cockburn and Broken Hill, which is expected to be completed by about 1968. If I had to make a choice in this matter I would say that the people of Alice Springs would have to get first preference for an all-weather railway system, for I believe that this will become an important area. If we want to encourage people to remain in the Northern Territory and particularly in Alice Springs, which is a very important town, we should see that they are not isolated as a result of the flooding that occurs from time to time. Those people deserve a preference, and I would hope that the Commonwealth Government, without my intervention in Commonwealth railway matters to that extent, would have sufficient foresight to immediately attempt to put in an all-weather railway system to Alice Springs.

Mr. NANKIVELL: Has the Premier, representing the Minister of Transport, a reply to my question of last week about the present and future programmes for rail standardization in South Australia?

The Hon. FRANK WALSH: The standardization of the railway between Port Pirie and Broken Hill was planned for completion at the end of 1968. Work on the South Australian portion of the route between Port Pirie and Cockburn is proceeding satisfactorily. However, a decision has not yet been reached regarding the route of the line between Cockburn and Broken Hill. Depending upon which route is adopted, there could be some variation in the completion date. The Commonwealth Government has arranged for the Commonwealth Railways Commissioner, in consultation with the South Australian Railways Commissioner, to prepare a report on the proposal to standardize the gauge between Port Pirie and Adelaide. Preliminary estimates and other pertinent information have been supplied to the Commonwealth Railways Commissioner, but it is understood that his report has not yet been submitted to the Commonwealth Government. In the event of the line being standardized, it is envisaged that the passenger terminal will be at the Adelaide railway station. Detailed planning is not yet far enough advanced to state categorically that the freight terminal will be at Islington. However, the department seeks to have an area of land reserved in that locality for possible railway requirements.

TOURISM.

Mr. HALL: Yesterday, when I attended a meeting at Mount Gambier, several people expressed to me their concern at what they said

was the insufficient thought being given by the State Government to tourist activities in South Australia, particularly in the Mount Gambier district. It appears from the Estimates of Expenditure that the Government has increased by about 12 per cent the money allocated this year to advertising the State, and that it has allocated about the same in subsidies to local government authorities for development as was allocated last year. Of course, I know that the Government is under a severe financial strain. Can the Premier, as Minister in charge of the Tourist Bureau, say whether the sum allocated in the Estimates for tourist promotion will be fully expended this year?

The Hon. FRANK WALSH: I have some doubt about the accuracy of some of the statements made by the Leader. Because of certain press reports, I wonder whether he solicited information or whether it was given to him voluntarily. If the Leader wishes to make public statements, I hope he will be a little more accurate in the figures he gives. The money allocated for expenditure by the Tourist Bureau this year will be spent in the interests of South Australian tourism.

MAIN NORTH-EAST ROAD.

Mrs. BYRNE: Has the Minister of Lands, representing the Minister of Roads, a reply to my question of March 8 about the widening of the Main North-East Road at Modbury?

The Hon. J. D. CORCORAN: My colleague reports that the reconstruction of the Main North-East Road between Grand Junction Road and Smart Road is expected to be completed by April, 1968.

BRIGHTON TECHNICAL SCHOOL.

Mr. HUDSON: Recently it has been my pleasure to visit the new Brighton Boys Technical High School. With the parents of children at the school, the children, and teachers, I was thoroughly delighted with the school and with the general standard of the facilities provided, particularly the new workshop area. At the school has been built a shelter area with a stage at one end, exits from which lead into change rooms and a storage area. The design is sensible, for it means that the shelter area can be utilized for an assembly area, for concerts and for other purposes. Also, special lighting (including spotlights) has been installed. Unfortunately, this shelter-cum-concert area is open to the weather at the eastern end. At present, it would not be sensible for any material to be left in the area at night or for a piano (if it were purchased by the parents) to be left on the stage. Indeed, possible vandalism presents a danger to the existing lighting in the area. Will the Minister of Education consider the installation of concertina-type doors of some type at the eastern end of the area, so that it can retain its dual function as an open assembly and concert area in the daytime and can be effectively closed at nights and at weekends when the school is not occupied?

The Hon. R. R. LOVEDAY: I shall be pleased to have the matter fully examined to see what can be done about the honourable member's request.

EASTWOOD INTERSECTION.

Mrs. STEELE: Has the Minister of Works a reply to my question of March 8 about the recementing of pipes which is being carried out at the intersection of Fullarton and Greenhill Roads and which is obstructing the view of motorists?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief has informed me that Cement Linings Proprietary Limited is at present engaged in cement lining, in situ, the 12in. main on Greenhill Road. This work has been proceeding for some time and, because of the necessity to maintain supplies to all consumers, it has been necessary to have a number of holes, excavated over control valves near the intersection of Greenhill and Fullarton Roads, open for some time. Although this work is being done by contract, the department has exercised close supervision over it to ensure the least inconvenience to the public. Each night these excavations in the traffic lanes are covered with steel plates which are only removed during daylight and working hours. When a build-up in traffic was noticed on Tuesday evening last week as a result of a particular operation which Cement Linings Proprietary Limited was carrying out, the Police Department was contacted by the departmental superintendent of distribution. The police attended the intersection that evening and have periodically returned to it and controlled the traffic as they have found it necessary. The closest liaison has been established between the department and the Police Department on this job (as on all other large works on major roads) to minimize any inconvenience to the public.

DAWS ROAD PASSENGERS.

Mr. LANGLEY: Has the Premier, representing the Minister of Transport, a reply to

my recent question about whether the route of the bus service to Colonel Light Gardens could be extended to serve the Repatriation Hospital on Daws Road?

The Hon. FRANK WALSH: Bus services are operated along Winston Avenue and Goodwood Road near the western and eastern boundaries of the Repatriation Hospital. These roadways are no more than half a mile apart and the hospital, therefore, is reasonably well served by public transport. As mentioned in the report of the General Manager of the Municipal Tramways Trust of December 13, 1965, it is likely that an extension of the Colonel Light Gardens bus service south along Goodwood Road will become necessary in the future because of housing developments in the Panorama and Pasadena areas. This would not be practicable if the service were now extended to the west along Daws Road and, in all the circumstances, such an extension is not considered to be warranted.

NARACOORTE-PENOLA ROAD.

Mr. RODDA: Has the Minister of Lands a reply to my question of last week concerning the widening of the Naracoorte-Penola road?

The Hon. J. D. CORCORAN: The Minister of Roads reports that the acquisition proposals for the eastern section of this road were based on the most economic basis to provide minimum interference to properties in general and to public utility services. An investigation will be made, however, to see whether the position regarding the property mentioned can be eased.

RIVER PLANTINGS.

The Hon. T. C. STOTT: Has the Minister of Works a reply to my question of last week concerning the acquisition of further land for the planting of vines in the Upper Murray area?

The Hon. C. D. HUTCHENS: I have obtained the following report from the Director and Engineer-in-Chief in answer to the honourable member's question:

The American company referred to was issued with a licence from July 1, 1966, to divert water over 68 acres of plantings on section 2, hundred of Paringa. At that time, 10 acres of fodder, four acres of stone fruit and four acres of citrus were planted, with 50 acres of stone fruit proposed. The company, by letter of application dated February 16, 1967, asked for a licence to divert water over 1,200 acres on sections 128 and 2, hundred of Paringa, for orchard plantings. At present, the issue of an extension of the currently held licence has been deferred, pending decisions regarding the issue of licences in general relative to the availability of water. The same conditions of licence would apply to this company as those stated in the reply in the House of Assembly on March 2, 1967, to the question asked by Mr. Curren, M.P.

TRAVEL CONCESSIONS.

The Hon. Sir THOMAS PLAYFORD: Some years ago the Government of the day instituted travel concessions for pensioners. This has been the subject of two or three amendments, and I believe the present Government has, in certain respects, amended the original proposals. The original proposals were that concessions were granted to persons in the metropolitan area on Municipal Tramways Trust buses and, more recently, on subsidized private bus services. Concessions have also been granted to country people using rail transport. Because a railway line in my district has been closed down, some persons in my district, at such places as Woodside and Lobethal, have to use a bus service which, at present, is not subsidized. Will the Premier have this matter examined to see whether these services could be brought within the subsidy scheme?

The Hon. FRANK WALSH: I will ask the Minister of Transport to see whether the scheme can be extended.

Mr. MILLHOUSE: At the weekend I spoke to a constituent of mine concerning an application made by him for a free rail pass for his daughter, who attends Mercedes Convent at Springfield and who travels by train from Eden Hills. The application had been refused and I have seen the letter sent to Mr. Halliday setting out the reasons for the refusal. However, additional facts were given to me and I should like to put them to the Minister, and ask him to reconsider this matter. An application was made on the proper form, but perhaps it did not set out that this girl must study six subjects at Matriculation level to improve her chances of being accepted at the university to study physical education or to attend a teachers college. The Minister understands how much competition is involved in enrolling at a university. The girl passed French at the Leaving level, and this is her sixth Matriculation subject. This subject is not taught at Matriculation level at the Blackwood High School, which is the nearest high school to her home and which has debarred her from getting a free rail pass. The nearest high school at which this subject is taught and which she can attend is the Unley High School, but she would have to travel by train to attend

that school. French is taught at Mercedes Convent. If this girl wanted to take French at a Government school she would have to travel by rail and would receive a pass. In these circumstances will the Minister of Education re-examine this case to see whether a rail pass could be granted to Mary Halliday?

The Hon. R. R. LOVEDAY: I shall be pleased to do that in the light of those facts.

GOOLWA FERRY.

Mr. McANANEY: Has the Minister of Lands a reply to my question regarding the Goolwa ferry?

The Hon. J. D. CORCORAN: Investigations are proceeding to ascertain whether the duplication of the existing ferry at Goolwa is justified, but at this stage no firm decision has been made.

Mr. McANANEY: It is pleasing to hear that experts have taken such a long time to ascertain whether a ferry should be built or not. Can the Minister ascertain whether there is a limit to the size of the ferry that could be used, and whether it would be better for a double or triple-size unit to be built rather than to duplicate the present ferry?

The Hon. J. D. CORCORAN: Perhaps I should suggest to my colleague that the honourable member should be called before the committee investigating this matter to allow him to give evidence. However, I shall submit the honourable member's suggestion to my colleague.

STATE'S FINANCES.

Mr. HALL: My question concerns the State's finances, and I refer to the Treasurer's previous reply in which he said I had made extravagant claims when I said the State's deficit a year hence could be $20,000,000. I should like to explain to the Treasurer, as a foundation for my present question, that this estimate was based on the fact that the State, under the Treasurer's Administration, had a run-down last year of $9,250,000, and the latest report that we have been able to get from the Government is that this year the figure will be $5,000,000. This totals $14,250,000 run-down, although only $13,250,000 in total deficit, because of the $1,000,000-odd that was left to the incoming Government by the Playford Administration. My estimate was on the basis that the Government had not been able to come to grips with this problem and had run the State into a debt of over $7,000,000 a year. From simple arithmetic the Treasurer will see that, if this type of control continues, we will be in debt to the tune of over $20,000,000. As I am pleased to hear the Treasurer does not expect this result, I ask him what extraordinary steps he will take to ensure that we are not in deficit to the tune of $20,000,000?

The Hon. FRANK WALSH: I am not in the least concerned with the figures quoted by the Leader in connection with the alleged deficit of $20,000,000. Any further matters associated with this State's finances will be presented to this House at the appropriate time, and the Government will continue to act in the best interests of this State.

HIGHBURY SCHOOL.

Mrs. BYRNE: On October 26 last year I wrote to the Minister of Education, drawing his attention to a plan issued by a land agent which included an alleged school site on Grand Junction Road, Hope Valley when, in reality, the Modbury South Primary School has since been built about 300 yards north of the site indicated on the plan. The Minister said in November that the land agent in this case was no longer issuing this plan as the housing blocks had been sold. I again draw the attention of the Minister to another plan issued by another land agent which appeared in a South Australian daily newspaper on March 11 and which showed an alleged eight-acre high school reserve at Highbury which, according to information already given to me, is a site held by the Education Department for a primary school. Because the previous plan misled people in the district into thinking that an additional primary school was to be erected and because this further plan will mislead residents into believing that an additional secondary school is to be built, will the Minister investigate this matter with a view to stopping the publication of this plan, if I give him a copy of it?

The Hon. R. R. LOVEDAY: I thank the honourable member for this information and I shall be pleased to take the action suggested if she will let me have the necessary documents.

ROAD TAX APPEAL.

Mr. MILLHOUSE: Has the Premier a reply to the question I asked on February 28 concerning the change in the plan of the Attorney-General's appearing before the Privy Council, and whether the Government considered the presentation of the South Australian case

suffered because of his absence? As a fortnight has passed since I asked the question, and the Premier said he would reply when he had a statement, has he that statement available now?

The Hon. FRANK WALSH: The honourable member has a habit of asking a question with a long preamble and then, as in this case, forgetting that he has asked the question. It is also typical of him that he then desires a further explanation. It was agreed by the Attorneys-General of all the States that senior officers, either Solicitors-General or Attorneys-General or both, should appear in the freight lines appeal before the Privy Council. The purpose of this was to bring home to the Privy Council the great importance which State and Commonwealth Governments placed on this legislation.

The Commonwealth Attorney-General at the time, Mr. Snedden, Q.C., had also arranged (as had the Attorney in this State) to appear before the Privy Council on this case. However, in South Australia a number of other important matters supervened. The Commissioner on the Licensing Act completed his inquiries and delivered his report, and it was immediately apparent that several decisions would have to be made which would involve the Minister concerned and would preclude his absence from the State. In consequence, Mr. Wells appeared with an English junior for the State of South Australia, although the case for presentation was naturally prepared in consultation with the Attorney-General. Other matters prevented Mr. Snedden from going to England, but Solicitors-General from other States appeared. The Attorney-General has expressed the greatest satisfaction with the presentation of the case for South Australia by Mr. Wells to the Privy Council.

ISLINGTON SEWAGE FARM.

Mr. COUMBE: Has the Minister of Works a reply to the question I asked last week concerning the Government's plan for the future use of the land that was formerly the Islington sewage farm?

The Hon. C. D. HUTCHENS: A preliminary plan for the use of the Islington sewage farm was prepared some time ago and this included provision of a site for the South Australian Institute of Technology, schools, open space and industrial development, as well as areas to be set aside for highway and railway purposes. Following the decision to relocate the Institute of Technology, the Minister of Lands has informed me that the matter is currently being re-examined in association with the Town Planner. However, as any decision could be substantially affected by the outcome of the Metropolitan Adelaide Transportation Study, no finality has yet been reached. Nevertheless it can be expected that the plans originally formulated, with the exception of those relating to the institute, will generally be followed.

