HOUSE OF ASSEMBLY

Wednesday, March 15, 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

SUCCESSION DUTIES.

Mr. HALL: An article in today's *Australian*, referring to another place, states:

One recent measure vetoed by the Council was the Succession Duties Bill with which the Government had intended to amend the laws on death duties. The Council's amendments were such, claims the Government, that remissions to the wealthy would have been even greater than under the Liberal Government. At the same time revenue would have been reduced.

Will the Treasurer therefore say whether, if the Government's recent Succession Duties Act Amendment Bill had been passed in another place, Government revenue would have been reduced?

The Hon. FRANK WALSH: If the Bill had been passed, it would have provided for the matters referred to in the article from which the Leader has quoted. However, in view of the importance of the matter, I will try to obtain an estimate of the revenue the Government could have expected to receive had the measure been passed.

FREE BOOKS.

Mr. LANGLEY: Recently, the following letter, under the heading "Free Books", appeared in the *News*:

My youngest boy has been getting all of his school books free because of our poor circumstances. However, this year I have been told he will get only the text books free, like the rest of the children, and I must pay for the other books and equipment. This will cost me more than $2.

Can the Minister of Education say whether the introduction of free text books for schoolchildren has affected the granting of free books and equipment in cases of hardship?

The Hon. R. R. LOVEDAY: I could just say "No", but I think a better explanation should be given so that people will understand the situation. I have received no letter about the matter referred to by the honourable member. Also, I understand that the letter from which he quoted was not signed and was therefore anonymous. The introduction of free books has not in any way affected the position of people in poor financial circumstances. The practice has been, and still is, that such people apply on a form and an assessment is made on a consistent basis of the means of the people concerned; if they qualify they receive free books and stationery. That practice has not been changed, and I have issued instructions that it shall not be changed.

TEACHER'S DEMOTION.

Mr. MILLHOUSE: My question concerns the case of Mr. John Murrie, the former Headmaster of Larrakeyah Primary School in the Northern Territory. Contrary to the expectation expressed by the Minister of Education in answer to me yesterday, that the statement of the President of the South Australian Institute of Teachers would not be published, I noticed that the substance of that statement had, in fact, been published in this morning's paper. Two short paragraphs from that report state:

In any case, in a court of law sentences are only imposed after a fair, complete and impartial hearing . . .. We believe also that Mr. Murrie has not been given any opportunity formally to defend himself.

Therefore, can the Minister say what hearing was undertaken by officers of his department regarding this matter, whether Mr. Murrie was given an opportunity to defend himself and, if he was, what was that opportunity?

The Hon. R. R. LOVEDAY: Yesterday I said that, having answered two questions, I did not intend to say anything more publicly about the matter because I thought that an appeal was pending. I can only say to the honourable member that the answers to the questions he has put to me are all known to the South Australian Institute of Teachers—

Mr. Millhouse: They ought to be known to the House.

The Hon. R. R. LOVEDAY: —and I suggest that he put his questions to the institute.

Mr. MILLHOUSE: The Minister refused to answer my question on the grounds that the facts I sought to have made known in the House were known to the South Australian Institute of Teachers. I point out to the House, however, that this is a matter of public importance and great concern.

The DEPUTY SPEAKER: Order! The honourable member may not discuss the matter.

Mr. MILLHOUSE: No. I was only going on to point out that the Minister was responsible to this House.

The DEPUTY SPEAKER: I ask the honourable member to ask his question.

Mr. MILLHOUSE: If you insist, I shall ask my question at this stage. In view of the great importance and concern associated with this matter, and in view of the fact that the Minister is responsible to this House and to Parliament for the administration of his department, can he say what are his reasons for refusing to make known to the House the information that I sought, in particular about whether an appeal had in fact been lodged? If an appeal has been lodged, can the Minister say what effect that would have upon the disclosure of the information? Alternatively, if no appeal has been lodged, what are his reasons for attempting to conceal these matters from the House?

The Hon. R. R. LOVEDAY: I have nothing further to add to my previous answer except to say that I am surprised that the honourable member should ask such a question in view of the fact that it has been publicly stated that I have been misinformed and ill advised and have made erroneous statements about the matter. As the body that made those statements is aware of the facts about which the honourable member has asked me, I again suggest that he refer his questions to that body.

MATHEMATICS COURSE.

Mr. McANANEY: The demoted headmaster, Mr. Murrie, claimed that he was untrained to teach particular courses. Can the Minister of Education say whether all schools are compelled to teach the new mathematics course this year? How long does it take to train a teacher to conduct this new course? How many teachers expected to teach the new course have been trained in it?

The Hon. R. R. LOVEDAY: I shall be very pleased indeed to bring down a full report for the honourable member showing what excellent progress we are making in introducing this new scheme of mathematics teaching.

FISHING SELECT COMMITTEE.

Mr. HUGHES: I understand that several weeks ago fishermen from Wallaroo wrote to the Minister of Marine asking whether the Select Committee on the Fishing Industry could visit Wallaroo and take evidence. Can the Minister say whether the committee has arranged a visit to Wallaroo and, if it has, when it will make that visit?

The Hon. C. D. HUTCHENS: The committee has arranged to visit Wallaroo on Wednesday, May 17, to take evidence that day. In the evening the committee will travel to Lower Yorke Peninsula, where it will take evidence on the following day.

STOCKWELL MAIN.

The Hon. B. H. TEUSNER: I recently asked the Minister of Works whether a decision had been made by the Government to supply certain areas of the Murray Plains with water, particularly Sedan and Cambrai districts, from the Swan Reach to Stockwell water main, the construction of which I understand it is intended to commence this year. I believe that the Minister now has a reply to my question.

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief reports:

The Swan Reach to Stockwell scheme, as approved, does not include any branch mains to adjacent farming areas or townships, although the design of the pipeline allows ample capacity to supply farm lands and the townships of Sedan and Cambrai. Investigations into schemes to serve these areas are being made and it is planned to fully consider these schemes when the main scheme is nearing completion. If approved, branch mains could be commenced following completion of the main scheme in the financial year 1969-70.

CAMPBELLTOWN SEWERAGE.

Mr. JENNINGS: Has the Minister of Works a reply to the question I asked last month concerning the extension of sewers in Campbelltown?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief states that construction work on the Campbelltown sewerage scheme is planned to start in July this year and is expected to extend over a period of about two years. Work will proceed initially with the extension of the trunk sewer on the north-western end of Osborne Street. All gangs are committed to a programme of approved work such as the Semaphore Park scheme, the Grange scheme, Hope Valley-Highbury, etc., or urgent reorganizations of old systems, *e.g.* the south-western and south-eastern drainage areas. As I mentioned to the honourable member, it is not possible to reorganize the programme for an earlier start on the Campbelltown scheme without breaking promises made for other work. The particular gang concerned in this scheme is on schedule and it is most unlikely that it will be able to commence before July.

GAS.

Mr. RODDA: Last Friday evening, at a meeting held in Port Augusta, among other things the natural gas pipeline was discussed and today I received the following telegram from the Naracoorte Chamber of Commerce:

Naracoorte Chamber of Commerce firmly supports resolutions passed public meeting electors held Port Augusta 10th March concerning route of gas pipeline. Hudson President.

Can the Premier now say whether any resolutions have been conveyed to the Government and, if they have been, what is the Government's attitude towards them?

The Hon. FRANK WALSH: If this matter was of interest to the people of Naracoorte, I should probably have to consider whether it might be more advisable, until we have an indication of greater interest in the South-East, to make certain arrangements with Sir Henry Bolte (Premier of Victoria). It seems that the Naracoorte people have joined a pressure group because I, too, have received a telegram. They can take it for granted (if the press prints it) that there is no alteration, as yet, as regards the Government's intention on the route of the pipeline. This all-important question is now before another place in this Parliament, and I cannot alter the decision that was made in this House.

POISONS.

Mrs. BYRNE: Has the Premier, representing the Minister of Health, a reply to a question I asked on February 28 seeking information as to the present arrangement in this State regarding poisons and potential poisons?

The Hon. FRANK WALSH: My colleague, the Minister of Health, has forwarded me a rather lengthy reply in this matter. He points out that the information requested by the honourable member was published in the press on August 12, 1966. He has forwarded that press report and, as it is lengthy, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

POISON INFORMATION CENTRES.

The Minister of Health (the Honourable A. J. Shard) announced today that Cabinet has approved the establishment of a principal Poisons Information Centre at the Adelaide Children's Hospital, and subsidiary centres at the major Governmental hospitals. The establishment of these centres in South Australia has been made possible by the receipt of the first instalment of the National Poisons Register prepared by the Commonwealth Department of Health. Copies of the register have been placed at the Adelaide Children's Hospital, the Royal Adelaide Hospital, the Queen Elizabeth Hospital, the Port Pirie Hospital and the Department of Public Health, and will shortly be placed at the Mount Barker Hospital. The Poisons Register is an index of all types of proprietary products with details of their toxic ingredients, toxic effects and treatment; there also are sections on diagnosis and treatment, special groups of chemicals and general classes of preparations. A National Poisons Register Manual has also been prepared. This manual is a shorter form of the register and is suitable for use in casualty departments and hospitals other than those operating a Poisons Information Centre. Distribution of the manuals to hospitals on a regional basis throughout the State is being commenced by officers of the Department of Public Health. These manuals will be available for reference by doctors in the area. The board of the Adelaide Children's Hospital has accepted the responsibility of conducting the principal poisons information centre in this State; the other major hospitals mentioned will also act as information centres and each centre will supply information on all aspects of accidental poisoning; a 24 hour service will be available. The functions of the Poisons Information Centres will be to provide information available from the register and the manual to:

(1) doctors—regarding the nature of the poison, the antidote if available and the recommended treatment;
(2) pharmacists—the nature of the poison, emergency or first aid treatment;
(3) the public—the need for medical care and first aid.