CAFETERIA.

Mr. MILLHOUSE: Has the Minister of Works a reply to the question I asked last week concerning State Government employees using the cafeteria at the top of the Reserve Bank building in Victoria Square?

The Hon. C. D. HUTCHENS: The Chief Secretary has obtained the following report from the Public Service Commissioner:

State Government departments housed in the Reserve Bank building are tenants of the Reserve Bank, and in accordance with normal tenancy arrangements Public Service staff do not have access to the bank's facilities. A modern cafeteria is being provided in the new Government office block now under construction in Victoria Square. This cafeteria will be available for use by Public Service staff in the new building and housed in adjacent accommodation, including the Reserve Bank.

HIGHWAYS DEPARTMENT.

Mr. Hall, for the Hon. G. G. PEARSON (on notice):

1. What was the number of staff employed by the Highways and Local Government Department at its head office at Walkerville at June 30 in each of the years 1964, 1965 and 1966?
2. What is the estimated number expected to be so employed at June 30 in each of the years 1967, 1968, and 1969?
3. How many miles of highways or other roads were constructed or reconstructed, respectively, by the department, to the point of completion in each of the financial years, 1963-64, 1964-65, and 1965-66?
4. What is the estimated mileage of these works for 1966-67, 1967-68, and 1968-69, respectively?
5. What was the total sum received by the Highways and Local Government Department from all sources during each of the financial years from 1963-64 to 1965-66, inclusive?
6. What is the estimated sum to be received by the department for 1966-67?

The Hon. J. D. CORCORAN: The replies are as follows:

1. 1964, nil (building not completed); 1965, 374; 1966, 422.

2. 1967, 464; 1968, 544; 1969, 706.

3. 1963-64, 426; 1964-65, 336; 1965-66, 445.

4. 1966-67, 1967-68, 1968-69—average 420 p.a.

5. 1963-64, $25,475,756; 1964-65, $28,416,980; 1965-66, $30,569,935.

6. 1966-67, $32,250,000.

The above lengths of roads are not truly indicative of departmental activities. For example, they do not recognize maintenance, land acquisition, major structures, drainage works, etc., nor do they show the high cost and complexities in providing high-standard urban facilities.

SCHOOL SUBSIDIES.

Mr. MILLHOUSE (on notice): How much was paid in subsidy to school committees and other voluntary bodies connected with schools up to February 28 in each of the financial years 1964-65 and 1965-66?

The Hon. R. R. LOVEDAY: The sum paid in 1964-65 was $308,600 and, in 1965-66, $279,266. Payments in 1965-66 up to February 28 were lower than in 1964-65, because of the introduction during the year of the system of fair allocation of subsidy money as between schools. This resulted in later spending of the money. However, by the end of the 1965-66 financial year, $498,400 had been spent, compared with $431,400 in the previous year.

UNIVERSITY ENROLMENTS.

Mr. MILLHOUSE (on notice):

1. How many full-time first year students were enrolled at the University of Adelaide and the Flinders University of South Australia at the beginning of the 1966 academic year?

2. How many such students have been enrolled at each university for the present academic year?

3. How many applicants for enrolment this year have been refused entry at each university?

The Hon. R. R. LOVEDAY: The replies are as follows:

1. Adelaide, 1,522; Flinders, 364.

2. Adelaide, 1,766 full-time and part-time. (The university is unable to dissect the enrolments into full-time and part-time at present.) Flinders, 514.

3. The universities are unable to answer the question accurately at present as it is a very complex matter. The vice-chancellors are consulting and will provide a reply as soon as information is available.

PERSONAL EXPLANATION: PORT PIRIE SCHOOL.

Mr. McKEE (Port Pirie): I ask leave to make a personal explanation.

Leave granted.

Mr. McKEE: Last week, when I asked a question of the Minister of Education about the repainting of the Port Pirie Primary School, *Hansard*, apparently not hearing me clearly, reported my question as relating to the replanting of the schoolgrounds. I should be grateful if that error were corrected.

TRAVELLING STOCK RESERVE: ORROROO.

The Hon. J. D. CORCORAN (Minister of Lands): I move:

That the travelling stock reserve between Orroroo and Morchard, as shown on the plan laid before Parliament on November 1, 1966, be resumed in terms of section 136 of the Pastoral Act, 1936-1966, for the purpose of being dealt with as Crown lands.

This reserve, comprising about 1,130 acres, was set aside as a route for the travelling of stock when a survey of this area was carried out during 1875 and 1876. With modern methods of transport, the need for this land has largely disappeared. Three times in the past 14 years proposals have been put forward for the resumption of this land. On the first two occasions some opposition was aired to the proposed resumption and the procedure lapsed. Repeated requests since 1958 by the district council for resumption, now supported by the Stockowners Association, have led to a further inspection and recommendation by the Pastoral Board that the time is opportune to resume this land, so that it may be dealt with as Crown lands.

It is worthy of note that, apart from the limited numbers of travelling stock using this land, the Director of Agriculture has reported on the problem of weed control on this land, and its capacity for infesting neighbouring areas with horehound. In view of these circumstances, I ask honourable members to support the motion.

Mr. HEASLIP (Rocky River): I support the motion. When travelling stock routes, commonly known as quarter-mile tracks, were originally surveyed throughout South Australia,

they were highly desirable and, indeed, necessary for the movement of large mobs of sheep or cattle. However, with the use of more modern methods of transport these routes should now be put to better use. Much useless country reserved for travelling stock (extending from as far north as Hawker to Burra in the south, and from Port Augusta in the west to as far east as was previously surveyed) has now been resumed. Unless, say, 5,000 or 6,000 sheep have to be moved, a much narrower route is preferable, so that the stock can be controlled. Unfortunately, quarter-mile tracks today are not travelling stock routes but, rather, a long paddock which people (with or without land) use merely to feed stock.

Such people, besides not having to pay rates or taxes on that land, are also not responsible for the control of noxious weeds and vermin thereon. That responsibility unfortunately rests with the State, district councils and adjoining landowners. I should have been pleased to see this motion go a little further: a quarter-mile track, still existing from Carrieton to Orroroo and from Orroroo to Black Rock, was not closed because an objection was raised. I believe however, that the objection was not a genuine one. The sooner other routes are closed and the land resumed, the better off the State, district councils and, all concerned will be.

Mr. QUIRKE (Burra): I, too, support the motion, and concur in what has been said by the member for Rocky River. One of the main objections to travelling stock routes is that, from end to end, they are noxious weed thoroughfares. An added difficulty is that people on either side of these quarter-mile tracks are responsible for spraying the half that adjoins their properties. Nobody wants that. They do not mind doing it when it is their own land and they can work it over, but to have to spray one-eighth of a mile every year is something to which they do not look forward. As there is no use for that any more, except for those people who make a nuisance of themselves by putting the stock in the long paddock (as it is called in the Far North), if they are not completely fed they are so hungry when they come there that they have a devasting influence on the people on the road. Much forethought was put into the surveying of this country years ago, because the road went from the Far North down to the South-East along the banks of the Murray River. Most of this land has been resumed. There is no argument, except for the people whose land is contigous to it, about who will get this bit and who will get that bit. The Lands Department has access to all of the land. I cannot see any point in delaying the legislation. I support the measure.

Motion carried.

FISHING INDUSTRY.

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

That the time for bringing up the Select Committee's report be extended and that the committee have leave to sit during the recess.

Since the appointment of the committee on October 6, 1966, the committee has held 17 meetings, with a total sitting time of 52½ hours. A total of 67 witnesses have appeared before the committee, and visits have been made to Mount Gambier, Port MacDonnell, Beachport, Robe, Kingston (S.E.), Port Lincoln, Streaky Bay and Ceduna. The committee expects that it may be necessary to visit the south coast area, Kangaroo Island, Upper Murray and Yorke Peninsula before completing its inquiry. In addition, considerable evidence will be taken in Adelaide, including evidence from the Commonwealth Scientific and Industrial Research Organization and the Departments of Fisheries of some other States.

Motion carried.

LOTTERY AND GAMING ACT AMENDMENT BILL (DIVIDENDS).

Adjourned debate on second reading.

(Continued from March 9. Page 3571.)

Mr. HALL (Leader of the Opposition): The Premier gave as his reason for promoting this Bill one of the best reasons he has given to the House this session. He said that, as the Bill was necessary to protect the revenue of the State, he had no alternative but to introduce it. I agree with him that the revenue of the State needs protection, and for that reason and for other reasons I support the Bill. The origin of the Bill is a rather colourful one: the operations of persons in another State who have successfully exploited the money-back guarantee operating in New South Wales. A report in the *Advertiser* of February 6, 1967, instanced the happening at a Richmond trotting meeting when a group of Queensland punters won an estimated $100,000 from the totalizator at that meeting. This incident necessitated Government support as the club was not involved.

The report stated that the punters had operated legally and that, before leaving the course, they had told club officials that they would be back again next Saturday when

there would be a greyhound meeting at the track. I do not know whether they returned, but obviously they gave a very good lesson on the management of totalizators at the Richmond meeting. Their action has caused all authorities in Australia to examine their legislation and regulations to ensure that this sort of thing cannot happen at other places. The technical side of this coup is difficult for occasional racegoers to understand. The same newspaper gave the following example:

An amount of say $30,000 is invested by the syndicate on the favourite. A total of $12,000, of which $11,500 is syndicate money, is invested for a place on all other starters. though on Saturday the syndicate restricted its investments to three or four horses. This makes the total place pool on the race $42,000. Out of this comes 12½ per cent ($5,250) in Treasury tax and commission for the club or T.A.B. The net place pool now stands at $36,750, which is divided equally into three, providing a pool of $12,250 for each of the placed horses. The favourite, on which $30,000 has been invested, carries a pool of only $12,250, the balance would be made up by the Treasury. In the distribution of the pool for the second and third placed horses, the syndicate makes its real profit—a total distribution of $24,500 has to be made, yet the total investment for a place on all horses is only $12,000—most of it belonging to the syndicate. This creates exhorbitant place odds, because of the equal three-way pool division, loaded by the money for the favourite.

Under such situations, every Totalizator Agency Board or club in Australia would obviously want to protect itself against such a happening, and this applies particularly to the Government, which is responsible for payback. As the Premier has stated, this Bill provides new regulations to prevent such an occurence. In his second reading explanation he said:

The S.A. Totalizator Agency Board has proposed a rule that in a three dividend race the commission is first deducted from the pool, then the stake invested on each placed horse is deducted, and the balance divided into three equal parts, one part being apportioned to each placed horse. Each part is then divided by the number of tickets sold on the appropriate placed horse, and the resulting amount, with the respective stake money, is paid as the dividend for that placed horse. Both these proposals protect the totalizator against manipulation and either would be acceptable to the Government. Racing and trotting officials have presented alternative proposals and these are being examined.

I believe that we can leave this matter to be worked out and that satisfactory regulations can be made to meet the situation. As the Premier has said that the Bill was introduced in order to protect the State's revenue, I fervently support it.

Mr. McANANEY (Stirling): I support the Bill. As the Leader has said, the Government must protect its finances. However, I doubt whether this amendment is necessary. When a person goes to the races he must expect to lose money. I know that a few optimistic people still expect to win money at the races, but I maintain that they have no more chance of making money there than they have on the one-arm bandits in New South Wales. It has always been the position that a person is not able to have an each way bet on a horse unless its odds are at least 4 to 1. If a person bets money on a short-priced favourite on the totalizator, he must know that there is a reasonable chance that he will not get his money back even if the horse is placed. Therefore, I personally cannot see why such a person should be protected, particularly as the modern racecourses now indicate the likely odds and that person can see whether he is going to make a loss or a very small profit. Even at country meetings, a person is able to see how many tickets have been issued for the various horses.

I cannot see the necessity for this guarantee of money back on a place bet. It was said that people could put money on every horse in the race, but I do not think they would make much out of that. The people referred to took a gamble on making a big killing, but they could have lost a large amount of money if an outsider had won, as they only backed three or four horses. I think it would be far better if we stuck to the old idea of a straightout three-pool system, in which the punter would take his chance on getting his money back, for then there would be no opportunity for these so-called manipulators to operate. I do not fully agree with the way we are going about this measure, for I believe we are merely providing for manipulation to prevent manipulation by someone else. However, I support the principle of the Bill, for the Lord knows the State finances need careful looking after.

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

SUPERANNUATION ACT AMENDMENT BILL (CONTRIBUTIONS).

Adjourned debate on second reading.

(Continued from March 7. Page 3450.)

Mr. COUMBE (Torrens): I support the Bill, which falls into three main parts, as stated by the Treasurer in his second reading

explanation. I am delighted (as I know other members are) that at last a Public Actuary has been appointed. I am aware of the difficulties the Government has experienced in filling the position following the death of Mr. Bowden. In fact, we had to amend the Act last year (and, I think, the year before) to overcome the difficulties.

No objection is raised to the variation of the period of valuation because of the fact that we have not had a Public Actuary for some years, because this Bill extends that period and brings it back to the normal three-year period following the initial five-yearly interval. Since his appointment, of course, the new Public Actuary has had an opportunity to make some investigations into the operation of the fund and the whole scheme, and obviously some of the suggestions in the Bill today have resulted from those investigations. I raise no objections to the period over which it is suggested certain supplementary pensions should be paid.

I point out that the accumulated fund account of the Superannuation Fund at June 30, 1966 (this is shown in the latest report which we have not yet received but which I was able to get from the Legislative Council, which apparently is more up to date than we are) stands at a figure of $40,086,000. This is an increase of some $2,095,000 for the year, so it will be seen that the accumulated fund itself has risen pretty steadily year by year. Apparently the surplus on operations at December 31 last was about $8,000,000. The proposals before the House today are envisaged to ultimately cost the fund about $8,000,000. I point out that the Bill will not cost the Government a cent, although I do not know whether the Government will save anything. As all members know, the supplementary pensions suggested are to be met from the Superannuation Fund surplus. Of course, the Government never subscribes to the fund but subsidizes the pensioner 70 per cent to 30 per cent. The fund is built up from unit payments of contributors and by interest the fund attracts. Incidentally, year by year the fund is attracting much interest from investments. Because the Bill will not cost the Government anything, we are happy to support it in that regard.

The second important part of the Bill is the proposal to reduce the amount of periodical contributions by a subscriber. From a date to be fixed, public servants will pay less per unit into the fund. This is to be achieved from surpluses of the Superannuation Fund and is expected to cost about $2,000,000. This fund has been built up over the years partly from contributions of present subscribers and partly from contributions of generations of former public servants, some of whom are still pensioners today. The investigations of the new Public Actuary have shown that the reduction is possible but it may cause some hard feeling amongst past contributors who were expected to pay a larger sum. I presume some of the adjustment has been brought about by amendments to the Act that were passed last year and in 1965.

The third important part of the Bill is an entirely new provision to set up a supplementary pension or, as it is euphemistically called, "pensions supplementation". This provision breaks new ground in South Australia and again will be funded on the Superannuation Fund to the extent of about $2,000,000 ultimately. The provision will not operate until July 1, 1967, because of the clerical work allegedly involved. As I understand it, the main feature is to pay supplementary pensions to existing pensioners over and above the pension they now receive. The supplementary pensions are to be paid from the fund in order to make up loss in purchasing power since the pensions were first granted. This is a laudable provision, which I support. Of course, some pensioners will have a little problem in this regard. Some of them do not qualify under the means test for Commonwealth benefits because of the superannuation benefits they receive. Others can qualify for only part of the Commonwealth benefits. Apparently, this scheme will pivot around the point that only a certain sum will be paid to pensioners and the board, in its open-handed way, is not to grant a supplementary pension to any person unless there is a net gain of 20 cents to that person. That is a colossal hand-out!

Under the Bill, a pensioner who wishes to apply for a supplementary pension has no absolute right to apply: he may apply. Therefore, he may apply to a fund which, perhaps, over many years he has helped to build up, and no guarantee exists that he will get a supplementary pension. The whole basis of the scheme is to provide a supplementary pension to a person who has found that, since the pension was first granted he has suffered a loss of purchasing power because of rising costs in the community. The percentages up to which pensions may be granted are set out in the Bill. I should have thought that a person who had paid into the Superannuation Fund

over 40 or 45 years and who wished to avail himself of this increase would have the absolute right to apply for it.

Mr. Hudson: There is nothing in the Bill to prevent anybody from applying.

Mr. COUMBE: I shall quote the following remarks of the Treasurer on this point:

A pivotal feature of this section of the Bill is that, to handle the means test problem, there is no fixed statutory right to a prescribed amount of pension.

The board will have a discretion in granting a pension to the applicant. It is not required to grant a supplementary pension.

Mr. Hudson: It cannot stop anybody from applying.

Mr. COUMBE: People can apply but it is not much good if they apply and their application is refused.

Mr. Hudson: You said that a person had no absolute right to apply.

Mr. COUMBE: He has no absolute right to a pension. The point I wish to stress is that, if he qualifies, a pensioner should have the right to be granted a supplementary pension to assist him to make up a loss of purchasing power. I read with interest the difference between the Victorian and South Australian Acts. I believe that, if the provisions of the Bill were to cover pensioners other than those who applied, it would be greatly appreciated because, from what I have heard, many people have been concerned that their pensions have not been sufficient to give them the purchasing power they expected they would have.

This matter has been discussed in the House in the last two years. Last year, during the present session, an amendment to the Act was passed, although it did not relate to the point about which I am now speaking. In 1965, when the change from 66⅔ per cent to 70 per cent of Government contributions to pensions was being discussed, the whole question of increases to pensioners was debated at length, and debated rather heatedly at times. At that time, my move in Committee was for the increases and advantages that were being given to be passed on to pensioners, and especially to widows of pensioners; but the Government did would not agree. In fact, if memory serves me correctly, in 1965 when I moved my amendment the Chairman of Committees ruled me out of order. Subsequently, the Chairman's ruling was challenged, and the Speaker came into the Chamber and upheld the Chairman's ruling. The Speaker's ruling was then disagreed to, but the matter was resolved by the Government having a majority of votes. I then tried to achieve the same purpose by a subsequent amendment, but it was defeated by one vote.

Mr. Clark: You had a bad trot!

Mr. COUMBE: Yes, but I was trying to help pensioners. I am sorry the member for Gawler was one who voted against me on that occasion.

Mr. Clark: I still think you had a bad trot!

Mr. COUMBE: I did, but not for the want of trying. The Bill increases pensions. The lowest increase (7½ per cent) is provided for a person who retired between 1957 and 1966. Is this a realistic figure, bearing in mind that it will not cost the Government even 1c. I believe the $2 rise in the basic wage last year will probably have been an increase of the order of 5 or 6 per cent; or, to give a very up to date example, last Friday the price of hair cuts rose by about 11 per cent. The figure of 7½ per cent, as suggested in the Bill, is not realistic enough and it should be increased.

Although I support the provisions of the Bill, I request the Government (as this Bill does not cost it anything) to have another look at the whole question of percentages contained in the Bill to see whether a more liberal approach cannot be made on this matter of supplementary pensions for people who are already pensioners. With those comments and with that strong recommendation, I support the Bill.

Mr. MILLHOUSE (Mitcham): I wish to make a couple of points on the second reading. First, many superannuitants are by no means happy with the deal they are getting under the present Superannuation Act, even as improved by this Bill. I received a letter from one of those people living in my district, a member of the South Australian Government Superannuated Employees Association, and in the letter, having canvassed the improvements made by the Bill, he says:

Be it understood, however, that the Government is not prepared to increase the unit value of pension one cent. What they are doing is giving the Superannuation Board the power to return to members of the fund part of their own money from surplus funds earned. The Premier's boasting that he has done more for superannuation than he had promised is just so much poppycock.

He goes on to say that retired public servants are most dissatisfied with the Government's attitude on superannuation. It is indeed a pity

that the Government has not been prepared to increase the unit value of the pension. I know that this has been put to the Treasurer as forcefully as it can be by the people concerned, but without the slightest effect. It is like punching into a punch bag: one gets nowhere. I hope that during the next session the Government will be rather more generous than it has been on this occasion. However, as this man has said to me, half a loaf of bread is better than none at all, and this Bill is a significant improvement. That is the first point I wanted to make.

The other point is this: The investments permitted for the fund are set out in section 5 of the Superannuation Act and members will see that the range of investments permitted is not very wide. So far as I know, this section has not been amended for many years. These are the investments permitted:

(*a*) in securities of the Commonwealth;
(*b*) in securities of the States;
(*c*) in loans to local governing bodies in Australia;
(*d*) upon mortgage of land in Australia of an estate of inheritance in fee simple or on mortgage of leasehold interests in such land;—

in other words, a mortgage—

(*e*) in any other manner for the time being allowed by any Commonwealth or State Act for the investment of trust funds in Australia.

We have come a long way since this section was drafted and I think it is time the Government had a look at the matter of permissible investments. I am certain that, without significant risk at all, it would be possible to increase the earnings of the funds from investments very considerably indeed if this section of the Act were amended.

I do not know whether the new Public Actuary, Mr. Stratford, who, I am glad to say, has come to live in the premier electoral district (Mitcham), would agree with me on this. Now that we have got a new actuary, a younger man, I think it would be a good idea if the Government were to put the matter to him and get his opinion on this question of the investments permitted under the fund. A good deal of the discontent today, to which I referred a few moments ago, could well be alleviated if the earnings of the fund could be increased; possibly they could be increased without difficulty. Many people are dissatisfied with the way the Government has handled this matter, in spite of the concessions in this Bill. I believe the earning capacity of the fund could be improved significantly without any risk.

The Hon. FRANK WALSH (Premier and Treasurer): Turning to the increases suggested by the honourable member for Torrens, there is already a committee representative of contributors to superannuation funds. This matter has been before that committee and has been discussed effectively and at length, from the point of view of how far this matter can proceed. I believe that reasonable justice has been done in this Bill, despite criticisms of the Government. A person applying for consideration under the Bill, provided that the social service pension will not be affected, will be granted a supplementary pension after the case has been considered. A minority of members of the Public Service Association were trying to safeguard some of this money for their own purposes, and, in these circumstances, it was reasonable that we should consider those people who, for many years, have subscribed to the fund. A new Public Actuary has been appointed, and I hope that everyone will be patient whilst he becomes accustomed to his new duties. The previous Government had many years in which to do something about superannuation benefits, but it failed to provide any substantial increases. As this Government has implemented its policy on superannuation, I ask the House to accept this legislation.

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

SUPREME COURT ACT AMENDMENT BILL (PENSIONS).

Adjourned debate on second reading.

(Continued from March 9. Page 3573.)

Mr. MILLHOUSE (Mitcham): I support the Bill.

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

POLICE PENSIONS ACT AMENDMENT BILL (SENIOR CONSTABLES.)

Adjourned debate on second reading.

(Continued from March 7. Page 3447.)

The Hon. G. G. PEARSON (Flinders): I have no reason for complaint, in so far as the Bill seeks to remedy a situation in respect of pensions for certain retired police officers. With the passage of time, like many other things, the value of the pensions for the people concerned has ceased to be what it was. Indeed, compared with other members of the

community, people to whom this Bill applies have suffered from some financial disability. The Bill goes some way towards remedying that disability. The first provision in relation to intermediate classifications does not interfere with the classifications either above or below the category referred to in the Bill. In so far as that has been requested by the association, we are assured that no objection to it has been raised. Indeed, I am pleased to see that the request has been recognized.

On behalf of the Opposition, I say here and now that the members of the Police Force and those who have retired from the force deserve at all times the highest support and commendation that can be offered. Although the activities of the police in performing their duties occasionally come under criticism, both from the public and from members of this place, I believe that the maintenance of law and order in this community is entirely dependent on the support the officers concerned receive from the general public. Indeed, I am prepared at all times whenever any doubt arises, or is artificially created, to come down on the side of at least giving members of the force a discretion in the carrying out of their duties. I take the opportunity to express my confidence in the work of the police, generally, and my support to them at all times. I support the Bill.

Mr. MILLHOUSE (Mitcham): I, too, support the second reading. However, I recently received a letter from a retired police officer in my district concerning this particular topic. I think his case is so apposite to the present debate that I should read my constituent's letter. I may say that the letter is dated February 1, and was therefore written before this measure was introduced. I hope that when I tell my old friend about the introduction of this Bill he will be satisfied. The letter states:

As a member of Parliament, I write to you re the miserable pension paid to police officers retired for some years. I am 65 years (66 on February 23, 1967), and I receive $37.76 to live on every fortnight; there is also $2.50 taken out for tax. I know the Secretary of the Retired Police Officers will say that my wife can go on social services but she cannot, as between us we have more than $8,160 in the bank. Why, after having paid social service tax and local rates and taxes, should we be forced to live on our savings as we are now? Why should there not be an adequate pension paid to all police officers? Sometimes, we have to pay 75c a pay for the Widows and Orphans Fund for deceased members of the force.

Everybody else seems to have an adequate salary or pension, but us (police). As you will realize from the amount of pension stated as received, the wife and I would be far better off on the old age pension, with its concessions galore (that is, travel, wireless, television, telephone, age cottages, doctor, medicine and hospital). I have to pay for all these old age and invalid pensioners' concessions, besides frequent and oft recurring rises in prices. It is well known that quite a few people prepare their way to go on the old age and invalid pension. I know of one man who was in the $4,000 a year bracket, going trips (touring) until he had the requisite amount to get the old age pension for him and his wife. I know of other men who received pensions for themselves and their wives a fortnight after retiring. I call it dishonest but it is quite legal, so why not have it? I know the old age and invalid pensions don't concern you as the member for Mitcham but I just thought I would mention the matter so you can see how we stand being on a State pension (Sergeant, 2nd grade).

I hope you and your confreres are able to shorten the life of the present Government and I fervently wish for it. Back two or three months ago a friend of mine confided to me that he had voted Labor all his life and would never do so again, as he had seen the light.

Mr. McAnaney: Joined the multitude, has he?

Mr. MILLHOUSE: Yes, because the letter continues:

Poor chap (an invalid pensioner) has now passed on, but I thought I would pass on his thoughts on the political issue, as I think it is general.

I read this letter because I think it illustrates the general discontent and frustration experienced by people in this position, because of the pension on which they must try to live.

Mr. Hughes: It's pretty crook when you have to wake up the dead for the purpose of an argument.

Mr. MILLHOUSE: I do not know about that.

Mr. Hughes: I have a bit more respect for them than you have.

Mr. MILLHOUSE: I was merely quoting a letter from my constituent and, for the benefit of the honourable member and other members opposite, I quoted it in full so that nobody would think I was picking and choosing. The Bill does something to help people in a plight similar to the one I have instanced. I am glad that some of the pensions are included in the Bill, and hope that it will help the constituent of mine to whom I have referred.

The Hon. FRANK WALSH (Premier and Treasurer): The Bill was introduced as a result of discussions held with the Police

Officers Association. Because of the position in which we found people to whom the Bill generally applies, we tried to do something to assist them. Irrespective of what we may do to assist people, however, it will never be sufficient for the member for Mitcham. While some people will complain about the budgetary position, yet continue to ask for contributions from the Government, at least we are trying to do something in the interests of people who can do with a little more. I should have thought that this Bill could be debated without the member for Mitcham raking up petty grievances, something in which he seems to indulge. I should have thought, too, that he could at least inform a person of the Government's intentions, before that person died.

Bill read a second time.

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

That it be an instruction to the Committee of the Whole House on the Bill that it have power to consider a new clause dealing with increases in existing pensions.

Motion carried.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Pensions supplementation account and grant of supplementary pensions."

Mr. RODDA: Can the Premier say whether, under new section 42a (5), a widow will have to apply for a supplementary pension?

The Hon. FRANK WALSH (Premier and Treasurer): Yes, and it will be approved automatically on the recommendation of the Public Actuary.

Clause passed.

New clause 6a.—"Increase of existing pensions."

The Hon. FRANK WALSH: I move to insert the following new clause:

6a. (1) Subsection (3) of section 32d of the principal Act is amended by inserting after the passage "30," the passage "30a,".

(2) The amendment made by subsection (1) of this section shall be deemed to have taken effect on the commencement of the Police Pensions Act Amendment Act, 1966.

This clause concerns an increase of existing pension, is the result of a printing error, and achieves uniformity with the legislation passed last year.

New clause inserted.

Title passed.

Bill read a third time and passed.

CROWN LANDS ACT AMENDMENT BILL (LIVING AREA).

Adjourned debate on second reading.

(Continued from March 9. Page 3572.)

Mr. McANANEY (Stirling): I support the Bill, because it is a step in the right direction, although it does not go as far as I think it should. In the Government's first Succession Duties Bill the figure of $10,000 was included as the value of a reasonable living area for a primary producer, whereas $25,000, the figure in the Bill, is more realistic. By the time the land has been cultivated and built up, the unimproved value may only be as much as 10 per cent of its market or improved value. I deplore the fact that land must be on a lease basis. It has been proved throughout the world, and particularly in Queensland and in other States, that where land has been granted only on a leasehold basis it has not been improved to the extent that it should have been.