The details contained in the Poisons Register and manual are based on information obtained in confidence from manufacturers. To preserve this confidence advice as to the actual ingredients of a preparation will be given only to doctors dealing with a case of poisoning. The centres will also collect information and statistics regarding poisoning cases and the substances causing poisoning, so that the register and manual may be continually brought up to date.

The majority of cases of accidental poisoning concern children. The Adelaide Children's Hospital will therefore be the main reference centre, but the other hospitals are able to supply the same information from the register; it is recommended that inquiries where children are involved be made from the Children's Hospital, and, where adults are involved, from the other hospitals. I am sure that the introduction of the Poison Register and the provision of a 24-hour service by the hospitals concerned represents a big step forward in the treatment of accidental poisoning, and I cannot urge too strongly that all persons seeking urgent information on accidental poisoning should telephone any of the hospitals and ask for the Poisons Information Centre. Their telephone numbers are as follows: Adelaide Children's Hospital, 6 9351; Royal Adelaide Hospital, 23 0230; Queen Elizabeth Hospital, 4 5022. The distribution of the manual has been completed and some 50 copies have been placed in hospitals on a regional basis for reference by doctors in the area.

TRANSPORT SURVEY.

Mr. COUMBE: Has the Minister of Lands a reply to the question I asked him last week about the progress of the Metropolitan Adelaide Transportation Study being conducted by the Highways Department?

The Hon. J. D. CORCORAN: The Minister of Roads states that although the report on the Metropolitan Adelaide Transportation Study is nearing completion it will be necessary for it to be printed in a manner suitable for presentation. It will take the Government Printer some time to complete this aspect, and as far as can be seen now the report will not be ready for submission until about September of this year. The Minister advises me that when he receives the report he will submit it to Cabinet.

CITY TRAM TERMINUS.

Mr. HUDSON: This morning I came into the city by the Glenelg tram in order to see how the new terminus in Victoria Square was functioning. It was clear to me and, I think, to all the other passengers that the terminus arrangement in Victoria Square is now significantly better than it was previously. However, there are no shelter facilities in the square for passengers waiting for a tram to Glenelg. Will the Premier take this matter up with the Minister of Transport with a view to approaching the Municipal Tramways Trust to see what arrangements it intends to make for appropriate shelter for passengers and for suitable seating accommodation?

The Hon. FRANK WALSH: I will take the matter up with my colleague and bring down a report as soon as possible.

STREAKY BAY SCHOOL.

Mr. BOCKELBERG: Last year when the Minister of Education visited Streaky Bay he indicated that probably a new area school would soon be erected there. Prior to that visit, the Minister had agreed to arrange for the old school premises to be fenced. I have since heard that there is a possibility of an area school being built at Piednippie to cater for Streaky Bay, Poochera, Wirrulla, Haslam and Maryvale schools. If either project is not carried out soon, will the Minister of Education keep his promise to have the old school premises fenced?

The Hon. R. R. LOVEDAY: When I visited the Streaky Bay school the fencing project was put aside: it would have been a waste of money, as it was the department's intention to build an area school on a new site. I understand that there is no intention to build an area school at Piednippie, but I will inquire to see whether there is any truth in what the honourable member has said, and also obtain a report concerning the progress in relation to the Streaky Bay school.

COMPULSORY UNIONISM.

Mr. McANANEY: A recent national survey indicated that many (and even most Australian Labor Party supporters) favoured voluntary unionism. The most pointed vote came from young people, of whom about 71 per cent favoured it. In view of this trend, can the Premier say whether the Government will not, either directly or indirectly, enforce compulsory unionism on the community?

The Hon. FRANK WALSH: This Government was elected on a policy of preference to unionists, and it does not intend to change that policy.

The Hon. G. G. PEARSON: The Premier said that his Government would not depart from its policy of preference to unionists. That policy obviously means that a person may not sell his labour or skill on the labour market unless he conforms to certain conditions and pays fees to become a member of a particular organization.

The DEPUTY SPEAKER: Order! The honourable member well knows that, when he asks a question, the matter may not be debated and that only sufficient information may be given as is necessary to explain the question.

The Hon. G. G. PEARSON: The matter to which I referred was necessary to explain my question. Does the Premier consider that this restriction on the sale of labour and skill represents a restrictive trade practice within the meaning of the Restrictive Trade Practices Act and, if it does not, why not?

The Hon. FRANK WALSH: I think that if the honourable member were to examine the Restrictive Trade Practices Act he would not become so confused. I have nothing to add to what I have already said about the Government's policy on preference to unionists.

BUTTER.

Mr. HURST: A report in last night's *News* states:

Australia's quota of butter for Britain is increased by 5,500 tons under a new total of imports announced today by the President of the British Board of Trade, Mr. Douglas Jay.

Can the Minister of Agriculture say what percentage of that quota will come from South Australia, and what effect, if any, will this increased quote have on the dairying industry in this State?

The Hon. G. A. BYWATERS: The honourable member is aware that the sale of butter to oversea countries is controlled by the Commonwealth Government. South Australia does not export a large quantity of butter but, overall, this change of quota affects our dairying

industry because of the present equalization scheme. In the recent controversy about margarine it was brought to the public's notice that a large quantity of butter was imported into South Australia. This is perfectly true: we use our milk products in other ways, but the quota basis is determined under a Commonwealth stabilization plan which, at present, is under review. It is pleasing to hear of this increase in the quota of butter exported to Great Britain because, throughout Australia, a large quantity is available this year for export, after the home market has been supplied. Negotiations have continued between the Commonwealth Department of Primary Industry and the British Government, and, no doubt, the increase in the quota has resulted from those negotiations.

RENA-WARE.

Mr. RYAN: This morning, I was approached by one of my constituents who had entered into a contract with a firm which, as far as I am aware, is an interstate firm having no office in Adelaide. The firm is called Rena-Ware Distributors Proprietary Limited, Broadway, New South Wales. My constituent entered into an order for the purpose of buying a set of saucepans costing about $200. The order form states:

Please supply the Rena-Ware checked below, and within 60 days after acceptance of this order, to the undersigned purchaser who agrees to pay for the same the price and terms service charge by the payments as below set forth.

The order form further states:

This order may be accepted by the company posting notice of acceptance to the purchaser by prepaid post addressed to above residence address and such acceptance shall constitute a contract, made within New South Wales and subject to the laws of New South Wales, for the purchase and sale of the Rena-Ware at the price and on terms and conditions above set out as at the expiration of 48 hours from such time of posting.

The order is a hire-purchase contract, although it is registered as an order. My constituent, who finds that he is unable to pay $10 a month over 18 months in accordance with the requirements of the contract, wishes to terminate it. Can the Attorney-General say whether this company is infringing the South Australian Hire-Purchase Agreements Act? If I send him the particulars of this method of dealing with the buying of saucepans, will he have the matter examined, together with the South Australian activities of the company?

The Hon. D. A. DUNSTAN: The answer to the first question as to whether this type of executory contract for sale infringes the Hire-Purchase Agreements Act is "No, it does not." There have been many complaints concerning the selling methods of this organization. True, the goods the company supplies are of good standard and quality, but we have many complaints already listed in detail concerning the company's selling methods. It is intended that this method of selling at the door shall be closely controlled, and provision is being made in the Unfair Trade Practices Code, at present in draft, to control such activity and to make illegal in South Australia the making of contracts purporting to be subject to the law of another State as a means of evading the law of this State. It has not been possible, however, in the debating time available within this short period of the Parliament's meeting this year to introduce a measure as large as the Unfair Trade Practices Code is to be: it will have to be introduced early next session.

The Hon. Sir THOMAS PLAYFORD: I have had complaints that these people are somewhat of a nuisance. Can the Premier say whether the honourable member for Port Adelaide has made representations to him to have this matter declared under the Prices Act so that the proper prices can be declared in respect of these goods which, I understand, are sold at almost prohibitive prices? That would probably take off the pressure in respect of the house-to-house sales campaign.

The Hon. FRANK WALSH: I will examine the question a little more closely. If it is possible, I will have the matter referred to the Prices Commissioner. If it is a question of unlicensed hawkers, I know to whom I should refer it.

JUSTICES' HANDBOOK.

Mr. CURREN: Last year, it was announced that a handbook was being prepared for the instruction of justices of the peace in their duties, and also that courses of instruction were to be instituted. Can the Attorney-General say how far this project has proceeded?

The Hon. D. A. DUNSTAN: I was happy to address a meeting of the local justices in the honourable member's district on this subject. The galley proofs of the handbook are ready and are at present being read for any corrections by Mr. Marshall, who prepared the handbook. As soon as Parliament prorogues the Government Printer is expected to be able to proceed with the printing of the book. If matters go according to plan (and I see no reason why they should not) the book should be available by the middle of the year. Arrangements have been made that Mr.

Marshall will supervise correspondence courses through the Adult Education Branch of the Education Department. In addition, it has been arranged with the Minister of Education that Mr. Lillecrapp and Mr. Marshall will consult on this subject. They have already held consultations, and the course, which will be able to commence during the latter part of this year, will naturally revolve around the use of the handbook that Mr. Marshall has prepared.

LICENSING BILL.

The Hon. Sir THOMAS PLAYFORD: It has been reported to me that the Attorney-General has discovered that some important matters in the Licensing Bill will require amending and that amendments on his behalf are to be placed on the file. If that is the case, will the Attorney-General say whether the amendments might be placed on the file before the second reading debate on the Bill continues, so that honourable members will not perhaps have to cover ground that the Attorney-General's amendments will cover in any case?

The Hon. D. A. DUNSTAN: I cannot give an undertaking of that kind to the honourable member. Representations have been made to me by interested parties concerning possible amendments to the Bill. The Bill was prepared by the Parliamentary Draftsman in conjunction with the Commissioner and in consultation with the Superintendent of Licensed Premises and the Chief Country and Suburban Magistrate, who is Magistrate in charge of the Midland Licensing District, as well as the Senior Licensing Magistrate. The Commissioner was satisfied that the Bill gave effect to his recommendations.