There is a tendency towards perpetual leases nowadays. These leases are nearly equal to freehold, but some leaseholds are subject to revaluation, and the Government, in its wisdom or otherwise, has seen fit to increase substantially rents on leasehold properties in recent years. The Opposition deplores the fact that these leases should continue, because it believes the freeholding of property is highly desirable.

I commend the clause that increases the amount of excess that may be granted at discretion from $1,000 to $2,000. Possibly an even greater extension than that is necessary in certain cases. Unimproved values are decided by valuers. The present method of determining the value of land, based on sales within an area, is inexact and unscientific. When I say that, I am attacking not the board or valuers but the system used in valuing land. In areas of the State where there have not been many sales, the unimproved value of land is low. However, in areas where, for one reason or another, many people sell out, the values are high. People in dry areas sell their land and come to the Strathalbyn area which they look upon as Paradise because of the higher rainfall. Land around Strathalbyn is sold at twice its productive value. I support the Bill because it is a step in the right direction, although perhaps that step is rather hesitant and not big enough.

Mr. NANKIVELL (Albert): As the Minister said, the Bill provides some relief. At recent sales of miscellaneous unimproved land, the price has reached about $20 an acre.

That figure must be considered in valuing a miscellaneous lease or a lease coming up for allotment. As the Minister said, by allowing an increase from $15,000 to $25,000 under these circumstances, the Bill ensures that in the original allotment the area of land allotted will be sufficient to provide an adequate living area. If a higher value of land can be established when the rental is fixed, a higher rental can be fixed, of course.

The Bill also provides a margin for error. Previously, $1,000 was the amount of the excess that could be granted at discretion: this sum is increased by the Bill to $2,000. This means that land of an unimproved value of $27,000, subject to the recommendation and consent of the Minister, can be allotted to any one person. Therefore, I support the Bill, which is necessary in the circumstances.

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

CONSTRUCTION SAFETY BILL.

Adjourned debate on second reading.

(Continued from March 8. Page 3513.)

Mr. FREEBAIRN (Light): A disconcerting feature of being a member of the Opposition is that one must be ready to speak on Bills that one does not expect to be called on before other items on the Notice Paper. The Bill, introduced by the Minister of Works last Wednesday, is designed to make rather severe modifications to the provisions of the Scaffolding Act. The title of the Scaffolding Act, which has applied since 1907, is to be changed and the Act will be known as the Construction Safety Act. In his second reading explanation, the Minister gave a brief history of the Scaffolding Act and the various amendments made to it over the years since 1907. The Minister explained the Bill clearly, and said:

Difficulties have been encountered because the Act in its present form is now largely a patchwork arrangement which basically had its origin in 1907, when building contruction activities were of a far different nature from that which exists at present.

In 1961, the legislation was amended to cover not only scaffolding of buildings but also scaffolding erected for the demolition of buildings and constructed for excavations. The 1961 amendments did not include a provision for scaffolding and scaffolding inspection for excavations not intended for foundations of buildings. A case arose during the building of the Royal Adelaide Hospital, where it was found that underground tunnels not intended to be part of the building were not covered by the provisions of the Scaffolding Act.

I think most members of the House admire the physical courage of the men we see working on tall city buildings. I am thinking particularly of men working on the building opposite, which has been erected with amazing rapidity. We see men working on that building with apparent unconcern. No doubt these men, who are used to danger, have become quite complacent about it. I am thinking in particular of the dogmen, because no doubt they carry their worries lightly. I think safety in the building trade is largely the responsibility of the individual, and I am sure that no amount of restrictive legislation will increase safety, as it is impossible for legislation to cover the human element. The Bill has a novel provision for helping members of the public. The Minister in his second reading speech said:

Another important omission from the Scaffolding Inspection Act is that there is no provision whereby members of the public may also have protection from building operations, particularly from hazards associated with the demolition of buildings, and from excavation work on a building site which is involved in connection with building, but not necessarily excavation for building foundations.

I am sure that what the Minister had in mind was not perhaps the builders of very large city blocks but the builders of smaller structures who are not so safety conscious. Any builder worthy of his professional reputation would take care that members of the public were physically protected and that he had an adequate public risk policy to provide insurance protection for any member of the public or any third party who was injured as a result of that building operation.

One of the most remarkable innovations in this Bill is the responsibility placed on the person called the "principal contractor". I think most members know that the principal contractor, or the successful tenderer for a building, is usually the man who makes the least contribution to that building in the physical sense. It is common knowledge that the principal contractor is often merely a broker who organizes the various subcontractors, who are responsible, and whose employees do the work of building. I will quote from the Minister's second reading speech because I think it explains this quite well:

The first is to ensure that where a person undertakes some work to which the Act applies but does not do any of the work himself, he

is responsible for giving notice and paying the prescribed fee. This is commonly known as the brokerage system, under which a person (who is for the purposes of this Act to be regarded as the principal contractor) subcontracts the whole of the building of a "spec" house.

If this Bill becomes law, the principal contractor will be forced to take responsibilities quite unknown in any legislation passed by the South Australian Parliament. I checked the equivalent Acts in other States and found that no other Scaffolding Act mentions the equivalent of a principal contractor. In every other Act (except in Victoria, where safety provisions are under the control of local government bodies) the responsibility for the safety of employees is in the hands of the employer. This is a very important point.

Anybody who has been an employer of labour will know that the relationship between employer and employee is most important. Under this Bill, the whole responsibility is on the principal contractor, and it is obvious that he cannot have effective control over the employees of the real employer of labour, the subcontractor. All the responsibility under all industrial awards and under the Workmen's Compensation Act is on the actual employer of labour.

I think this Bill is unrealistic when it tries to substitute the broker or principal contractor for the actual employer of labour. I do not think it is hard to visualize the sort of situation that could occur. I heard of a case where the principal contractor or the person who had accepted the contract provided messing facilities that the subcontractors' employees used. In one case the employees, perhaps engaging in a little healthy horseplay, extensively damaged the premises provided by the principal contractor. It was impossible for the principal contractor to take effective action against them because they were not his servants but servants of the subcontractor. One of the other interesting variations between this Bill and the legislation of other States (in many cases enacted by Socialist Governments) is that cottage housing will come within the provisions of this measure. Under this legislation, safety officers will be appointed by a principal contractor engaged on cottage housing, and this practice seems to be unrealistic. It is difficult to appreciate why modest structures like cottages should have to be included in the legislation. I suggest that this Bill was not considered by Cabinet but came straight from Trades Hall.

Mr. Langley: What about scaffolding for plasterers?

Mr. FREEBAIRN: That may be a dangerous occupation, but awards cover all allied trades, and 30 different awards apply in the building industry. Every building workman is covered by an award but, under this Bill, the principal contractor is taking the place of the employer. Clause 11 provides that the principal contractor is responsible for providing washing facilities and other amenities, but these are all covered by relevant awards. The legislation provides that there must be one safety supervisor for every 20 employees. Also, the principal contractor must inform the Department of Labour and Industry, within 24 hours, of the time the work is scheduled to begin. With the great mobility of labour these days it would be impossible for him to estimate, within 24 hours, the number of workmen that each subcontractor would employ and when they would be due to start work.

Members must realize how difficult it will be to apply this Bill in practice. The Bill provides that inspectors appointed by the Minister can seek the support of a member of the Police Force to ensure that the necessary inspection can be made. This is a most provocative clause that opposes Socialist thinking in other fields, particularly that in the legislation now before the House that seeks to reduce the power of the police. The principal contractor is not given any latitude, but the inspector has the right to co-opt members of the Police Force to assist him to make the inspection. Although I support the second reading, I have several amendments that I shall introduce in Committee.

Mr. COUMBE (Torrens): I will support any reasonable safety measures if they are effective and do what they are intended to do. If this Bill does the job and is practical and effective, I shall support it, especially if it protects workmen against injury and loss of life, provides genuine means of supervision and inspection, and prevents malpractices. If the Bill provides control for the sake of control or is not practical, I shall not support it. Many old Acts are consolidated by this legislation which brings the legislation up to date and according to modern practices and new techniques in the building industry.

Many multi-storey or high-rise buildings have been constructed in the city proper, and a large increase has occurred in the number

of house units of one, two or three storeys built in the suburbs. Since the original Act was introduced, much larger excavations and demolitions have been undertaken. One good feature of this Bill is the strict provision for controlling crane drivers and riggers on multi-storey and high-rise buildings. I am sure honourable members have sometimes been amazed at the control exercised by the driver of the crane on the building being constructed opposite this House, particularly when the load is swung over the streets and hangs over pedestrians and motor cars. Many lives are in the hands of that crane driver and it is obvious that the crane must be effectively rigged and the rigger well trained. I will support provisions of this nature provided that they do not put an undue burden on the genuine operator doing a good job.

I do not believe that all provisions of this Bill should apply to the construction of the ordinary house. Indeed, I do not believe that honourable members would support such a move. I think the Bill is principally aimed at scaffolding in relation to the construction of high-rise buildings, or at least to buildings of more than one storey. I maintain that all the provisions in the Bill would be rather onerous in their effect on the ordinary house builder.

Clause 7 refers to a limit of 10ft. Ceiling heights are now much lower than they were a few years ago; in addition, the ordinary scaffolding used today is not like that used 20 years ago. In those days the common procedure was to place a piece of rough timber in a drum and lash rough cross timbers to it. Those using the scaffolding relied largely on the efficacy of the lashing. Today, however, the prefabricated type of scaffolding, or the tubular type with a special grip, is the main and, indeed, the most effective equipment used. I support the Bill, provided that it does not affect a house built below a certain height. The member for Light has foreshadowed an amendment relating to a height limit. I am rather surprised to see in the Bill certain conditions that are already spelt out in detail in both Commonwealth and State awards operating in South Australia. Those awards specify that certain requirements, such as drinking water, toilet accommodation, etc., must be provided for workmen.

Mr. Shannon: If there is any variation between Commonwealth awards and this Bill, which will apply?

Mr. COUMBE: I imagine the Commonwealth awards would apply. If they did not contain these provisions, I think our own Industrial Code (which was amended extensively last year) would apply. It must be remembered that the Bill applies only to certain proclaimed areas in South Australia. Those of us who operate factories know that the inspectors have certain powers under State and Commonwealth awards, as well as under the Industrial Code, except that an inspector may now apparently call on a member of the Police Force, where necessary. That seems to me to be going a little too far.

The Bill contains wide provision in respect of a principal contractor which I do not think will be effective. Despite some difficulties that may occur in some types of building with some subcontractors, I believe that the relevant provision will be too onerous. A subcontractor's main obligation under law relates to workmen's compensation, which often has nothing to do with the principal contractor. The direct employer of labour is responsible for workmen's compensation and is, indeed, required by Act of Parliament to provide it. The member for Light has foreshadowed an amendment along these lines. If the Bill can be effective and can help to save lives, it has my support. However, I do not think it necessary to apply many of its provisions to ordinary cottage construction. I doubt whether this legislation is desired to cover the type of equipment used by the member for Unley in his establishment.

Mr. Langley: It's all good stuff!

Mr. COUMBE: I agree that the member for Unley and I use only first-rate equipment. I support the second reading.

The Hon. Sir THOMAS PLAYFORD (Gumeracha): Clause 7, dealing with the notice of intention to carry out work, makes it clear that the department does not have to be given notice of such intention if the height does not exceed 10ft. above ground level. However, the Bill does not exclude such work from other provisions. Clause 5 provides that the work to which the Bill applies means "any building work on which any hoisting appliances or scaffolding is used or intended to be used", but makes no reference at all to a 10ft. limit. Clause 7 merely makes it an obligation to notify the department that work will commence. Whereas the clause obviates the necessity to give the notice in respect of buildings under 10ft., that exclusion does not apply elsewhere in the Bill. Although I have not checked, I believe that is a big departure from previous

legislation, in which certain work on low buildings is completely excluded. The Bill as drafted does not provide what the member for Torrens thinks it provides: all it does is exclude the necessity to give notice in relation to buildings below 10ft. high.

Mr. Coumbe: I do not want it to apply to house building.

The Hon. Sir THOMAS PLAYFORD: I do not think anybody would want it to apply to house building. An entirely different case arises in relation to houses over a certain height, because an accident could be a very serious thing. If the Bill is to apply to house building, I think it is a step in the wrong direction. Surely we are having enough trouble now in getting houses built, without taking steps to make it more difficult. The Bill extends existing provisions to all house building, even if the building is under 10ft. high. This, I believe, would come under the terms of the definition in clause 5, which states:

(*a*) any building work on which any hoisting appliance or any scaffolding is used or is intended to be used.

That does not mention any exclusion. If an exclusion were intended, a proviso would have to be added. Although the Bill does not compel a person to give notice of intention to carry out work, it will apply to cottage construction.

Mr. BROOMHILL (West Torrens): What the member for Gumeracha has said is correct. Notification in relation to construction work where the employee is required to be on scaffolding applies only to buildings over 10 feet in height, but the general provisions of the Bill are intended to apply to house building. At present, many dangerous situations exist, particularly in regard to bricklayers employed on house building. In most cases the bricklayer is working off drums or scaffolding slung between drums, and this cannot now be policed by the department. It is one of the intentions of the Bill that, in the interests of the employees, the department should have the opportunity to inspect these various features.

Mr. Freebairn: Have you read clause 7?

Mr. BROOMHILL: The observations made by the member for Light require some brief mention. Clause 7 has a provision with which the honourable member is dissatisfied. Paragraph (*b*) provides:

> any building working work on which the only scaffolding consists of a structure or framework of step ladders and planks or tressle ladders and planks used for light duty work and on which workmen are not required to work at a height of more than ten feet above ground level or floor level.

This provision applies in the existing legislation. It has been found reasonable, and no difficulties have resulted from it. The fact that it has been introduced into the Bill should create no problems. I should make it clear that the provisions of the Bill are deemed to cover work performed on single-storey dwellings.

Mr. HEASLIP (Rocky River): I had my doubts regarding this Bill, particularly on clause 5, which is the controlling clause of the Bill. After the explanation given by the member for West Torrens, I have no doubt about what the Bill means. He stated what the Government intended to do, and was quite frank about it. I cannot support any measure that will make it more difficult and costly for houses to be built in South Australia. This provision is unnecessary and will cost the purchaser more money.

The Hon. C. D. Hutchens: Does not the existing law apply?

Mr. HEASLIP: I do not know.

The Hon. C. D. Hutchens: Of course it does!

Mr. HEASLIP: Does the existing law provide what clause 5 provides? I do not think it does; otherwise, it is unlawful for anyone to build without getting this approval. Clause 5 does not apply only to contractors employing labour: it applies to anybody, even if the building is only 4ft. high. Paragraph (*c*) provides:

> Any excavation work for a building or structure which excavation exceeds a depth of four feet measured from the top of the excavation.

Paragraph (*d*) provides:

> Any compressed air work done in connection with building work when any hoisting appliance or scaffolding or explosive is used or is intended to be used.

I have seen many single-storey private homes built where the excavations have exceeded 4ft. This legislation would include excavations only 2ft. deep, and I believe this provision is far too restrictive. As I believe the present Act does not include this provision, I cannot support the Bill.

The Hon. G. G. PEARSON (Flinders): I agree with the main tenor of the argument of Opposition members on this matter. We do not wish to place any improper restraint on the operations of the Act that would have the effect of increasing, or even, in same cases, maintaining dangers to workmen employed on building

work. As the member for Torrens (Mr. Coumbe) wisely said, the type of structure of buildings has changed and the work necessary to be done in the erection of a building is much different from what it was; therefore, it is obviously necessary to examine legislation covering safety precautions from time to time. However, that does not mean that in examining legislation we should not examine it carefully; it does not mean that, in our desire to see that people employed in building work are reasonably protected, we should continue to build up against the builder (particularly the house builder) problems, difficulties and added costs that have only one result—to increase the cost of houses.

All members want houses provided that can be bought or rented by people of modest means. There is a need, which is not diminishing rapidly (we can never have enough that is cheap), for modest houses and houses that can be rented at a price that will be able to be reasonably met from wage packets. Constant and repeated demands are made in this House for this type of accommodation. Does this Bill encourage people to build houses; is it designed to reduce the costs of houses so that they fall within the ambit and meet the requirements of people in modest circumstances; or are we only tending by one means or another to add to costs and to discourage people from building houses?

I suggest that no reasonable case can be made out why the Bill should apply to a single-storey building with a wall 10ft. high and a ceiling 9ft. or 9ft. 6in. high. I believe that all that is required in the way of support for workmen working on such a wall is one lift scaffold, probably 4ft. or 5ft. from the ground. From that it is possible to reach the top of the wall with perhaps 6ft. the distance to the last few bricks. I think it is too foolish for words to say to the whole industry and to the Housing Trust (the biggest builder of houses in this State) that they must accept the added cost created by the Bill and must still keep building houses at a cheap rate.

Mr. Quirke: Would the Housing Trust have to pay separate fees for each house?

The Hon. G. G. PEARSON: I presume that anybody contracting with the trust would be covered for a certain number of houses. As the member for West Torrens (Mr. Broomhill) said, the intention is that the Bill shall apply to every house (every modest single-storey house) with a height of wall of 10ft. I believe that is unnecessary and undesirable.

I notice that in the list of definitions the principal contractor is described as, "a person who has undertaken or agreed to carry out any work to which this Act applies." As the member for Light said, the principal contractor in the case of a substantial building is only one of the employers of labour that will construct the building. As the Minister of Works knows, when he signs a contract with a tenderer, who has submitted a tender to his department which has been recommended to him for acceptance and which Cabinet has accepted, the contract is validated and the parties are bound thereby. Appended to the contract and included within the documents is frequently a list of contractors who, themselves, have contracted with the tendering party for the purpose of carrying out certain work.

I had the honour to sign a contract relating to the building now in the course of construction in Victoria Square. In that case there were contracts for the excavation of the foundation, for the erection of the shell of the building, for the air conditioning, for electrical wiring, for window treatments, and for plumbing. All these were contracts submitted by separate organizations engaged in those types of work. Having submitted its tender prices to the firm that tendered for the job, each firm is responsible for carrying out its part of the work. Each firm must tie in its work with the principal work of the contract; each employs its own staff, controls it on the job and is not subject to or within the employ of the principal contractor. I know certain arrangements apply in some cases, but that does not affect this argument. The principal contractor may be doing only a fraction of the main work or possibly none at all; usually he does some work.

At least one substantial building contractor in Adelaide (the Minister will recognize this wellknown firm) does his own work in all trades; he is possibly outstanding in that regard. Few other firms tendering for Government work do the work in all trades. To me it is quite impracticable that, in these circumstances, the principal contractor should be responsible for doing all the things the Bill says he must do.

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

The Hon. G. G. PEARSON: In addition to the physical difficulty of being on the job all the time, seeing the progress of the work and being able to discuss with the subcontractor when he will be erecting certain scaffolding

or other structures on which he is required to give notice, there is also the problem that he could not possibly know unless the subcontractor duly informed him what he was proposing to do from day to day. He could not know when one of his subcontractors might be erecting a structure about which notice would be required. I think this is an unreal provision that will tend to operate against what the Minister is trying to provide. I direct the Minister's attention to the definition of "principal contractor" in clause 4:

> (*a*) a person who has undertaken or agreed to carry out any work to which this Act applies;
>
> or
>
> (*b*) if there is no such person as mentioned in paragraph (*a*) in relation to the work, a person who has undertaken or agreed to procure the carrying out of any work to which this Act applies;
>
> or
>
> (*c*) if there is no such person as mentioned in paragraphs (*a*) and (*b*) in relation to the work, a person who has arranged with or procured directly or indirectly any other person to carry out (whether on behalf of such first named person or any other person whatsoever) any work to which this Act applies;
>
> or
>
> (*d*) if there is no such person as mentioned in paragraph (*a*) or (*b*) or (*c*) in relation to the work, a person who employs any person to carry out any work to which this Act applies.

It may be my fault, but I do not know exactly what it means, how it will operate or on whom the responsibility will devolve. The term "principal contractor" is used, but in nearly all cases the words, "or some person acting on his behalf" are added. How do we interpret this in practice? In this case, is a subcontractor a person acting on his behalf? If so, is the principal contractor absolved from any obligation? It seems to me that he is not: I think the principal contractor is clearly still responsible for notice to be given and for all other things he is required to do. I require some definition in this matter.

I think the intention of the Bill is to ensure that the department does get proper notice of the erection of scaffolding and other structures on which workmen are obliged to work. The Bill will ensure that notice is given to the department before a structure is erected, so the inspector can carry out his accepted function of seeing that the scaffolding conforms to the safety regulations. I have no quarrel with that in relation to the higher buildings, but why is the principal contractor named if it is not intended that he and he alone is to be responsible? It would be better and would meet the requirements of the Bill if "principal" were deleted from the definition. The person who should be responsible would be responsible for giving the notice. If we amend the definition by deleting the word "principal", we should leave out that word wherever it appears in the Bill. That would cover my objection to what I think is an unworkable provision. No doubt the Minister had some reason for including those words: I hope it is a convincing reason because, if it is not, I am not satified with the Bill. I notice, too, certain provisions in clause 7 absolve the principal contractor from this responsiblity. That clause excludes certain things; for instance, it excludes a structure erected inside a factory and used solely in connection with repairs to or the cleaning or maintenance of that factory. So far as it goes, that is good. The clause also provides:

> This section shall not apply in respect of—
>
> (*b*) any building work on which the only scaffolding consists of a structure or framework of step ladders and planks or trestle ladders and planks used for light duty work and on which workmen are not required to work at a height of more than 10ft. above ground level or floor level.

This seems to be a contradiction in terms of the intention of the Bill, as I think it will tend to encourage contractors to use light trestles and scaffolding where probably it is not as safe as it might be. In effect, I think it will encourage contractors on small jobs to use trestles and planking where probably it would be better if they used orthodox scaffolding. It is obviously the intention of the Bill that principal contractors shall be absolved from requiring to give notice on minor jobs. The clause then mentions working at a height of more than 10ft. above ground level. What is meant by "working at a height"? Does this refer to the height of the structure? In the case of a house, does it refer to the final height of the wall or to the height of the scaffolding on which the bricklayer is obliged to work? I am not sure what it means, but there is possibly an accepted interpretation. However, if there is I am not aware of it.

Mr. Shannon: Is it the height of the plank?

The Hon. G. G. PEARSON: I do not know whether it is the height of the plank or the height of the wall. When a bricklayer is

working on a wall, he stands at least 4ft. or 5ft. above the level of the wall. Does this mean the structure on which he stands shall be not more than 10ft.? If this is so, it removes an objection I have. If he stands with his feet on a structure no more than 10ft. high, he could be working on a building 14 or 15ft. above the ground. Some clarification is needed.

The Bill savours of carrying certain provisions too far, although it is necessary to bring the Act up to date with regard to high buildings and to provide for various trades that did not operate years ago. I object to the requirement that the principal contractor is responsible for doing many things that he is expected to do, and believe that the individual contractor should be responsible for giving notice. The Bill places a serious impediment on house building which, at this time, should not happen. If the Minister accepts the requirement that the subcontractor or contractor employing particular workmen is responsible for giving notice and assures me that the interpretation of height is not an impediment on ordinary house building, I may support the Bill but, at this stage, I reserve my judgment.

Mr. LANGLEY (Unley): I support the Bill, and do not agree that it will increase the cost of an average house. Generally, whether the job is large or small, similar scaffolding is used. There may be a slight difference in height but, in any case, all scaffolding should be in first-class condition. The plasterer probably uses scaffolding more than any other tradesman does, but on many small jobs he does not object to using petrol drums or wooden planks for the scaffolding, so long as he can move along the plank to do his job. We should ensure that on every job the safety of the workmen is considered.

Mr. Freebairn: Do you oppose people building their own houses?

Mr. LANGLEY: No, but they should ensure that the work is done under safe conditions with good scaffolding. The provisions of this Bill protect everyone using scaffolding. On many of the larger jobs the scaffolding inspector ensures that everything is safe, but on many of the smaller jobs this inspection is not made. However, under the Bill this will be done. People falling off low scaffolding can sustain serious injury, and the Bill safeguards insurance companies on which claims are made as a result of these accidents. A reputable contractor will not be affected by the provisions of this Bill and, obviously, we should consider the safety of employees. The fees to be imposed will not mean an increase in the cost of house building, but the provisions of this Bill will be of benefit to the building industry and assist in the safety of the worker.

Mr. SHANNON (Onkaparinga): No member will criticize the objects of the Bill: safety for all engaged in industry is a worthy cause. However, the Bill goes further than safety measures need go. We see an amazing and elaborate attempt in the Bill to define a principal contractor. After all, a principal contractor is merely a person who employs another. That definition certainly needs tidying up. The Public Works Committee only this morning inspected an area in the hills where seepage occurs. Practically every house that we saw was built on a plateau formed by an excavation. Will every person wishing to build in the hills come within the scope of the Bill? When I first took my young family to live at Bridgewater I decided to build a tennis court. Choosing an average site for the court, I had to cut into 14ft. of earth with a machine. Obviously, this provision in the Bill will restrict the activities of private house builders.

The Hon. C. D. Hutchens: Have you looked at clause 4?

Mr. SHANNON: What happens in the case of the small builder who engages his own labour on a private house? He will certainly come within the Bill's ambit.

Mr. Clark: It would not apply to a man building a house for himself.

Mr. SHANNON: I hope it does not. Admittedly, I have seen nothing in the Bill that suggests that a handyman wishing to build his own house will be prevented from doing so. But I am speaking about the man who buys a block of land in the hills and arranges with the builder to have a house constructed for himself. I do not think there is any risk nowadays in using a bulldozer to excavate the side of a hill to form a plateau. Indeed, bulldozers and spoil carriers are being extensively used at present on the hills freeway. Having defined a principal contractor, the Bill (clause 7) provides for the giving of a notice to commence work. I will not call the principal contractor an office man, as the member for Light suggested.

Mr. Freebairn: I said he could be.

Mr. SHANNON: It is not usual. The principal contractor asks a number of subcontractors to give him a firm quote in respect

of plumbing and electrical work, etc. Obviously, difficulty will arise in respect of who has to give the notice. Are the subcontractors agents? I agree with the member for Flinders (Hon. G. G. Pearson) that that aspect is certainly not clear. Will somebody acting on the subcontractors' behalf give the notice? Are we to permit a subcontractor to act as an agent for the principal contractor in respect of lodging the necessary notice with the Department of Labour and Industry? If that is to be permitted, it seems to me that it will be more appropriate for every contractor, whether he be a principal or subcontractor, to have the responsibility placed fairly and squarely on his shoulders of complying with the Bill when it becomes law. Every contractor trying to off-load the whole of the responsibility on to the principal contractor will create legal problems as to whether the subcontractor was instructed by his principal contractor to do certain things, but did not do them. It will be word of mouth for the most part. The principal contractor will say, "You are not doing the right thing." All sorts of problems will arise if the responsibility is not put upon the man in charge of the section of the work of this building, whether he be plumber, electrician, bricklayer, or plasterer, who is enagaged to do the work. He should have the full responsibility to comply.

If the burden is placed on a person, in this instance the principal contractor, it will not do any good for the safety of the community by trying to off-load from certain people responsibilities which should justly be put on their shoulders. No-one employing labour on any aspect of a big contract should be allowed to say, "It is not my responsibility, but it is the principal contractor's responsibility, to obey the law." That point needs clarifying. There may be conflict between this Bill and Commonwealth legislation. Some of the detail in the Bill is necessary; we cannot control safety and take proper safety precautions without detail, but I think the Bill could have been simpler. I agree with the policy of safety.

Safety precautions should be tightened up. There are big changes in the types of equipment used these days in the construction of tall buildings. Contractors are taking all precautions for the safety of their employees. Skilled workmen are highly paid employees, and it is in the interests of the employer to take care of his construction crews. This Bill will not affect many big contractors, as most of them already comply with its provisions, but it will encroach on the field of house building, where the necessity for these precautions is not nearly so great. I do not know whether the Housing Trust, engaged on a contract for 300 or 500 homes, would employ an inspector to ensure that its workmen were using the proper equipment.

There might be an occasion in a remote area where there was only one builder doing a job. The small builder who operates in remote areas has done more to develop our outback areas than has anyone else. Whether he is going to be dragged into this net, I do not know, or whether an amendment to exclude that type of undertaking can be passed, I do not know. I support the principle of the Bill, but we are going too far in taking it into fields where it is outside the ambit of public safety.

Mr. HURST (Semaphore): I support the Bill, because it provides sensible machinery for the protection of employees in the building industry. One of the complaints raised by the member for Onkaparinga was the definition of "principal contractor". The definition of "principal contractor" is a clear one. If the respective clauses under which it is defined are examined, the definition clearly sets out the varying levels of responsibility as they could apply in the building industry. By and large the principal contractor is responsible. Where a large building is being constructed the scaffolding is obvious and it would not be necessary for all subcontractors to contact the Department of Labour and Industry to advise it about the erection of a scaffold. Once a scaffold has been erected to a certain level it is used by all the subcontractors working at that level. If the occasion arose where a subcontractor desired to erect some scaffold to complete certain work, then the principal contractor should inform the subcontractors of their responsibility to ensure that the job was being inspected and carried out to the satisfaction of all concerned. Because of the nature of the building industry and because of the conditions under which people work, it is necessary to define the principal contractor in the way he has been defined in the Bill. This definition can be clearly understood at all levels and the position will not arise where nobody will be responsible for work.