Mr. Millhouse: Not all of them?

The Hon. D. A. DUNSTAN: He was satisfied that the Bill gave effect to his recommendations.

Mr. Millhouse: As far as it went!

The DEPUTY SPEAKER: Order! Questions by members and subsequent replies by the Minister cannot be debated.

The Hon. D. A. DUNSTAN: I say without qualification that the Commissioner was satisfied with the Bill. If the honourable member has any cavil at that, he can take it up with the Commissioner. I am simply saying that the Commissioner was satisfied that the Bill gave effect to his recommendations and report. Since the Bill was introduced, I have received representations from bodies who suggest in some measure either some alterations to the Commissioner's proposals, or that the Commissioner's proposals should in some matters be spelt out more fully in the legislation. I have agreed with those bodies that I will consult them about their proposed amendments to see what can be simply accepted in this way, in order to spell out more fully the Commissioner's recommendations.

The Hon. J. D. Corcoran: Would you mind if the honourable member consulted with them?

The Hon. D. A. DUNSTAN: I have no objection to any honourable member consulting with them. I have also told certain organizations that I will examine the matters they have put forward. If these depart radically from the Commissioner's recommendations, I will point out those that might be easy of acceptance to fit in with the scheme of the Bill or those that would be difficult to accept. It would be up to those organizations then to make representations to other members concerning amendments. That will involve a lengthy consideration of the Bill in Committee. I do not expect that we shall proceed far with the Committee debate on the Bill this session. Contentious matters before the House obviously need to be sent to the Legislative Council this week. Although we cannot hope to finish the debate on the Licensing Bill and send it to the Council, I hope we can complete the second reading debate, so that we may revive the Bill at the Committee stage as soon as Parliament meets again. In the meantime, discussions about this vital measure between all interested parties can take place, and any amendments can be placed on the file well in advance of the Committee stages of the Bill, so that everyone may consider them properly.

LOCAL GOVERNMENT REPORT.

Mr. NANKIVELL: Can the Minister representing the Minister of Local Government say whether the interim report of the Local Government Act Revision Committee has been presented to the Government? If it has, was it unacceptable, or is there some other reason why the report has not been released?

The Hon. R. R. LOVEDAY: I shall be pleased to refer the question to my colleague.

DISCOTHEQUES.

Mr. HALL: Has the Premier a reply to my recent question about the administration of South Australia's entertainment laws and about

how the laws unfairly discriminate in regard to discotheques in this State?

The Hon. FRANK WALSH: I have the following report dated March 14:

In reply to the question asked by the Leader of the Opposition in connection with the issue of licences under the provisions of the Places of Public Entertainment Act for cabarets and places of public entertainment, I wish to advise that a report on this matter was submitted to Cabinet by the Chief Secretary. As a result of recommendations made in this report, Cabinet has decided that a Bill to amend the section of the Places of Public Entertainment Act dealing with cabaret registrations will be submitted to Parliament as soon as possible. The proposed amendments will prohibit cabarets from charging for admission to their premises at any time and hence eliminate the cause of complaint referred to in the question.

GLENGOWRIE HIGH SCHOOL.

Mr. HUDSON: Some time ago a new high school, to be known as the Glengowrie High School, was announced for my district. I understand this school was originally planned to be completed and ready for occupation at the beginning of 1969. In addition, students for the school were to be accepted from the beginning of 1968 and accommodated temporarily during 1968 at the Sturt Primary School buildings which are now used by the teachers college, which would not be used during 1968, and which would be available for the purpose. Can the Minister of Education say whether these arrangements still stand? Also, has any change at all been made to the building programme in respect of this school?

The Hon. R. R. LOVEDAY: I shall be pleased to bring down a full report for the honourable member.

HOPE VALLEY RESERVOIR.

Mrs. BYRNE: Has the Minister of Works a reply to my question of March 7 seeking information about what progress had been made in the work being undertaken on the installation of a contour drain at Hope Valley?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief has forwarded me the following report:

The land at present being acquired is on either side of the existing aqueduct carrying water from the weir on the Torrens Gorge to the Hope Valley reservoir. This aqueduct is mainly an open channel. With the increased housing development that has taken place close to this channel it has become advisable to establish a buffer zone on each side to reduce the pollutional risk of the Hope Valley reservoir. Negotiations for the purchase of this land are proceeding and the total area expected to be acquired is about 101 acres, involving a capital expenditure of about $200,000. At present 16¾ acres have been purchased for the sum of $30,526. By the end of the current financial year it is expected a further $75,000 will be spent. It is hoped that land acquisition should be completed by June 30, 1968.

With the housing growth occurring, particularly east and north-east of the reservoir (which land drains into the reservoir), the possibility of pollution of the stored water by surface run-off has increased. In 1962 the department purchased land in that area to improve the then existing buffer zone. As an added precaution the contour drain is being constructed. It is a concrete-lined drain including a small section of concrete pipeline which will completely encircle the reservoir and intercept all surface waters, conducting them to the natural watercourse on the downstream side. The drain will combine with the buffer zone to prevent pollution and will perform a valuable function in this highly populated area, even when sewerage is installed. The following are details of construction progress to date:

Item.	Stage.
Pipeline 2,896ft. total length	Completed.
Channel 10,087ft. total length	Clearing complete; 5,300ft. excavated; 4,680ft. concrete lined.
Structure over Hope Valley inlet tunnel	45 per cent complete.
Relocation of culvert on southern drain	95 per cent complete.
Manhole at Lyons Road	25 per cent complete.

To the end of February, 1967, about $115,000 had been spent. It is expected that the drain will be finished and in operation before the winter run-off begins.

AFFORESTATION.

Mr. RODDA: I have raised the matter of afforestation with the Minister of Forests previously, and, as he knows, a need exists to extend forest plantings in areas where this can be done. Private landholders in the South-East have expressed much interest in expanding their private activities in afforestation. A landholder in the Joanna district has the impression that the Government provides assistance to people wanting to embark on this type of agricultural production. Can the Minister say whether such assistance is available to private landholders?

The Hon. G. A. BYWATERS: I should be pleased to hear more of the incident to which the honourable member has referred, because I think there are ways in which we can help, particularly with regard to milling and so on. I should also be pleased to talk to this person and to any other persons in the South-East who are interested in this matter. This has been a subject of discussion at the Forestry Council for some time, particularly concerning income tax concessions, as most of the tree-felling occurs at once and this builds up the income tax to be paid. This affects two types of producer: first, the private company that has asked for a concession in this regard; and, secondly, the type of person the honourable member mentioned—the grazier or farmer. I am mainly concerned with the latter. Companies in this State which have large holdings in the South-East are direct competitors for the purchase of land and, as the honourable member knows, land is somewhat at a premium in the South-East and in other higher rainfall areas of the State. For that reason, I should be more interested to talk to people who have land and would like to plant a certain acreage of pines. As yet the Commonwealth Government has not made a firm decision about income tax concessions, although the Forestry Council was advised how primary producers could get certain concessions by staggering plantings over five years. It was pointed out to the Commonwealth Government that this would not help greatly and, as a result, the matter is still under review. The only way we could help financially would be to grant concessions in succession duties. That would be a minor part to play compared with income tax concessions: that is the major feature that will govern this aspect.

MENTAL PATIENTS.

Mr. RYAN: I was recently approached by a resident of my district who is a member of a women's auxiliary that does valuable charitable work at both the Hillcrest and Parkside hospitals. The members of this auxiliary believe that religious teaching is as essential a requirement as psychiatric or physical treatment for people in these hospitals. Will the Premier ask the Minister of Health whether the Hospitals Department intends to build a chapel at both the Hillcrest and Parkside hospitals so that religious teaching can be included as part of the treatment for patients there?

The Hon. FRANK WALSH: I will obtain a report from my colleague and bring it down as soon as possible.

GEDVILLE CROSSING.

Mr. HURST: On February 28 I asked the Premier to ascertain from the Minister of Transport whether a decision had been made regarding the installation of flashing lights at the Gedville rail crossing. Has the Premier any information from the Minister and, if he has not, will he again take up this matter with the Minister to see whether I can get a reply to the deputation I introduced to the Minister 12 months ago?

The Hon. FRANK WALSH: I have received no further information, but I will have the question treated as urgent and, if possible, obtain a reply next week.

TORRENS RIVER.

Mr. COUMBE: Has the Minister of Lands a reply to the question I asked last week regarding the Torrens River, especially regarding the low level of the lake in the river insofar as it affects river users, and the contracts being carried out on the river bank?

The Hon. J. D. CORCORAN: The work of improving the banks of the Torrens River downstream from Hackney bridge is being carried out by the Corporation of the City of Adelaide, and financed jointly by the corporation and the Government, the respective instrumentalities being the City Engineer's Department and the Botanic Garden Department. The level of the Torrens Lake has been maintained at about 6ft. below the crest of the weir from November, 1966, until the present to enable bank protection works to proceed immediately downstream from the Hackney bridge. The works are expected to be completed by the end of April this year, but the level of the lake will be raised after April 1 this year as all the work in the river bed will have been completed. The duration of the works has been longer than expected because of the difficult conditions encountered below surface level and the abnormally high volume of river flows for this time of the year. The construction of the new Victoria bridge has not affected the lake level since October, 1966, but will do so again in mid-June when it will again be necessary to vary the lake level.

ABORIGINAL CHILDREN.

Mr. LANGLEY: On May 24, 1965, I received a letter from the Minister of Aboriginal Affairs in reply to my inquiries about the registration of Aboriginal children. That letter stated:

I have had an investigation made of the position of Aboriginal children born in tribal marriages. As matters stand, it has not been

possible in the short term to devise some answer to this problem, but I am having further discussions with the Registrar of Births, Deaths and Marriages.