Some members opposite have claimed that provisions of the Bill will increase the cost of building. Surely members opposite have

had sufficient experience in administering their own businesses to know that, in the building industry, in order to get maximum efficiency from workmen it is necessary to provide scaffolding that is safe. Once the safety element is beyond doubt the workmen will be able to get on with their job more efficiently and this will more than compensate for any cost involved.

Mr. Rodda: You are admitting that it will be dearer but safer.

Mr. HURST: I am not suggesting it will be dearer. I say without equivocation that any contractor wanting to get a job done efficiently and wanting to avoid unnecessary costs for the house builder will comply with this legislation. However, in the building industry, as in many other industries, a few people are not prepared to do what is recognized and accepted by the majority as necessary to comply with proper standards. The member for Rocky River (Mr. Heaslip) appreciates that point, and I can see he is keen to support it. Indeed, I can see his hand sneaking up now to support the Bill. He now thoroughly understands the provisions and believes this will be a sound measure. I assure the members for Onkaparinga and Light that they have nothing to worry about regarding Commonwealth awards. Awards relating to safety are relegated by the Commonwealth to the respective State departments. Further, ample competent trade union officials are available to work out these matters. I appeal to the members for Onkaparinga and Light not to vote against the Bill for that reason.

The Hon. C. D. HUTCHENS (Minister of Works): I have listened to the debate with much interest. I have become convinced that some members opposite have strained their imaginations almost to breaking point to say that the Bill will increase the cost of building. They have ignored the provisions of clause 5. They have ignored the fact that, regarding cottage home building, clause 5 does not differ from section 5a of the Scaffolding Inspection Act. Had members opposite examined section 5a of the Act they could not have claimed that the Bill would increase the cost of building. Section 5a provides:

For the purposes of this Act, the expression "work to which this Act applies" means work involving—

(*a*) the erection of any scaffolding or hoisting appliance;

(*b*) the use of any hoisting appliance (except a crane, hoist or lift to which the Lifts Act, 1960 applies) or of any power-driven equipment in connection with—

(i) the demolition, alteration, repair, cleaning or painting of any building by workmen; or

(ii) the carrying on of any other kind of work on any building by workmen;

(*c*) the demolition of any building the height of which exceeds twenty feet above ground level; or

(*d*) the excavation for building foundations exceeding a depth of five feet below ground level and in which excavation persons are required to work.

In this section the word "workmen" means any person working for reward whether as employees, contractors or subcontractors.

This section is repeated in clause 5 of the Bill. Some members have stretched their imaginations enough to say that we are going to prevent people from building houses because of the provisions of the Bill.

Mr. Quirke: The Bill won't affect the present factors in the building industry.

The Hon. C. D. HUTCHENS: No, but they have existed for some time and have nothing to do with the Bill. I point out that the Bill refers to workmen working for reward and will not apply to a person working for himself.

Mr. Heaslip: Does section 5a (*d*) refer to 5ft.?

The Hon. C. D. HUTCHENS: Yes.

Mr. Heaslip: The reference in the Bill is to 4ft.

The Hon. C. D. HUTCHENS: The reference to 5ft. has applied since the dark ages.

Mr. Heaslip: Then the two are not the same.

The Hon. C. D. HUTCHENS: The definition of "scaffolding" in the Bill is somewhat different from the provision in the Scaffolding Inspection Act, clause 4 of which states:

"Scaffolding" means any structure or framework of timbers, planks or other material used or intended to be used for the protection, safety or support of workmen in erecting, demolishing, altering, repairing, cleaning, painting, or carrying on any other kind of work in connection with any building, structure, ship, or boat, and any swinging stage used or intended to be used for any of the purposes aforesaid; but does not include any steps and planks and trestles and planks, unless the workman is required to work thereon at a height of more than 10ft. above ground level or floor level.

If the builder puts scaffolding up one lift on a cottage construction, the present Act applies. The effect of the Bill is that all trestles and planks will be scaffolding, but if

they are used for light duty by painters, plumbers or electricians, no notice will have to be given under clause 6, nor will any fee have to be paid. If we extend the height beyond 10ft. a person working on a scaffolding at that height could be attending to a building 15ft. high. There has been a lot of talk about the principal contractor, and it has been suggested that every contractor will have to give notice of the erection of scaffolding but it is clearly stated that we are not asking for such notice but only one notice when the building commences. I believe this is a good Bill that will give protection and safety and will bring all builders to the same level and give them the right to meet in fair competition. I urge the carriage of the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—''Interpretation''.

Mr. FREEBAIRN: I move:

In definition of ''building work'', after ''wharf'', to insert ''but does not include work done in connection with primary production''.

My amendment will make the definition of ''building work'' read:

''building work'' means work in constructing, erecting, adding to, altering, repairing, equipping, finishing, painting, cleaning, sign-writing or demolishing which when done in relation to a building or structure is done at or adjacent to the site thereof and which, when done in relation to a ship or other floating structure, includes the construction of a ship or floating structure and all work which is done on or adjacent to a ship or other floating structure in a dock or on a slip or at a wharf; but does not include the work done in connection with primary production.

The words I have included would exclude work in connection with primary production, and I see no reason why my amendment should not be carried.

The Hon. G. A. Bywaters: What about silos?

Mr. FREEBAIRN: Farm silos are the very things I am referring to.

Mr. Clark: How high would these be?

Mr. FREEBAIRN: They could be 15ft. or 20ft. It is all very well for the member for Wallaroo to laugh, but this question affects his district. It is not in his interests to act against the welfare of his district, and I hope he will pay attention to what I say. This also applies to the member for Gawler: he is not so secure in his seat that he can ignore his district.

Mr. Hughes: Get off politics, and get back to the Bill!

Mr. FREEBAIRN: I hope members opposite who really consider the welfare of their constituents will support my amendment.

The Hon. C. D. HUTCHENS (Minister of Works): I urge the Committee not to accept this amendment. Surely the amendment would include work done on the bulk handling silos of the co-operative. The amendment could even include Dalgety House or any other building erected by a stock and station agent. I urge the Committee not to accept the amendment.

The Hon. T. C. STOTT: The Minister's point should be considered. I suggest to the member for Light that he strike out ''in connection with'' and insert ''by or on behalf of''. The Bill should apply to a contractor building a silo, but not to a primary producer.

Mr. HEASLIP: The Bill should have universal application throughout this State and not be confined to places referred to in the Second Schedule. This amendment does not define a primary producer and, although it allows him to work on his property without the red tape provided by the Bill, its meaning is not clear.

Mr. SHANNON: I agree with the idea behind the amendment, because dairy farmers do construction work on their properties, but the amendment goes further than that.

The Hon. C. D. HUTCHENS: The Bill allows a primary producer to do work on his property if he is not working for reward.

Mr. FREEBAIRN: I ask leave to withdraw my amendment with a view to moving another.

Leave granted; amendment withdrawn.

Mr. FREEBAIRN: I move:

In definition of ''building work'', after ''wharf'', to insert ''but does not include work done on a farming or grazing property''.

I believe that this wording covers the situation.

Mr. QUIRKE: I do not agree with this amendment because certain exempt areas are defined in the Bill. A farmer who employs a person to do certain work on his property should comply with the law. If he lives outside the areas named in the Bill he may do what he likes. I do not see why a farm property should escape the dragnet. Few silos are built on farms today.

The Hon. G. A. Bywaters: More could be built in a few years' time.

Mr. QUIRKE: Most silos are prefabricated. If they are not, they are brought along in so many rings, assembled and then erected.

The Hon. G. A. Bywaters: That will not necessarily continue.

Mr. QUIRKE: Why should a farmer be excluded? The farmer will see the wisdom of this legislation.

Mr. HUGHES: I would not have spoken had it not been for the dirty insinuation made by the member for Light (Mr. Freebairn) about the member for Gawler and me. I take strong exception to what he said. I come from one of the best farming communities in the State, and I am certain that no farmer in my district would wish to be exempted from this legislation. In the district I represent, I am confident that the farmers would be only too happy to abide by the legislation in relation to building silos if they thought it would prevent an accident. It may be different altogether if tradesmen were called in to construct a concrete floor for a silo.

The member for Light should go to the university not to study political science but to study primary production, so that he might learn something about the height of some silos. He would not be game to climb the steps of a silo, let alone climb on to the outside scaffolding. I ask the Committee to vote against the amendment, because farmers would be the first to say, "We want scaffolding if it is going to prevent an accident." I am surprised that such a stupid amendment should be moved by someone who calls himself a man from the land.

Mr. HEASLIP: I have never heard a more ridiculous statement—

Mr. Hughes: That means you don't care about human life.

Mr. HEASLIP: —than the one I have just heard from the member for Wallaroo. He said that no farmer in his district wished to be exempt from this legislation.

Mr. Hughes: Not if he thought it would prevent an accident.

Mr. HEASLIP: The honourable member did not confine his remarks to Wallaroo, either. I know something about farmers but the member for Wallaroo evidently does not. The member for Burra asked why farmers should be exempt.

The CHAIRMAN: There are too many interjections and conversations. Members should refrain from interjecting.

Mr. HEASLIP: I will give the reasons. When a windmill has to be erected on a farm a hoisting appliance must be used. Under this Bill, anybody within 10 miles of Port Augusta or Whyalla, or within five miles of Gawler or any of the other places listed, will be included in the legislation. Farmers should be exempt, because to water their stock they have to erect windmills and use hoisting appliances to do so. The amendment will fulfil the requirements of primary producers.

Progress reported; Committee to sit again.

COMMONWEALTH POWERS (TRADE PRACTICES) BILL.

Adjourned debate on second reading.

(Continued from March 1. Page 3364.)

Mr. QUIRKE (Burra): I do not support this measure. I have long ago given up any ideas that I had that the transfer of State powers to the Commonwealth Government is good legislation. I do not believe it is. Most of the powers that the State has given away have hit the State hard at different times.

The State is suffering to a tremendous extent as a result of the Financial Agreement. In the interests of the State, every effort should be made to rewrite the Financial Agreement. The same will apply to this Bill if we give away our powers to the Commonwealth. I should much prefer to have some of the disabilities attached to trade practices than to give away this power, because every time we give away our power we are reducing the status and standing of the State Parliament. Honourable members opposite think that that is a very good reason for giving away powers, but I do not.

I will not support anything which has to be administered in a bureaucratic way by a central authority in Canberra. If everybody gave this power away, it would apply to Broome, Cooktown, and every part of the Commonwealth. Australia has about the same area as the United States of America, and is as big as the whole of Europe. I do not think it is within the bounds of possibility that remote control can be exercised over such a vast area. That applies to these practices as well as to any other. South Australia can do much to mitigate the adverse conditions that accrue from the different forms of trade practices that are not in the interests of the people. There have been occasions when price control has operated. We have given away our powers over imports and exports and over all forms of excise and

customs duties. Has an investigation ever been made into the possibility of using these powers that the Commonwealth has in order to break some of these combines or wean them away from collusive practices, not the least objectionable of which is collusive tendering? That could be broken.

There are other instances where monopolistic practices could be broken by the Commonwealth using its import and export powers. If, say, galvanized iron was in short supply and someone was controlling a monopoly to the detriment of the people, supplies could be obtained from overseas. I have an implacable hatred of handing over the powers of the State to the Commonwealth Government, as this means control from a central nest in Canberra through an ever-widening bureaucratic system. The more we give away the greater the bureaucracy we will have. Sooner than give away powers I would put up with what we cannot control by State legislation. However, I am perfectly certain some matters that cannot be controlled by State legislation can be dealt with by other means.

I certainly would not extend the powers of the Commonwealth Government when that Government uses the powers it has been given already to restrict the resources of State Governments, throughout Australia. If that is the attitude of the Commonwealth Government then it will get no further powers from my vote. It seems to me that every politician who goes to Canberra (no matter what his political convictions) before long becomes a unificationist obsessed with the idea of a National Parliament. We must be careful of these people. Because of the reasons I have given, I do not consent to this power being given away, and I do not support the Bill.

Mr. HALL (Leader of the Opposition): This debate has been interesting. A matter that has been discussed is whether the powers given to the Commonwealth under the Bill could or could not be reclaimed. Of course, we do not know the polictical complexion of the Government to which these powers are referred. At present in Canberra there is a Liberal Party and Country Party coalition Government. Although for the reasons stated by the member for Burra I do not approve of the transfer of these powers, even to that Government, I should feel much happier for that "right of centre" Government to exercise the powers than to have them exercised by a "left of centre" Government led by Mr. Whitlam. This question has a bearing on whether these powers should be referred to the Commonwealth Government.

We cannot know what would be the policy of the Government that would exercise these powers; we do not know how the powers would be used or against whom. I am convinced by the argument put forward by the member for Mitcham (Mr. Millhouse) that it is by no means certain that the State could get back these powers if it wanted to. Even the member for Glenelg (a supporter of the Government) voiced doubts whether the powers could be returned to South Australia. In his speech, the honourable member referred to the references by the Attorney-General and the member for Mitcham to a case heard by the High Court. He said:

> Despite the doubt on this particular point—

and that point is the State's revocation of those powers—

> it is nevertheless true that that case decides what in certain respects is a good reference.

The key words are "despite the doubt". He continued:

> 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—

there is no certainty—

> that the possibility of revocation implied in the reference would be held by the High Court to have a certain meaning.

He is not at all sure, as the Attorney-General is sure, that these powers can be revoked. If one of the Attorney's supporters has a doubt then surely I must have a greater doubt, because the member for Glenelg is more optimistic in supporting the Bill. In the Bill, are we handing over to the Commonwealth power to prosecute someone if he tells a neighbour that he cannot get to an auction and asks the neighbour to bid for articles on his behalf? We do not know whether we are handing over that sort of power because the key clause in the Bill is not at all definite. Clause 2 (1) provides:

> Subject to subsection (2) of this section, the following matters are referred to the Parliament of the Commonwealth, namely:
> (*a*) agreements, arrangements, understandings, practices and acts restrictive of, or tending to restrict, competition in trade or commerce.

It could well be that the practice adopted for auctions that I have outlined is a restrictive trade practice. Strictly, I should say it was. But is that the sort of thing we want to ban? We do not know, because we do not know what we are handing over.