Has the Minister anything further to report on this question of the registration of Aboriginal children born in tribal marriages?

The Hon. D. A. DUNSTAN: No, I have not. This remains an extremely vexed and difficult question at the moment, because the marital arrangements in tribal circumstances differ so markedly from those in respect of which we have a system of registration at the moment in the general community. Although this matter has been discussed at Ministerial and officers' conferences for some time, and our research officers have been looking at the matter, we have not come up with any really adequate solution to the problem. I hope that something may arise in the future. However, I cannot suggest to the honourable member that I have been able to devise any adequate solution, and I do not know yet of anybody else who has.

POWER BOATS.

Mr. CURREN: The report of the committee of inquiry on power boats has been considered by Cabinet and released to the press. As much interest is being shown in the matter by councils and by boating and ski clubs in my district, can the Minister of Marine say whether the report is to be printed? If it is not, will copies be made available to members of this House?

The Hon. C. D. HUTCHENS: I agree with the honourable member that this report is of great public interest. Only a limited number of copies is available, and as so many members have shown considerable interest in the matter I am making one copy of the report available to the Parliamentary Library. The report should be in the library this afternoon or tomorrow. I will take the matter up with my colleagues and ascertain whether they think the report should be printed.

WATERLOO CORNER ROAD.

Mr. HALL: I understand the Minister of Lands has an answer to my recent question concerning the possible future opening of the road leading from the Port Wakefield Road to the Salisbury and Waterloo Corner Road, which has been closed. Can the Minister now give me that answer?

The Hon. J. D. CORCORAN: I told the Leader last week that this answer was available, but he failed to ask a question on the matter. I carried the answer with me until yesterday when, thinking that the Leader was no longer interested, I disposed of it. However, I will see whether I can obtain a reply for him.

WATER RATING.

The Hon. Sir THOMAS PLAYFORD: A regulation now before this House alters in some respect the method under which water is charged for by the Engineering and Water Supply Department. Two of the amendments before the House are easy to follow and do not require any explanation. However, the present regulation No. 22 states:

> The quantity of water each consumer shall be entitled to use in each year as rebate water in respect of rates shall be the quantity of water amounting to the nearest 1,000 gallons which, calculated at the current price per thousand, shall equal the amount of water rates charged for the year upon the land or premises supplied through the meter.

The new regulation to be substituted states:

> The quantity of water each consumer shall be entitled to use in each year of consumption as rebate water in respect of rates shall be that quantity of water amounting to the nearest 1,000 gallons which, calculated at the current price per thousand, shall equal the amount of water rates levied upon land and premises supplied for the rating year ending June 30 during which that consumption year terminates.

Members will see that the new regulation deals not with the year but with the rating year ending June 30 during which that consumption year terminates. Can the Minister of Works tell me the effect of the new regulation and its purpose? If the present rating is based on the financial year I cannot see any point in the regulation, but if it is upon the calendar year it may have a drastic effect upon the payment of water rates, As the old regulation has operated since 1933, why substitute the new provision?

The Hon. C. D. HUTCHENS: This is rather an involved matter and, although I have some ideas about it, I would rather obtain a prepared report. The department is changing the rating system from annual to quarterly and, as this matter is associated with the use of a computer for making up accounts, I shall obtain a full report not later than Tuesday next.

The Hon. Sir Thomas Playford: Would the Minister also obtain information about the notice of disallowance?

The Hon. C. D. HUTCHENS: I shall be pleased to do that.

SCHOOL SUBSIDIES.

Mr. MILLHOUSE: Last week the Minister of Education was kind enough to answer questions on notice and without notice concerning the payments of subsidy by his department. On March 8 he explained that, although eight months of the calendar year had passed and less than half of the sum set aside for subsidy had been paid, this was the normal course, and he expected that the full sum estimated would be paid. I noticed from his answer yesterday that at the corresponding period in the last financial year, out of $498,000 which was estimated at that period, over $279,000 had been paid, whereas this year out of an estimated $499,000 only $226,000 had been paid. Can the Minister say, in addition to the explanation he gave last week, what are the reasons for the lag of about $50,000 in the payment of subsidy in the present calendar year?

The Hon. R. R. LOVEDAY: I should like to consult my officers to see if they have any suggestions, but it is possible that, because of the much better treatment being received by school committees under our improved subsidy scheme, they are now so well off that they do not need to apply as they applied previously.

Mr. Millhouse: You are not serious!

The Hon. J. D. Corcoran: I don't think you are, and I should like to know why you brought this matter up.

The Hon. R. R. LOVEDAY: I expect the money to be spent by the end of the year because, if schools do not take up the full allocation, we ascertain which schools require more money than the original allocation and distribute the surplus to these schools, so that a fair allocation is made.

MURRAY BRIDGE MAIN.

Mr. McANANEY: Some of my constituents think that they may obtain water from the Murray Bridge to Onkaparinga scheme when it is completed. Because of the delay in other work, can the Minister of Works say when this work is to be carried out?

The Hon. C. D. HUTCHENS: I do not know what the honourable member means by "the delay in other work". I flatly deny there has been a delay.

Mr. McAnaney: What about the Tailem Bend to Keith scheme?

The Hon. C. D. HUTCHENS: I flatly deny any delays in most of the works. One has been postponed, but there is a difference between postponement and delay.

The Hon. Sir Thomas Playford: It has the same effect.

The Hon. C. D. HUTCHENS: It may have, but for the honourable member to suggest that all works have been delayed is unfair, unreasonable, and playing politics. However, I shall obtain a report for him.

Mr. McANANEY: I am pleased to assure the Minister that this question is purely parochial and not political. Will he ascertain for me the quantity of water held in the Strathalbyn reservoir on December 1, 1966, the quantity held on March 1, 1967, and the amount of pumping carried out between those dates?

The Hon. C. D. HUTCHENS: Sincerely appreciating the change in attitude of the honourable member, I will seek that information.

BUS SERVICES.

Mrs. BYRNE: The Muncipal Tramways Trust has approved of a bus link between Tea Tree Gully and Elizabeth, as well as a service between the Weapons Research Establishment at Salisbury and Tea Tree Gully, to be operated by Bowmans Bus Service Proprietary Limited and to commence on April 3. Can the Premier, representing the Minister of Transport, supply me with full particulars of the exact routes the buses will travel, how frequent the service will be, and how many sections will be involved? The latter question, of course, has a bearing on the fares to be charged.

The Hon. FRANK WALSH: I will take the matter up with the Minister of Transport and bring down a report as soon as possible.

Mr. CLARK: I was informed yesterday, and was pleased to hear it, that the trust has approved of the two new bus services to which the honourable member for Barossa has referred. This is good news for people travelling to my district for employment. The population in my district is increasing enormously, and on Saturday I attended a gathering at Smithfield Plains where 57 families are living. Many of them live far from the railway line and are without private transport. As I have raised this matter many times with the present Government and with the previous Government, with about the same lack of success, will the Premier again ask the Minister of Transport to consider operating a regular bus service between the Salisbury-Elizabeth district and the metropolitan area?

The Hon. FRANK WALSH: I shall obtain a report from the Minister of Transport but,

as I may not be able to obtain it before the end of next week, I may have to inform the honourable member by letter.

TANUNDA COURTHOUSE.

The Hon. B. H. TEUSNER: As I understand that the construction of the new police station and courthouse at Tanunda is almost completed, can the Attorney-General say when these buildings will be occupied?

The Hon. D. A. DUNSTAN: Offhand, no. I know it will be soon, and that the honourable member will be invited to the opening ceremony, arrangements for which are now being made.

COORONG SANCTUARY.

Mr. BURDON: Recently, representations were made to me by people interested in duck shooting in the Coorong that this area may be closed to duck shooters. Can the Minister of Lands say whether it is the Government's intention to declare the Younghusband Peninsula and the Coorong a sanctuary for bird life?

The Hon. J. D. CORCORAN: Sanctuaries are controlled by the Minister of Agriculture, but the representations made to the honourable member about a report that circulated in the South-East regarding the Coorong becoming a national park probably originated from a proposal I received from the Chairman of the Land Board, and not from the Commissioners of the National Park. It concerned the Coorong becoming a national park, and the plan suggested that a certain area be set aside as a game reserve for duck shooting. Because this matter involved many interests I declined to proceed with the recommendation, and said that the matter would not be considered again until I knew more about the requirements of duck shooters in the area and of people interested in conservation. I said that no area would be declared a national park before any interested body or organization had been given an opportunity to peruse the proposal and comment on it. At this stage, it is not intended to make the Coorong or any part of it a national park, nor is it intended to extend the already existing sanctuary.

FIREWORKS.

Mr. MILLHOUSE: I have received a letter from the Secretary of the Retail Traders Association of South Australia regarding the sale of fireworks. The Minister of Agriculture will remember (and this is canvassed in the first paragraph of the letter) that a variation of the regulations under the Explosives Act made in March last year forbade the sale of fireworks of class 7, except between May 11 and May 24. The letter states:

This variation would indicate that in 1967 the annual fireworks celebration in this State would coincide with Commonwealth Day. As I am given to understand, a change has been made also in other States to the date on which the Queen's birthday is celebrated. As I recall, the South Australian date was set prior to that selected by the Eastern States and following the announcement by the latter it was suggested that South Australia might again amend the date to coincide with the "majority decision". I would be grateful if you could advise if this is in fact likely to happen and if so, when?

I remind the Minister that I took up this matter with him last session and, although there seems no reason now to have fireworks on May 24, he insisted that this day, and this day only, could be celebrated in South Australia, instead of Guy Fawkes' day. As a result of the letter can the Minister say whether he and the Government are of the same opinion, or whether any change, to coincide with the Queen's birthday, is contemplated?

The Hon. G. A. BYWATERS: The Government does not intend to change the day from May 24, whatever day Commonwealth Day falls on. The Government did not intend this day to be on Commonwealth Day, as such. The day selected, May 24, was selected for no particular reason, but it was a day on which the Government considered it would be reasonably safe for people to have fireworks in operation.

The Hon. Sir Thomas Playford: Supposing May 24 falls on a Sunday?

The Hon. G. A. BYWATERS: A regulation could be made to have it on the day before or on the day after in that case. I believe the member for Gumeracha has a birthday on November 5—that could not be altered whether it fell on a Saturday, Sunday or any other day. Fireworks day will remain May 24.

NORTH MOUNT GAMBIER SCHOOL.

Mr. BURDON: On a recent visit to the North Mount Gambier Primary School my attention was drawn to the lack of heating in the new portable classroom in which a class was being taught. I do not doubt for a moment that today no heating would be required in a classroom there but, as a long wet winter is experienced at Mount Gambier (and the Minister is aware of this, as he visited there last winter), will the Minister of Education ask his department to provide heating facilities in the classroom as soon as possible because, although it might be warm today, it could be cold and wet tomorrow?

The Hon. R. R. LOVEDAY: I shall be pleased to do that.

FLORENCE TERRACE.

Mr. MILLHOUSE: I have previously asked questions about the plans of the Highways Department for a new main road from the Old Belair Road up Florence Terrace to the Upper Sturt Road. In the past I have not been given any information about this: I have been told that the department has not yet completed its plan. It has been reported to me in the last few weeks that surveyors have been busy driving in pegs in Florence Terrace, which leads me to believe that a decision must now have been made as to the route of the road and the probable construction of a bridge over the railway line. Will the Minister of Lands ascertain whether firm plans have now been made for this road and, if they have, what are those plans?

The Hon. J. D. CORCORAN: Yes.

INSURANCE PREMIUMS COMMITTEE.

The Hon. Sir THOMAS PLAYFORD: I believe that the Insurance Premiums Committee is still operating and that it receives information from other States as to third party and comprehensive insurance. Will the Premier ask Sir Edgar Bean (Chairman of the committee) to supply, for the use of members, the comparative rates charged in each State for both comprehensive and third party insurance?

The Hon. FRANK WALSH: I am prepared to take up the matter and to supply the information to the honourable member, either in a reply to a question or by letter.

STURT ROAD.

Mr. HUDSON: About two years ago a considerable length of Sturt Road in my district was widened and resurfaced. The work was carried out from about Laurence Street to Morphett Road, and then from Morphett Road to Diagonal Road, the latter section being completed only on one side of the road. On the section of the road in my district there remains the completion of the work between Morphett Road and Diagonal Road and the complete work of widening and resurfacing between Diagonal Road and the Sturt River. In addition, a small part of Sturt Road in the Brighton council area, between Laurence Street and Brighton Road, needs to be widened and resurfaced. Will the Minister of Lands ascertain from his colleague the department's plans in relation to Sturt Road in each of the areas to which I have referred?

The Hon. J. D. CORCORAN: Yes.

ROAD TAX.

Mr. McANANEY: As it is often claimed that the cost of collecting the road maintenance tax largely offsets the sum collected, will the Minister of Lands ascertain from the Minister of Roads the cost of administering the Road Maintenance (Contribution) Act? Will he also ascertain whether the Highways Commissioner is still of the opinion that there is a considerable evasion of taxes under the Act?

The Hon. J. D. CORCORAN: I will obtain that information for the honourable member.

PUBLIC WORKS COMMITTEE REPORTS.

The DEPUTY SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

McDonald Park Primary School,

Re-establishment of Mount Gambier High School.

Ordered that reports be printed.

MARKETABLE SECURITIES TRANSFER BILL

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

The Hon. D. A. DUNSTAN (Attorney-General) obtained leave and introduced a Bill for an Act relating to instruments of transfer of marketable securities, to amend the Stamp Duties Act, 1923-1966, by making further provision with respect to duty on sales and purchases of marketable securities, and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It is designed principally to improve the system whereby the ownership of securities dealt with on the Stock Exchange is transferred. The vast majority of dealings in shares take place on a Stock Exchange. The present system, however, has proved to be cumbersome, expensive and incapable of coping satisfactorily with modern business conditions. The same problem had existed and received attention both in England and the United States of America where a much simpler, speadier and cheaper system has been devised for transfers

of marketable securities made through the agency of stockbrokers. Some time ago the Australian Associated Stock Exchanges requested the State Governments to enact uniform legislation for introducing new simplified share transfer procedures based on overseas experience.

The matter was also linked up with stamp duty legislation which had been designed to operate within the system governing stock exchange dealings as well as with the concern of the Treasury over the existence of certain avenues by which stamp duty on share transfers had been avoided. The whole question was then closely examined by the Standing Committee of Attorneys-General and the Treasurers of the Commonwealth and the States and by their respective advisers and it has now been agreed that uniform legislation substantially in the form of this Bill will be enacted throughout Australia. Indeed, it has already been enacted in other Parliaments. I shall deal in greater detail with the effect of the stamp duty proposals contained in this Bill when I explain the provisions of Part III. The principal provisions are contained in Parts II and III.

Part II deals with instruments of transfer. Under the existing procedure governing transfers, a selling client instructs his broker to sell securities on the Stock Exchange. The broker, after transacting the sale, forwards to the selling client a contract note with a transfer form attached. The client is requested to complete and return the transfer, together with the relative certificate, to the selling broker. If the certificate is for the exact amount of the securities sold, the selling broker, on receipt of the documents, delivers them to the buying broker. If, however, the certificate covers a greater number of securities than the number sold, or if the sale has been transacted with more than one buyer, the selling broker is required to lodge the certificate and transfers for marking, either by the company registrar or by the Stock Exchange transfer marking service. In some cases it is necessary to have the certificate split into the required denominations by the company registrar. When the selling broker has obtained the documents in deliverable form, he then makes delivery to the buying broker. The buying broker in turn forwards the documents to the buying client with the request that the transfer be signed and completed by the transferee and returned to the buying broker.

The buying broker then completes the documents and lodges them with the company registrar for registration in the buyer's name. The company registrar processes the transfer, which in many instances involves awaiting the next meeting of the board of directors. New certificates are subsequently issued by the company to the buying client. This procedure causes considerable delay and the investor does not receive the certificate in respect of shares purchased by him until weeks or, in some cases, months have elapsed following the purchase. The investor also frequently receives a claim for a refund of a dividend or for "rights" accruing on securities sold weeks or months earlier. Under the proposed new system, the transferor alone will have to sign the instrument of transfer. He may sign the document in advance. The transferee will not be required to sign. The procedure is controlled through the selling and buying brokers, who will stamp and certify the necessary forms, which can proceed to immediate registration.

Part II of the Bill provides the background necessary for the operation of the more simplified transfer system. This Part deals generally with the type of instrument that is to be acceptable for registration in company registers. Forms appropriate to this new system are contained in the schedule and when used in accordance with the provisions of the Bill will be valid instruments of transfer notwithstanding anything to the contrary contained in the memorandum or articles of the company. The signing of a transfer by the transferee will not be required if the transferee's broker stamps and certifies the instrument. Stamping of the instrument by a broker carries with it certain warranties and indemnities necessary for the protection of the parties and the company concerned, and there are additional protective provisions.

Clause 4 of the Bill contains the definitions appropriate to Part II. The definition of "broker" is wide enough to catch up an interstate broker. The definitions of "debenture" and "marketable security" have to be restricted to a debenture or marketable security of a company or corporation that is governed by the law of this State. This is necessary, because clause 5 makes a transfer in the appropriate form in the schedule a proper instrument of transfer for the purposes of the law of this State. When these provisions are enacted by all the States a transfer in one of the appropriate forms used by a South Australian broker

for a dealing in shares in a company incorporated in another State will be a proper instrument of transfer for the purposes of the law of that State. Clause 5, as I have mentioned earlier, makes a transfer in the appropriate form in the schedule a proper instrument of transfer under South Australian law.

Clause 6 makes it unnecessary in any instrument of transfer by way of a prescribed instrument to state the occupations of the transferee and transferor or to have the signatures of the transferee and transferor witnessed. Clause 7 provides in effect that a prescribed instrument will be deemed to have been duly executed by the transferee named therein if it states the full name and address of the transferee and bears the stamps of the transferee's broker. The transfer of securities with an uncalled liability or a transfer of rights to marketable securities has to have an additional instrument to accompany it. The stamp of the transferee's broker on the instrument has the effect of binding the transferee, as if he had agreed to accept the securities subject to the terms and conditions on which they were held by the transferor, and as if he had agreed to become a member of the company that issued the securities. The clause goes on to provide that the common form of transfer is not invalidated by that clause.

Clause 8 requires every transfer in the form of a prescribed instrument to bear the stamp of the transferor's broker. The affixing of the transferor's broker's stamp carries with it the assurance that the transferor's broker has certified to the matters in the certificate of the transferor's broker set out in the instrument and the warranty that the transferor is the registered holder of or is entitled to be registered as the holder of the marketable security or right in question and is legally entitled to sell the same. The warranty also indemnifies the company that has issued the marketable security referred to in the instrument and the transferee as well as the transferee's broker against any loss or damage arising from any forged or unauthorized signature of the transferor appearing in the instrument. Clause 9 provides that the company and any officer of the company whose marketable securities are disposed of by a prescribed instrument are entitled to assume the validity of any broker's stamp appearing on that instrument.

Clause 10 provides, in effect, that the registration of a transfer pursuant to a prescribed instrument and the omission from any register, certificate or other document of the occupation of the holder of the marketable security to which it relates does not constitute a breach of the memorandum or articles or other document that relates to any such security. Clause 11 prohibits a broker from affixing his stamp to a transfer in the form of a prescribed instrument unless the instrument relates to a sale or purchase made in the ordinary course of business for a consideration not less than the unencumbered market value of the security or right to which the instrument relates. A penalty of $1,000 is prescribed for a breach of the clause. Clause 12 contains a general regulation-making power.