Of course, Socialists have no difficulty in supporting the Bill. We know it is their aim to centralize the powers of the States in the Commonwealth Government. However, we have a difficulty the Socialists do not have. Not only could it be said that we were referring powers, but in many instances we could be referring the privileges of many people. We all admit that some of these privileges are not used in the best interests of the community if they are used as restrictive trade practices. However, we have not drawn the line about which privileges will be affected and, under the loose terms in the Bill, we could be handing over the proper privileges of people.

We do not know what we are handing over, we do not know to whom we are handing over what we hand over, and we do not know how what we hand over will be used. Because of the indefinite proposals, because of the implication that we cannot revoke these powers once we hand them over (and this was supported by the clear refutation by the member for Mitcham of the Attorney-General's case as it rested on a High Court decision regarding Tasmania and the Commonwealth), and because of the doubts held by the member for Glenelg, I cannot support the Bill.

Mr. COUMBE (Torrens): The Bill falls into two parts: first, the matters to be referred and, secondly, the details of the referral. As all members interested know, the the matter of restrictive trade practices has been before the public in one way or another many times. I listened to Sir Garfield Barwick and Mr. Snedden, as Commonwealth Attorneys-General, debate the matter on different occasions. I have also heard protagonists and antagonists putting forward their views. There may be some merit in the terms of reference brought forward by the Attorney-General. I realize how the tribunal is to work: that it will be a Commonwealth body and will possibly have sub-tribunals or sections of the tribunal working in various ways. The Attorney-General is asking us to refer State powers to the Commonwealth so that we will have not only uniformity but one authority functioning in this field with one set of powers so that there will not be any overlapping or confusing powers. This was the dilemma that faced me and other members. The Attorney-General postulated one case and recommended that we should refer these powers he considered necessary to the Commonwealth. He cited certain authorities to support his case. Then the member for Mitcham argued against those views and put forward a contrary view on pretty well the same authority. Who are we, as lay members and not legal experts, to decide?

The Hon. D. A. Dunstan: You have not heard my reply yet. You had better postpone consideration on that.

Mr. COUMBE. A member is entitled to put his point of view forward, and the Attorney-General will get his opportunity to reply. These two views show there is some doubt.

The Hon. D. A. Dunstan: Have you spoken to the Commonwealth Attorney-General?

Mr. COUMBE: I have not. Members have heard two conflicting views expressed.

The Hon. D. A. Dunstan: I have the Commonwealth Solicitor-General's opinion here.

Mr. COUMBE: That will be of interest.

Mr. Millhouse: He is, perhaps, an interested party.

Mr. COUMBE: As this doubt has been raised, I do not intend to support the Bill until it has been completely resolved to my satisfaction. If we support the Attorney-General we will give to the Commonwealth a power which, he says, there is no doubt about our getting back. On the other hand, the member for Mitcham has said that that is open to grave doubts. While that doubt remains in my mind, I will not support the Bill.

The Hon. T. C. STOTT (Ridley): This is a very important Bill because the transfer of powers to a central authority affects every citizen in every phase of life in this State. Consequently, it is important that every member should indicate his attitude. I am apprehensive about passing these wide powers to the Commonwealth when I have doubts about the situation. I have looked at the speech of an honourable member who has passed on; he was considered to be one of the most able constitutional authorities we had in the House in 1942, when he was Attorney-General. He raised somewhat similar arguments as the member for Mitcham raised. Having looked at that speech, and not being a trained lawyer, I can only be guided by those who have a trained legal mind. I am hesitant about transferring powers to the Commonwealth when there is a grave doubt that we will be able to get them back.

The Commonwealth could do many things in relation to restrictive practices that would affect this State but not New South Wales.

Western Australia has been hesitant about transferring these powers. To be completely effective, legislation of this character must be passed in each State. If Western Australia or Queensland stand out, I do not see how it can be effective. We send goods to Western Australia, and we could have control here but none in Western Australia.

I am hesitant about this, and I think the Attorney-General would be wise to see what happened in the other States before pushing the Bill through the House. In the circumstances, I will not support this Bill at this stage. I do not know what the other States are going to do, but I believe it will be difficult for us to get powers back if they are given away now.

The Hon. D. A. DUNSTAN (Attorney-General): I have listened with attention and re-read some of the speeches made in opposition to this Bill. I am somewhat at a loss to understand what precisely is the point of view of the Liberal Party in this matter. A clear case has been made not merely by Labor men but by Liberal politicians throughout the Commonwealth that Australia is one country with a comparable economy that has no legislation in this field, and the works of many academic economists have shown quite clearly that restrictive trade practices and monopoly concentration of power to exploit the public has gone further in Australia than in any comparable country. It was as a result of pressure on this particular matter that Sir Garfield Barwick originally proposed measures to legislate to control restrictive trade practices and monopolistic practices in Australia and to outlaw certain practices.

There has been a debate going on over a long period, ever since the Joint Committee on Constitutional Review of the Commonwealth Parliament, supported by both sides of the House, recommended that this was an area in which action vitally needed to be taken by the Commonwealth of Australia. The member for Mitcham, who was the first speaker for the Government, said quite clearly that he believed in restrictive trade practices legislation. He thought that was the proper form of legislation in this area rather than the Prices Act about which his former Leader had spoken so many paean of praise. The honourable member said that because of a view that he took on the Constitution we should do nothing and so make the Commonwealth proposals ineffective, although it would be impracticable for the States to move in this sphere when there was Commonwealth legislation covering the interstate practices. How could Opposition members suggest that the State could set up its own tribunal of registry for investigating intrastate practices while there was a Commonwealth tribunal dealing with interstate practices? How can they be separated?

Before we came to the decision to recommend to the House that we should refer our powers to the Commonwealth we took the attitude that we should try to construct complementary legislation so that we fitted into the Commonwealth scheme for an Act exercising the State powers through this Parliament. I made it clear to honourable members in my second reading explanation that that exercise is completely impracticable. We had the Commonwealth Parliamentary Draftsman here with Mr. Ludovici. Honourable members opposite will recognize Mr. Ludovici as one of the best Parliamentary Draftsmen in Australia: he is widely accredited with being so, (and deservedly so). We found it completely impossible to pass complementary legislation in this State. In my second reading explanation I listed in detail the reasons, yet no Opposition member has replied and shown me how it could have been done.

The gravamen of the speech of the member for Mitcham was that because of the constitutional view he took, it was unfortunate we could do nothing, but it was more preferable to have restrictive trade practices than to make an essay of transferring powers to the Commonwealth. In these circumstances, neither the member for Mitcham nor any other Opposition member has suggested how we can move into this field, and I challenge them to do so. When I informed the Commonwealth Attorney-General of some of the things said by Opposition members he expressed not only dismay but very considerable surprise. The member for Mitcham will agree that he is a particularly prominent and learned counsel.

Mr. Millhouse: Not in constitutional matters.

The Hon. D. A. DUNSTAN: I think the Commonwealth Attorney-General is better qualified on constitutional matters than are many people in this State.

Mr. Millhouse: That dosen't mean anything.

The Hon. D. A. DUNSTAN: I hesitate to pit him against the member for Mitcham. I will not cite the opinions of Mr. Bowen or Mr. Snedden. In the opinion of the member for Mitcham they are mere Party colleagues

who, as part of the Liberal Party in Australia, say one thing prior to a Commonwealth election as the policy of the Party, which the Liberal Party in this State later repudiates completely. I cite for honourable members the opinion of the Commonwealth Solicitor-General, and I think the member for Mitcham will agree that he is one of the counsel who represented the Government of Australia before the Privy Council in the freight lines case, and that he is a constitutional counsel of considerable renown. He said:

I am asked to advise whether a reference made by a State may be limited in point of time, or whether it must be unqualified as to time. Although at one time there was considerable controversy as to whether a reference made by a State, limited in point of time, constituted a reference within the meaning of section 51 (xxxvii), but all doubts upon this question have been set at rest by the decision of the High Court in *The Queen* v. *Public Vehicles Licensing Appeal Tribunal of Tasmania*, ex parte Australian National Airways Pty. Ltd., reported in 37 A.L.J. at 503.

He cites, as the member for Mitcham cited, the members of the bench and its judgment, and I shall read the section cited by the member for Mitcham and, if I may, interpolate a few of my comments. The member for Mitcham was rightly taken to task publicly by a member of the legal profession for his interpretation of this section. Mr. Detmold pointed out that the honourable member had missed the point of the judgment, and so he had. The judgment of the court states:

A great deal of discussion has taken place as to the true meaning and operation of paragraph (xxxvii) and of course the purported reference by the Parliament of a State to the Parliament of the Commonwealth, as a matter, of something which could not fall within the description of the paragraph, however it might operate as a State law, could not operate to increase the powers of the Federal Parliament. 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 . . . How long the enactment is to remain in force as a reference may be expressed in the enactment. It nonetheless refers the matter. Indeed the matter itself may involve some limitation of time or be defined in terms which involve a limitation of time.

These are queer words. What they are saying is that a valid reference may contain a specific limitation as to time or a specific limitation on a future event such as the right of a State by proclamation to terminate the reference.

The Hon. G. A. Bywaters: I'm glad you explained it.

The Hon. D. A. DUNSTAN: How long it has to remain in force as a reference may be expressed in the reference itself, and that is a valid reference. It is valid when it contains a limitation. The honourable member for Mitcham apparently reads the judgment as stating that the limitation is irrelevant and not part of the validity of the reference, but that is not what the High Court said. It said that a reference limited in point of time or on a future event, such as the proclamation withdrawing the reference, was a valid reference and the limitation was validly expressed.

The judgment continues:

In the argument before us there seems to be an assumption that to include the Tasmanian Act No. 46 of 1952 within paragraph (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 even if that event involved the will of the State Governor in Council and consists in the fixing of a date by proclamation.

Nothing can be clearer than this. The member for Mitcham cited a section upon which I shall comment. The Court went 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.

Nor did it think there was any question for determination by the High Court that an Act of the State Parliament repealing the law which made the reference was valid or invalid. That was beside the point. But what the member for Mitcham did was to confuse what the High Court was saying about an Act of Parliament repealing the original law making the reference with the proclamation by the Governor under a valid reference, which the High Court had found to be validly limited.

Mr. Millhouse: They did not find it to be validly limited; they found it to be a valid reference.

The Hon. D. A. DUNSTAN: On the contrary. The opinion continues:

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 even if that event involves the will of the State Governor in Council and consists in the fixing of a date by proclamation.

Mr. Millhouse: But that refers only to the reference.

The Hon. D. A. DUNSTAN: It refers to a reference limited in a particular way which, the

opinion states, is a valid reference. If the limitation was not valid, how could the reference be valid?

Mr. Millhouse: I can suggest that very easily.

The Hon. D. A. DUNSTAN: The honourable member, in pointing to the further section in the judgment, must have meant that a repeal by Parliament was being discussed, and not the exercise of the powers that were found to be validly implied in the reference. The opinion continues:

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 was irrelevant. A reference validly limited had been found—limited in exactly the way that we provided in this particular reference. The Solicitor-General continues:

We think that the Tasmanian Act as framed is fairly within the paragraph and does refer a matter. But it must be remembered that the paragraph is concerned with the reference by the Parliament or Parliaments of the State or States. The will of a Parliament is expressed in a statute or Act of Parliament and it is the general conception of English law that what Parliament may enact it may repeal.

The Commonwealth Solicitor-General then remarked:

Since these observations were made, it is clear that, notwithstanding that the State imposes a time limitation upon the reference and that the time limitation is fixed by a proclamation made by the Governor, the reference is nevertheless a valid reference for the purpose of section 51. Associated with this question is the question whether in the event that the reference is unlimited in point of time—

that is, it is not limited on a future event as we have limited it here—

the State may subsequently revoke the reference.

In other words, it passes an Act of Parliament making a reference (unlimited) and later passes an Act of Parliament repealing that reference. This is the question to which the Solicitor-General is now referring, although it does not arise in the case of this Bill.

The Hon. T. C. Stott: If we pass this Bill, the Commonwealth then has the relevant power in legislation. In what position would we be when the Commonwealth law prevailed over our own law?

The Hon. D. A. DUNSTAN: Section 109 does not arise here. The basis of the Commonwealth jurisdiction to exercise that power is the reference. Once the reference is revoked by proclamation, under the decision I have cited, that is an end to the matter, and the Commonwealth Act thereupon becomes invalid, because it has no basis in power.

The Hon. T. C. Stott: You were referring to unlimited time a moment ago.

The Hon. D. A. DUNSTAN: This is an academic question which has been raised by the member for Mitcham, and, as it is referred to in the Commonwealth Solicitor-General's opinion, I am now citing it. However, it does not arise under the Bill, because what is contained in the opinion is not what we are doing. The Solicitor-General is saying that there is a further question: that, if we pass the Bill which contains no limitation, we can make a proclamation revoking it; nevertheless, in his view, the State Parliament could pass a law simply repealing that Act, and that would be a valid revocation in his opinion. I assure the honourable member that section 109 has nothing to do with it. The opinion continues:

This question has not as yet been finally determined but, in my view in the *Queen v. Public Vehicles Licensing Appeal Tribunal of Tasmania* the court gave a very clear indication that it would be disposed to answer that question in the affirmative. Accordingly, I am of the opinion that the State has a power of revocation which renders it unnecessary to introduce a time limitation in relation to the subject matter of the reference.

Mr. Millhouse: Do you agree with that opinion?

The Hon. D. A. DUNSTAN: Yes. Nevertheless, since that question has not been determined, and as we want to be in the position to take action if necessary in the easiest possible manner, why not proceed in the Tasmanian manner? That is all the Commonwealth is asking us to do, so that we are in a position to revoke and are clearly within the terms of the decision. The Solicitor-General continues:

The question remains whether in the event of revocation of a reference the Commonwealth law is deprived of the validity which it owed to the reference or whether it continues in operation notwithstanding the revocation. In my opinion, the Commonwealth law, in so far as it depends upon the reference, ceases to operate upon the revocation taking effect. There are two reasons for this conclusion. First, the subject matter with respect to which legislative power was conferred, has been removed. Secondly, the contrary view involves the extraordinary result that the Commonwealth law becomes immutable and incapable of repeal by virtue of the revocation withdrawing the subject matter from Commonwealth legislative power.