Part III amends the Stamp Duties Act. An important object of this Part is to prevent avoidance of stamp duty on share transfers. The avenues for avoidance arise principally from the fact that stamp duties are not imposed in Canberra, and the practice has arisen of recent years for companies to open branch registries in Canberra solely for the purpose of effecting large transfers of marketable securities. This has especially applied to transfers associated with take-over operations.

It applies to a lesser extent if one State is taxing transfers of securities at a rate substantially lower than another to the extent that it pays the company to incur the expense of setting up a branch registry to complete the transfer in the lower taxing State. This situation would be resolved if the Commonwealth and all of the States imposed taxation on such transfers at common rates. Some of the States have already amended their legislation to do this and some are in the course of so doing. The Commonwealth has not as yet proceeded with similar legislation but has given assurances that it will examine the situation with a view to so doing.

At the same time, the opportunity has been taken to agree on uniform legislation which, apart from being necessary to avoid double taxing of the same transfer, is very acceptable to stockbrokers and to companies whose shares are traded in more than one State. Prior to 1964 all transfers of marketable securities effected through members of the Stock Exchange of Adelaide were taxed through a stamp duty on brokers' contract notes. In 1964, the Stamp Duties Act was amended to provide for the stamping of the instrument of transfer as the main taxing vehicle with only a minor amount of duty attaching to the contract notes. This amendment brought our procedures into line with those adopted in the other States and was instituted after consultation with the Stock Exchange of Adelaide

at the time when the duty was levied on consideration instead of face value. The rates then adopted were 30c for every $80, or fractional part of $80, of the consideration expressed in the transfer; and 10c for every $400, or fractional part of $400, of the consideration shown in the contract notes—both buying and selling.

The proposals now made in the Bill envisage a return to the principle of levying the duty on the buying and selling transactions of brokers but, instead of stamping the contract notes, it is proposed to collect the duty on a periodical return lodged by brokers. The rate which has been agreed upon by all States is 20c for each $100 consideration shown in returns of orders to sell or orders to purchase lodged with brokers. For a transaction which is completed by South Australian brokers or brokers' agents the total duty will therefore be at the rate of 40c per $100 compared with the present rate of 30c for every $80, which is at the rate of 37.5c per $100. Having levied stamp duty on the return, the Government does not consider it appropriate to continue to impose duty on the contract notes which, for a transaction completed by South Australian dealers at present, is at a rate equivalent to 5c per $100.

Under the present system we collect the major part of stamp duty from transfers of shares registered in South Australian registries and only a minor part from shares located on interstate registries. Under the new system the duty follows the dealer's return irrespective of where the shares are domiciled. If, for instance, shares on an Adelaide registry are sold through a South Australian broker and purchased through a Victorian broker, half the total duty payable will go to each State. The same thing would happen if the shares were domiciled on the Melbourne registry. On balance it is considered, and conceded by the New South Wales and Victorian Governments, who are the main sponsors of this uniform legislation, that the procedures will benefit South Australian revenues, as there are probably more South Australians buying and selling shares and debentures of interstate companies and corporations than there are interstate investors dealing in South Australian marketable securities.

The gain to New South Wales and Victoria will accrue when the Commonwealth legislation is enacted. At the present time these States consider that their loss of revenue through Canberra transactions is very considerable. In all other cases where the securities are not sold or purchased through a broker, duty must be paid on the instrument of transfer. The duty in these instances will be at the rate of 40c for each $100 consideration, which is the same as the total of duty payable on securities which are bought and sold through a South Australian broker.

Some of the States have already passed the complementary legislation and others have it in process. It is desirable that the Bill be passed during this session so that, as soon as Commonwealth legislation is enacted, all parties can agree on a date, to be fixed by proclamation, for the uniform system to operate throughout Australia. I ask then that this Bill be given a speedy passage. It does not make any material variation to rates, it has been agreed to by all the other States, and it has the support of the various Stock Exchanges.

Clause 15 of the Bill defines a marketable security. The definition includes both securities which can be bought and sold on the Stock Exchange and those which are not so dealt with. This clause also defines "rights". Clause 16 establishes the right of recovery where stamp duty is expressed as payable by any person. Clauses 17 to 20 are transitional provisions dealing mainly with procedures relating to contract notes up to the commencement of operation of the provisions of this Bill. Thereafter stamp duty will not be payable on contract notes.

Clause 21 inserts into the principal Act a new Part IIIA comprising new sections 90a to 90f. New section 90a defines expressions used in the new Part IIIA. New section 90b sets out the transactions to which the new Part has application. New section 90c imposes on a South Australian dealer the obligation of making a record relating to sales and purchases of marketable securities made pursuant to an order to sell or purchase or made on his own account, and recites the detail to be kept in such records. It also requires the dealer to record himself as having sold or purchased a security when he purchases it from or sells it to a person who is not a dealer. It provides penalties for failure to keep the records. The right of the Commissioner of Stamps to inspect such records is included in new subsection (9).

New section 90d requires a South Australian dealer to lodge a weekly return of sales and purchases shown in his records and to pay to the Commissioner the stamp duty applicable thereto. Penalties are provided for failure to lodge a return, for lodging false returns and for failure to pay the duty. New section 90e requires a dealer, who has made a record

of a sale or purchase, to endorse the instrument of transfer that stamp duty has been or will be paid and to affix his stamp thereto. Any instrument so endorsed and stamped by the dealer is deemed to be duly stamped under the Act. New section 90f entitles a South Australian dealer to recover the amount of any duty paid by him, in respect of any sale or purchase shown in his weekly return, from the seller or purchaser for whom he made the sale or purchase.

Clause 22 inserts a new section 106a which prohibits a corporation from registering a transfer unless a proper instrument of transfer is delivered to the corporation and the instrument is duly stamped or, if it is a security dealt with through a dealer, is deemed to be stamped by virtue of having the dealer's endorsement and stamp thereon.

Clause 23 amends the Second Schedule to give effect to the new procedure and rates of duty. Paragraphs (*a*) and (*b*) retain the present procedures as regards contract notes and options until this Bill becomes law. Paragraph (*d*) inserts a new paragraph (*aa*) showing the rates of duty applicable after the Bill becomes law to instruments of transfer where the transfer is not effected through a dealer. Paragraph (*e*) inserts a new heading in the Second Schedule *viz.* "Return lodged with the Commissioner by a South Australian dealer pursuant to section 90d", and details the rates of duty payable.

Two exemptions from the duty on returns are included. They deal with those cases where the broker buys securities for the purpose of immediate resale. It has been suggested that it is common for brokers to purchase securities for clients who they know are interested in acquiring that particular security but without having a specific order to buy. If the client desires to buy and the transaction is completed within two days then duty is based on the client's buying order then made out in the normal fashion. Similarly a client may wish to sell quickly and the dealer may oblige him by purchasing and letting the client have quick cash. If the dealer sells again within two days he is merely regarded as an agent and duty is charged only on the original selling order and the final buying order. This agency exemption only applies if the securities are bought or sold within two days of the original sale or purchase. If the period goes beyond that the dealer is no longer regarded as an agent but as having himself given an order to buy or sell, and the order is stampable as an item in the record and the return.

Mr. HALL secured the adjournment of the debate.

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

Returned from the Legislative Council without amendment.

DOG RACING CONTROL BILL.

Returned from the Legislative Council with amendments.

CONSTRUCTION SAFETY BILL.

In Committee.

(Continued from March 14. Page 3656.)

Clause 4—"Interpretation"—which Mr. Freebairn had moved to amend by inserting in the definition of "building work", after "wharf":

But does not include work done on a farming or grazing property.

Mr. FREEBAIRN: Following the debate last evening, and after certain consultations today, I ask leave to withdraw my amendment, with the object of moving another.

Leave granted; amendment withdrawn.

Mr. FREEBAIRN: I move:

In the definition of "building work" after "wharf" to insert "but does not include work done on the property of a person engaged in agricultural or pastoral pursuits by an employee of such person".

This Bill is intended to apply to areas where building activity is taking place, but under the proclaimed area to which the Bill applies, much rural land is included. The rural land referred to in the Second Schedule is important.

The Hon. C. D. HUTCHENS (Minister of Works): Last evening I thought that I might be able to support the amendment of the honourable member for Light but, on further investigation, I ask the Committee not to accept his amendment. The legislation will not apply to a primary producer working on his own property. The Bill defines "workman" as follows:

. . . any person working for reward whether as an employee, contractor or subcontractor . . .

If a farmer is working for himself, he is not covered by the conditions of the Bill we are discussing at the moment. The Bill would, however, apply to an employee of a contractor engaged by a primary producer if, first, he was in the area of the State in which the legislation applied and if, secondly, he was engaged either on building work on which hoisting appliances or scaffolding were to be

used or on the demolition of a building, the height of which exceeded 20ft. Why should an employee of a farmer who does work involving the use of scaffolding not have the same protection as applies to any other employee?

Mr. FREEBAIRN: Although I appreciate the Minister's explanation, I do not think he realizes the extent of the legislation now before us. I remind him that much rural land is included in the proclaimed area. Under the Bill, if scaffolding 1ft. high was erected by an employee on a farm the farmer would have to go through the whole business of reporting this scaffolding and paying a fee to the Secretary for Labour and Industry. It is evident from the Minister's second reading explanation that the Government wishes to control all scaffolding, for the provisions of the Bill will apply to farms within the proclaimed area where scaffolding is erected.

Mr. RODDA: Can the Minister say whether under this legislation a windmill will require scaffolding? Work on windmills can be quite dangerous, and contractors' employees working on them operate with a safety belt.

The Hon. C. D. HUTCHENS: The position will be the same as it is today under the Scaffolding Inspection Act.