In other words, if the contention were correct that a reference was irrevocable, and a State Government then revoked the Act making the reference, the Commonwealth would be left with nothing under the section (placitum 37), and it could not then amend its own legislation. That would be the effect if the contention that we could not repeal were correct. The Solicitor-General continues:

However, in the event that a State has any doubt as to the correctness of a view which I have expressed as to the revocation of a reference and its consequences, the State may impose a time limitation upon the reference as was done in the Tasmanian Commonwealth Powers (Air Transport) Act which was upheld by the High Court in the *Queen v. Public Vehicles Licensing Appeal Tribunal of Tasmania.*

In other words, that is exactly what we have done. The Solicitor-General has taken the question raised by the member for Mitcham, and has said that he does not agree with the honourable member's opinion on the matter, but that it does not matter, anyway, because we can limit the matter in the way we have done so in the Bill. That is entirely within the High Court's decision. I was somewhat surprised to hear the honourabde member's contention on this particular case. I must confess that, when this opinion was delivered to us in 1966 by the Commonwealth Solicitor-General, the State Solicitors-General and senior officers of the States, discussed it with the Attorneys-General, and I heard not one dissent from the view expressed by Mr. Mason.

Mr. Millhouse: Have you taken any opinion on it here?

The Hon. D. A. DUNSTAN: I have taken opinions within my own department.

Mr. Millhouse: Are they to the same effect?

The Hon. D. A. DUNSTAN: Yes, there was no disagreement by the officers in my department, who considered this matter, with this particular view. With great respect to the honourable member, I consider that the view he has expressed is erroneous and has come from a somewhat hurried reading of portions of the judgment I have now read. The view that Mr. Mason expressed in his opinion as to the meaning of that judgment is the view I hold strongly myself and the view I have always taken. I believe the honourable member has completely confused two portions of the judgment as thinking they referred to the same thing, which they do not.

When the member for Gumeracha (Hon. Sir Thomas Playford) addressed the House, he made it clear that he did not believe in this kind of legislation at all. He believes that we have perfectly adequate power to deal with restrictive trade practices in South Australia under the Prices Act. In that case, it is remarkable that he did not deal with them.

The Hon. G. A. Bywaters: He said that price control was under the Commonwealth Government.

The Hon. D. A. DUNSTAN: He talked about the prices legislation in South Australia and said we had power to control restrictive trade practices. Some powers can be exercised under the Prices Act but they were not exercised for the most part by the honourable member when he was Minister in charge of the Prices Department, and restrictive practices in South Australia are rife. In numbers of areas of trade in South Australia it is impossible to get into the trade, and competition is carefully excluded. It is not possible for us to take effective action in South Australia under the Prices Act.

Within these trades are inextricably bound up both interstate and intrastate practices. How de we control interstate practices? We cannot, as the honourable member knew at the time of the original 1948 Prices Referendum. We cannot, we do not and we have not controlled restrictive trade practices under prices legislation. I do not suggest that the State is able to control them effectively under the Prices Act at the present. The honourable member also said that if this Bill were passed and the Commonwealth trade practices legislation were applied intrastate, this Bill would provide specifically that the powers to be exercised under the Commonwealth trade practices legislation were to be specifically referred. While I was explaining the Bill, the honourable member for Mitcham took me to task and said that I had explained in detail the contents of the Commonwealth legislation. Apparently, however, he had overlooked the fact that in the Bill is a specific reference to the power of the Commonwealth to pass that legislation in relation to intrastate practices. That is why I had to explain it to honourable members; it is the specific thing we are transferring apart from the general powers expressed in the earlier clause.

The member for Gumeracha said that if this Act is in operation intrastate it will interfere with our Prices Act administration. I challenged him, by interjection, to cite one case where this occurred, and he was not able to do so. I do not know how there is going to

be any interference with our State prices legislation by the form of legislation that the Commonwealth is introducing because the Commonwealth operates quite differently; to get a conflict to bring into effect the provisions of section 109, so that the Commonwealth Act takes precedence over the State Act, there has to be a clear conflict and the honourable member was not able to point to one case of such conflict.

Other members opposing the Bill founded their objections to it either on the basis that they did not want to refer any powers to the Commonwealth under any circumstances at any time or that they had doubts raised by the member for Mitcham. I do not want to say anything more about the doubts raised by the member for Mitcham, as I have dealt with them in detail. Regarding the other objection, I can only say to honourable members that if there is to be effective competition in South Australia legislation of this kind is an absolute necessity. If we are to have investments, with new technologies and new techniques being brought to South Australia, we need to provide a climate in which competition can occur. At the moment, people seeking to come here with new techniques are being excluded in numbers of our areas of specialized industries in South Australia because of the rings that exist in this State.

Mr. Coumbe: Who are they?

The Hon. D. A. DUNSTAN: I will cite privately to the honourable member certain cases in a little while if he wants to know them. I will give him the particular fields where this has occurred. If he would like to see it privately, I am sure I can arrange with the Premier to show him some of the investigations carried out by the Prices Department into numbers of these complaints. The Supply and Tender Board can tell him much about collusive tendering.

Mr. McAnaney: You can stop that without transferring powers.

The Hon. D. A. DUNSTAN: True, collusive tendering can be stopped without transferring powers, but we cannot stop other practices without the transfer of powers. It is vital for South Australia's development that we provide here a climate of enforced competition that oversea investors and technologists know well in their own countries because, in fact, this kind of legislation is a feature of their economies. They know it well and they are able to work with it but, if they come here and find that they are excluded under certain circumstances, South Australia suffers.

Mr. Millhouse: If you are so certain in your own mind that this is constitutionally all right (and you have given that impression this evening), why is it, do you think, that the other four States have done nothing to follow the Commonwealth?

The Hon. D. A. DUNSTAN: I do not know why the other four States have taken the attitudes they have taken. The only State that has expressed any views on the subject is New South Wales where Mr. McCaw has said that he is interested, that he is examining the matter, that he will be discussing it with his Cabinet, and that he believes something must be done. Regarding Victoria, Western Australia and Queensland, the Attorneys-General or Ministers for Justice in those States have simply sat mum.

Mr. McAnaney: They have been vocal.

The Hon. D. A. DUNSTAN: They certainly sat mum at the conferences of the Attorneys-General.

Mr. McAnaney: Sir Henry was vocal.

The Hon. D. A. DUNSTAN: Some members of Parliament in Victoria have adduced reasons for not transferring powers to the Commonwealth and for not being involved in Commonwealth legislation somewhat similar to opinions voiced by members opposite in this debate. Again, I cannot find any reason for this other than an attitude that whatever was founded in the Commonwealth Constitution originally is valid and must be immutable whatever the changing circumstances of the economy and however people in the country are affected by it.

The economy is changing constantly and all members know that intrastate and interstate practices of a restrictive kind are inhibiting the economy of South Australia. As much as 80 per cent of our secondary production is exported to the Eastern States. We are inevitably bound up with their economies; we cannot control them from here. If we are to enforce competition, we have to be part of a general scheme throughout the Commonwealth. I take up the honourable member who spoke on this. It should operate from the south of Tasmania to the Gulf of Carpentaria and from Sydney to Darwin. It has to operate over the whole of Australia. Members have said, "If all the other State Governments do

not come in, what is the use of South Australia coming in?'' The use of South Australia and Tasmania coming in is that the legislation can be fully effective in our areas and partially effective in the rest of Australia, but we certainly get an advantage out of that, not a disadvantage.

Mr. McAnaney: Can the Commonwealth Government deal with all interstate transactions?

The Hon. D. A. DUNSTAN: Yes, despite section 92 of the Commonwealth Constitution. Under this legislation it will be able to work effectively. I personally would have preferred to see the original Barwick proposals rather than those at present before Parliament, but that is not possible and one has to take the possible, because politics is always the art of the possible. This is the only possible course for us if we are going to have restrictive trade practices legislation, and I urge members not to take a parish pump attitude on this. The Government is not taking a parish pump attitude on it although there happens to be a Liberal and Country Party coalition Government in Canberra and although the Bill is not exactly to our liking. Our view is that this is something necessary for the people of Australia, and therefore as a national product, and as a national project, we should pursue this matter and see to it that we co-operate with the Commonwealth and provide for the citizens of this State the very real benefits that can accrue to them from this legislation.

The House divided on the second reading:

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

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

Pairs.—Ayes—Messrs. Clark and Riches. Noes—Messrs. Brookman and Ferguson.

Majority of 2 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1—''Short title and commencement.''

The Hon. Sir THOMAS PLAYFORD (Gumeracha): I move to insert the following new subclause:

(3) No proclamation shall be made fixing a day for the coming into operation of this Act until legislation to the effect of sections 2 and 3 of this Act has been passed and come into operation in each of the other States of the Commonwealth.

The Attorney-General indicated that this legislation was necessary on the part of the State if effective control of restrictive trade practices was to be carried out in Australia. He said the States would have to pass complementary legislation to that of the Commonwealth, but I do not agree with that view. I believe that the States have ample power to deal with matters that occur inside the States if they so desire to do so. I have had much experience with restrictive trade practices in this State and have found the Prices Act adequate to deal with the matter if firm and proper action was taken, but many of the practices that would come under this legislation are not disadvantageous to the public, although some of the ones in the Commonwealth Bill are designated as being completely obnoxious.

The Hon. D. A. Dunstan: What are they?

The Hon. Sir THOMAS PLAYFORD: Collusive bidding and tendering. The honourable member's own Government every week agrees with collusive tendering in the purchase of cement: it splits an order between two companies and gives each precisely the same price. That is not a subject that is detrimental to the Government or detrimental to the people of this State, but that would be completely barred under the Commonwealth legislation. The Prices Act could deal with that and, in fact, did deal with it. The price of cement in South Australia has been so far below the price in other States that we export large quantities to Victoria and New South Wales. The amendment is not designed to make the Attorney-General believe that I agree with his exposition of the law, because I do not. When the Commonwealth Powers Bill was before the Commonwealth and State Parliaments, long debates were held by learned people, and many opinions procured, because there was a genuine contest of opinion whether a reference that had a term in it was valid and whether it could be withdrawn. The predominant opinion then was that, if the Commonwealth passed a law under the terms of reference, no subsequent withdrawal from the State had any effect on it.

I do not favour transferring powers to the Commonwealth Government. Notwithstanding the assurance of the Attorney-General, I know that industries hate this type of legislation. If it is passed in this State but not passed in Victoria and New South Wales, no new industries will establish here, and the legislation will

be detrimental to this State. I am sure that Government members would not question my desire to promote the industrial activity of this State while my Party was in power, and my amendment provides that this State will not be left out on a limb should the legislation be passed. I doubt whether a reference by one or two States is satisfactory to the Commonwealth Government. At the Constitutional Convention, which founded the Commonwealth, it was stated by the fathers of federation that a reference by one or two States would not bring a law within the authority of the Commonwealth, that it could not be used effectively by the Commonwealth, and the Commonwealth could not spend money on it. This type of provision was agreed to by the Rt. Hon. Dr. Evatt when the Commonwealth Powers Bill was before the Commonwealth Parliament and was a feature of the Bill in several States. If the other States do not pass this legislation, serious repercussions could result for South Australia with regard to the establishment of new industries here.

Mr. MILLHOUSE: I support the amendment for the reasons outlined by the mover and because it underlines the grave weakness in the Attorney-General's argument. It is a great pity that in his second reading explanation the learned Attorney-General did not go more fully into the matters that he found necessary to canvass a few moments ago.

The Hon. Sir Thomas Playford: When we did not have a chance to answer them.

Mr. MILLHOUSE: That is so. Nevertheless, it was a good speech and, for all I know, he may be correct. But the point I have put consistently (and the point that seems to have appealed more to the Governments in other States that it has to this Government) is that there is a grave risk that he is not right. The Attorney-General has quoted from an opinion by the Commonwealth Solicitor-General. I am not sure that he would not have been sent that opinion if it had not been favourable to the case which is wanted by this Government and which, of course, is wanted by the Commonwealth Government as well.

It would not be difficult for anyone to obtain an opinion to the contrary effect, if he wished. It is strange that the Attorney-General, who apparently had this opinion for some time, did not make it known before. It is strange, too, that he has not backed it up by an opinion from within his own department—from our own Parliamentary Draftsman, who is a constitutional expert. I wonder what his opinion on this matter would be.

The CHAIRMAN: Order! Reference to the Parliamentary Draftsman is out of order.

Mr. MILLHOUSE: I am not speaking about him in his capacity as Parliamentary Draftsman; he is the author of a very good textbook on the Australian Constitution, and is a constitutional authority in his own right. We have not heard his opinion on this matter; we have heard only the opinion of a servant of the Commonwealth Government, which desires the powers in question. I am not prepared to accede to the constitutional validity of what the Attorney-General has said until there is a decision of the High Court on this point—not something that is spun out of a decision on another matter (the Tasmanian case). There is no judicial authority in the country on this point and in the opinion of Mr. Mason the Attorney-General has not been able to quote one judicial authority on it. It is perfectly obvious that that is the position taken up by every other State in the Commonwealth except Tasmania, which also has a Labor Government (the Labor party apparently not objecting to the strengthening of the Commonwealth at the expense of the State).

The Hon. D. A. Dunstan: It was a Conservative-dominated Upper House that agreed to the legislation.

Mr. MILLHOUSE: The Attorney-General speaks of the vital need for this legislation in South Australia, but if there is a need, why has it not appealed to the Eastern States, where there is an even higher degree of industry and commerce than there is in South Australia? That is quite apart from Western Australia and Queensland, neither of which has done anything about this. Under a Labor Government, I believe Western Australia took action, which resulted in something of a disaster and which has not been proceeded with. Surely, the fact that neither of the two big industrialized States of Australia has done anything about this lends some credence to the point of view I have expressed.

I believe this is a wise amendment. Until every Government in Australia is satisfied of its constitutional position and the safeguards for it, it is foolish for us to hand over our powers to the Commonwealth. The amendment will ensure that we do not jump in like fools,

where angels fear to tread, at the behest of this Government and find that we are in for good and cannot get out again.

The Hon. T. C. STOTT: According to the Attorney-General we are not transferring or losing powers, because there is a time limit. However, once a power is referred to the Commonwealth, and legislation is enacted in respect of that power, can the time limit effectively apply? Some time ago Mr. Fullagar, K.C. (as he then was), said:

Under the provision—

that is, section 51 (xxxviii)—

I have formed the opinion that while a State Parliament may limit the matter referred in any way it may not limit the legislative power of the Commonwealth with respect to the matter referred. It may confine the subject matter of the power but it may not confine the power itself by imposing a time limit or in any other way.

Who can doubt the logic of such an eminent jurist, who was supported by the late Mr. Ham, K.C., and also, I believe, by our former Parliamentary Draftsman, Sir Edgar Bean? Whom do we believe? I prefer to believe the authorities to whom I have referred. Until all the States enact this type of legislation, I am not prepared to support the measure, in view of the opinion that has been expressed in contrast to that of the Attorney-General.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 10.20 p.m. the House adjourned until Wednesday, March 15, at 2 p.m.