Mr. SHANNON: I do not entirely subscribe to the views expressed by the member for Light. A farmer today can purchase such things as shearing sheds, machinery sheds and even prefabricated houses and erect them himself on his property. A man with normal skill can erect such buildings fairly easily. I would not like to think that a farmer had to come to the city or arrange for somebody here to apply for a permit under this Act.

The Committee divided on the amendment:

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

Noes (17).—Mr. Broomhill, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hughes, Hurst, Hutchens (teller), Jennings, Langley, Loveday, Quirke, Ryan, and Walsh.

Pairs.—Ayes—Messrs. Brookman and Ferguson. Noes—Messrs. Hudson and McKee.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. G. G. PEARSON: I move:

In definition of "principal contractor" to strike out "principal".

The amendment does not weaken the Bill nor does it take away any responsibility that the Minister seeks to be required, but it transfers the obligation to do certain things from a person defined as a principal contractor to the person who is the contractor. The responsibility for all phases of the work should be held by the subcontractor.

Mr. FREEBAIRN: I support the amendment, which transfers the responsibility from the person who takes the initial contract (the broker) to the person who actually employs labour. In every other State the owner of the scaffolding or the employer is responsible for maintaining safety standards and for reporting accidents. In no other State is the principal contractor clothed with the powers given to him by this Bill.

Mr. McANANEY: I, too, support the amendment. It is against all recognized principles for a principal contractor to be responsible for what is done by workmen employed by a subcontractor.

Mr. FREEBAIRN: Government members do not appreciate the significance of the relationship between master and servant, and the wording "principal contractor" will tend to circumvent this relationship. No Government member seems to have considered the entitlement of workmen to workmen's compensation under this legislation. Some time ago, when an emergency fire service was established in my area, a workman employed by me decided that he would like to become a member of the local crew. If he had become a member of the crew, he would not have been covered by my workmen's compensation cover as the relationship of master and servant would not have existed.

Mr. RODDA: Much electrical work is farmed out, and the principal contractor may be removed from the functions associated with a subcontractor. The Minister should explain this.

Mr. QUIRKE: I cannot understand this amendment. On the construction of a tall building all of the tradesmen use the same scaffolding, which is paid for by the principal contractor. Most of the scaffolding used on buildings is internal scaffolding. If the principal contractor does not own scaffolding, in many cases it may be hired. Why should there be a dozen applications concerning the scaffolding to be used?

The Hon. C. D. HUTCHENS: I am surprised at the amendment and I ask the Committee not to accept it. The Government was

anxious that this Bill should meet with the approval of all parties to it and, accordingly, it made available its proposals some time ago. The Government has not received any objections from employers. The reason for this amendment and other similar amendments is that the Act will be difficult to operate if the principal contractor has to give notice to the department every time a subcontractor erects scaffolding, because the principal contractor would have no knowledge of when the subcontractor intended to put up the scaffolding.

The requirement is that the principal contractor shall tell the Secretary for Labour and Industry when it is intended to commence the work to which the Bill applies. Only one notice is required for any building work—the notice to be given before any work starts. The notice covers the whole job, whether excavation, scaffolding, bricklaying, plastering, the erection of cranes, etc., and the subcontractor does not have to give notice. Once the Department of Labour and Industry has been notified, it is responsible to ensure compliance with the legislation, without further notice from anyone. Similarly, it will be the responsibility of each principal contractor to ensure that working places on the sites of his jobs are maintained in a safe condition. If the principal contractor wishes to delegate this responsibility to a subcontractor, that is his responsibility. Only one person on each building site can be responsible for ensuring that safety is maintained. Who would be more appropriate, therefore, than the building contractor for the whole job? That also applies to the appointment of a safety supervisor, only one of whom will be required on many jobs. It would be chaotic to have each subcontractor with a safety supervisor. The principal contractor is obviously the person who must make this appointment. If the amendment were accepted, we would have the situation of a main contractor being also a workman.

The reason for spelling out the definition of "workman" is that paragraph (*a*) covers the genuine contractor; (*b*) covers the contractor who undertakes building work for a client but who sublets all of the work; (*c*) covers the speculative builder who sublets all the work but who is not building for a client; and (*d*) covers a person who employs someone to build his own house rather than letting a contract. That certainly does not cover either a contractor or speculative builder who subcontracts all the work. It is the main contractor who has to make the application and who is the person held responsible in this regard—not the subcontractor.

The Hon. G. G. PEARSON: The erection and use of scaffolding is only one of about seven or eight matters in which the principal contractor is involved under the Bill. This legislation will mean that for every building job undertaken within the proclaimed area the department will have to provide an inspector. Rather than build up the strength of the department to such an extent, I think it would be in the interests of good government and of the department's economy if the contractor concerned were made a little more responsible and the department made less responsible. How can an inspector stand by during the whole of an excavation operation to ensure that no danger is involved in the work? If and when the Bill becomes law, the next thing to happen will be a proclamation by the Governor bringing the whole of the State within the ambit of this legislation. Then, we shall really have a department of some size.

Indeed, I know that the present Government has expressed a desire to include the whole of the State in this provision. The person employing the labour should be responsible: not someone else. Why should the legal responsibility rest with the principal contractor, wherever he may be situated and in whatever he may be involved? The amendment seeks to place the responsibility for notification and so on on the person employing the labour. If two contractors on the same job happened to give notice to the department it would not matter. If the amendment were accepted there would be no argument about who was responsible: it would be the person employing the labour. The amendment would considerably strengthen the Bill rather than weaken it.

Mr. SHANNON: An employer breaching the provisions of the Bill should take the responsibility for that breach. The amendment seeks to place the responsibility for safety on the person employing labour. If the principal contractor were responsible for all breaches, irrespective of by whom they were caused, the result would not be as effective as it would be if each employer of labour were responsible for his own breaches. I support the amendment.

Mr. HEASLIP: I cannot understand the necessity for this amendment. If it is passed, more expense will be involved. In any case, these matters are already dealt with in the Scaffolding Inspection Act, which this Bill merely duplicates. It will be simpler, less

expensive and will achieve the same result if we provide that the principal contractor shall obtain the permit rather than providing that all subcontractors shall obtain permits. If the amendment is carried, there will be a tremendous increase in the cost of houses in South Australia.

Mr. FREEBAIRN: If this amendment is not carried there will be a tremendous increase in costs of administration in the Department of Labour and Industry and the Secretary will be even more overworked than he is now. The Minister said that industry was given added information about this legislation before it was introduced. However, when it became evident today that there was some doubt regarding workmen's compensation protection, I rang an insurance official who told me that he had received a copy of the Bill last Friday but had not read it as he thought the Government did not intend to introduce the Bill for several weeks. I told him we had already reached the Committee stage. He gave me an opinion on the coverage of workmen under the Bill and said insurance rates paid by the principal contractors would have to be increased substantially to cover principal contractors' responsibilities under this legislation. Building costs will increase because of the increased insurance premiums alone.

Mr. QUIRKE: The member for Light has told us how he went and advised all the people of the inherent dangers in this legislation; I suppose the clamour we hear outside in the corridors is from the people coming to protest about it! Although there are subcontractors, the principal contractor on a big job is responsible to see that the work is done according to the specifications in the main contract. I think he would be unwise if he did not have a permanent safety security officer on the job and not half a dozen untrained people. I have heard nothing today which would induce me to relieve the principal contractor of his undoubted responsibility in this matter. It is possible to have 100 or more subcontractors on a job.

The Hon. C. D. Hutchens: There were 200 on one job.

Mr. QUIRKE: In that case, would 200 people be responsible for safety? That would be impossible. The principal contractor would not tender for a job unless he had the capacity to undertake all the responsibilities associated with it. The safest way is for one man to have the authority and to delegate it to persons who report to him, so that he is responsible for the various facets of the job.

The Hon. G. G. PEARSON: The office block in Victoria Square illustrates my point. I signed one contract and the present Minister signed another: who is the principal contractor?

The Hon. C. D. HUTCHENS: There were two contracts but, one having been completed for stage 1, the principal contractor is the contractor for the second stage. In the district represented by the member for Port Pirie one job has 200 subcontractors. If we accepted this amendment, there would be 200 applications and the paper work would be increased for the subcontractors and the Government department. The amendment would increase costs and be of no value, because there would be divided authority whereas with one authority there would be a minimum of confusion.

The Committee divided on the amendment:

Ayes (13).—Messrs. Coumbe, Freebairn, Hall, McAnaney, Millhouse, Nankivell, and Pearson (teller), Sir Thomas Playford, Messrs. Rodda and Shannon, Mrs. Steele, Messrs. Stott and Teusner.

Noes (20).—Messrs. Bockelberg, Broomhill, and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Heaslip, Hughes, Hurst, Hutchens (teller), Jennings, Langley, Loveday, Quirke, Ryan, and Walsh.

Pairs.—Ayes—Messrs. Brookman and Ferguson. Noes—Messrs. Hudson and McKee.

Majority of 7 of the Noes.

Amendment thus negatived; clause passed.

Clause 5—"Work to which Act applies."

Mr. COUMBE: I move:

In subclause (1) (*a*) after "used" second occurring to insert "provided the workman is required to work thereon at a height of more than ten feet above floor level or ground level".

My amendment will ensure that the main provisions of the legislation will not apply to cottage construction. The definition of "scaffolding" in the Bill is different from that in the existing Act. The following words are taken out of the original definition of "scaffolding":

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 ten feet above ground level or floor level.

The Act contains a definition of "scaffolding" as any structure or framework, but has no limitation on height. The expression "work to which this Act applies" appears continually throughout the Bill. Clause 7 refers only to notice of intention to carry out work. Subclause (6) (*b*) of that clause provides:

Any building work on which the only scaffolding consists of a structure or framework of step ladders and planks or trestle ladders and planks . . .

In such a case, the principal contractor does not have to register. That is fair. The Government has brought all structures under the Scaffolding Act, and anybody doing any structure whatsoever, unless using trestles and planks, must acquire a permit. He would come within the ambit of the Act, irrespective of the height of the building. My amendment is to limit the work that requires scaffolding to anything above 10ft. For high buildings the utmost rigidity of inspection must be applied.

Mr. Nankivell: Don't you think a bricklayer should be working on something stronger than planks or trestles?

Mr. COUMBE: I am talking about things other than trestles and planks. Scaffolding can be used, but there is no need for a notice to be given. The average house construction should not be subject to the strict requirements set out in the Bill. The Government, by deleting words from the definition of "scaffolding", is providing that every structure, irrespective of height, comes within the ambit of this Bill. Safety provisions should be realistic and capable of being policed. It is not my intention to alter clause 7 in any way.

Mr. FREEBAIRN: I support the amendment, for it is necessary to have legislation that will be respected. The Government is not held in high esteem by the building industry at present, and that position will only deteriorate if the amendment is not accepted. In most other States the 10ft. limit applies.

Mr. LANGLEY: I oppose the amendment. Not much difference exists between the type of scaffolding used in house building and that used in major construction work. In addition, many people are involved in both types of work. As principal builders sublet many of their contracts, it is necessary to ensure the safety of the scaffolding used by those engaged in the many housing schemes at present being undertaken. Having seen petrol drums and boxes used as scaffolding, I know how easy it is for accidents to occur.

The Hon. C. D. HUTCHENS: Certain comments that have been made, particularly that this is socialistic legislation, are unwarranted. Clause 8 provides for regulations to be made for scaffolding. The effect of the amendment would be that the measure would not apply to any building work on which it was necessary to use scaffolding, unless men had to work thereon at a height exceeding 10ft. above ground level. That would really be putting the clock back. The present Scaffolding Inspection Act (for which this Government is not responsible) covers workmen for whom scaffolding of any height is erected, except for combinations of trestles and planks or of steps and planks. That has created one of the difficulties under the present Act. The Act applies to the contractor who erects scaffolding but not to the contractor who is engaged in the work and whose men work on trestles (often dilapidated and unsafe) or on split planks.

The Bill seeks to remedy that position and to ensure that all men working on a framework to support them will work on a framework that is safe, whether it is made of planks or scaffolding tubes or on trestles. It is recognized that there is no need for maintenance painters, plumbers, or electricians, etc., to have to notify the department, or to pay a fee when such trestles and planks are erected. Accordingly, clause 7 (6) provides that the legislation will not apply in respect of such work. The amendment would defeat the whole purpose of the legislation in respect of any person working on a single-storey building. Whether it be a factory, shop or warehouse, such workmen would not have the protection that we seek to provide, because the working platform might be less than 10ft. above ground level.

Mr. COUMBE: The Minister has said nothing to allay my fears of what is likely to happen. People will continue to use trestles and planks (referred to in clause 7), which the Government has seen fit to take out of the definition of "scaffolding" in the Act. If the amendment is not carried, ludicrous conditions will ensue. Without amendment, the present provision would not be respected. I ask the Committee to accept the amendment. Inadvertently, I omitted from my amendment the word "ground" before "floor level". I want people working on the seventh or eighth storeys of buildings to be included, so if the amendment is carried I will ask the Committee to consider adding this word.

The Committee divided on the amendment:

Ayes (14).—Messrs. Bockelberg, Coumbe (teller), Freebairn, Hall, Heaslip, McAnaney, Millhouse, and Pearson, Sir Thomas Playford, Messrs. Rodda and Shannon, Mrs. Steele, Messrs. Stott and Teusner.

Noes (19).—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hughes,

Hurst, Hutchens (teller), Jennings, Langley, Loveday, Nankivell, Quirke, Ryan, and Walsh.

Pairs.—Ayes—Messrs. Brookman and Ferguson. Noes—Messrs. Hudson and McKee.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Clauses 6 to 10 passed.

Clause 11—"Provision of amenities."

Mr. FREEBAIRN: I move:

Before "The" to insert "Subject to any industrial award,"

Perhaps the Minister did not realize the scope of this clause. If my amendment is accepted, the provisions under this clause which the principal contractor will be expected to observe will be subject to the industrial award pertaining to the particular trade. Workers in the building trades are covered by many awards, some of which could be swept away by the provisions of this clause. Applicable to the building industry are either Commonwealth or State awards for carpenters and joiners; builders' labourers; bricklayers, tilers and tuckpointers; painters and decorators; plasterers and terrazzo workers; plumbers and gasfitters; drivers of vehicles; general clerks and a number of others. If this clause is passed, the precious awards which trade unions have worked so hard for many years to get could be swept away.

The Hon. C. D. HUTCHENS: I am amazed at the honourable member's imagination, because I told him earlier this afternoon that these proposals were referred not only to employers but to employees in the building industry, and the unions expressed pleasure at the proposals. The whole object of this Bill is to enable regulations to be made (which are subject to scrutiny by a Parliamentary committee) concerning the amenities which should be provided on a building site rather than leaving these to be provided in awards. Some awards provide for some of these matters, and often there are different provisions for tradesmen in different trades working on the same building site, while in other cases there are no provisions at all in the awards.

Mr. Freebairn: Whose fault is that?

The Hon. C. D. HUTCHENS: It will be our fault if we do not put some provision in, and it will also be the honourable member's fault. It would be an impossible situation if each subcontractor was required to make different provisions for his workmen from those required for workmen of other subcontractors. As it stands, the Bill will be for the benefit of the contractor and employers, as well as for the workmen. I urge the Committee to reject the amendment.

The Hon. G. G. PEARSON: The honourable member for Light's amendment does not cut across any award. It simply says that it is subject to an award. In other words, where these things are prescribed in an award, the award stands, but where they are not, the clause stands. The Minister has suggested that if these amenities are not provided on a construction job, it will be the fault of the honourable member for Light, but that is not fair because the honourable member for Light's amendment does not take away this clause except where it might conflict with an award. His amendment does not prevent the principal contractor from being obligated to provide amenities.

The authority of the court or any industrial tribunal to make an award is being relegated to the scrap heap and must take second place to this clause. I do not think it is a good principle for Parliament to intervene directly in matters that should be the concern of an industrial tribunal, and that is what we are doing here: we are superseding the industrial tribunal and replacing it by Act of Parliament. If we carry this to its conclusion, we will find ourselves in serious difficulty. The proper authority to determine working conditions for tradesmen is the Industrial Commission. I agree that if the commission has not provided the desirable conditions, there may possibly be some obligation on the Parliament.

The Committee divided on the amendment:

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

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

Pairs.—Ayes—Messrs. Brookman and Ferguson. Noes—Messrs. Hudson and McKee.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (12 to 22), schedules and title passed.

Bill read a third time and passed.

[*Sitting suspended from* 5.56 *to* 7.30 *p.m.*]

COMMONWEALTH POWERS (TRADE PRACTICES) BILL.

In Committee.

(Continued from March 14. Page 3666.)

Clause 1—"Short title and commencement"—which the Hon. Sir Thomas Playford had moved to amend by inserting 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 Hon. D. A. DUNSTAN (Attorney-General): I cannot accept this amendment. If this provision were written into all States' legislation, none of it would operate. What the honourable member is asking is that all the States pass it and bring it into operation, and then ours will operate. It is clear, from what the honourable member has said, that he does not agree with legislation of this kind, and that is why he has moved the amendment. I do not agree that there are disadvantages to South Australia in having this measure in force in this State while it is not in force in other States: there are real advantages in having it in force in this State.

There should not be this delay. It is important that we should bring this legislation into operation so that, when the Commonwealth legislation is passed, the practices in South Australia may be put on the register as from the beginning of the operation of the legislation.

Mr. HALL (Leader of the Opposition): I support the amendment. It is necessary that, if this legislation is to work effectively and without prejudice to the individual State's progress and development, it must operate in all of them. The Attorney-General has tried to keep this debate on a theoretical plane, but he has not given examples of how the legislation might be applied. A paper called *New Horizons* has been circulated in a number of districts. It is well produced and has photographs in it and, from the Labor Party's point of view, it is probably a decent little paper. One article that indicates Labor's attitude to business states:

There is a problem in regard to business to the extent to which oversea capital is participating in a number of our industries.

My Party encourages oversea interests to develop the State's industries, resources and private employment. This pamphlet makes a violent attack on some important companies.

Mr. McKEE: On a point of order, Mr. Acting Chairman. I cannot see any connection between the article in the newsletter and the clause we are considering.

The ACTING CHAIRMAN (Mr. Ryan): We are dealing with the amendment moved by the member for Gumeracha.

Mr. HALL: This clause refers unnamed powers to the Commonwealth concerning—

The ACTING CHAIRMAN: The Committee is now dealing with an amendment moved by the member for Gumeracha. This is the matter we are dealing with under clause 1.

Mr. HALL: I accept your admonition, that I am referring some of my remarks to the wrong clause. We are dealing with the date on which this power will operate in this State or in any other. We are considering its application here, when it is not in operation in any other State. The Bill has a very direct bearing on the attitude of industry to this State, and whether we have it in existence, or whether Victoria perhaps does not, is a matter of alternatives and contrast. If there is one man who could vote for this legislation in South Australia today it would be Sir Henry Bolte of Victoria, who is well known for his participation in competition in endeavouring to obtain industry for his State. It is important that, if this legislation is to apply, it must apply to all the States and not only one or two in isolation.

Mr. HEASLIP: The amendment does not destroy the Bill: it merely provides that the Bill will not operate until other State Governments have passed similar legislation. I am concerned about the retention of industry in this State, and I consider we should do nothing to jeopardize the interests of industry. If we pass this legislation without Victoria and New South Wales passing similar legislation, we will prevent new industries from coming to this State. Why has New South Wales not introduced this legislation? Because they know it will be detrimental to their interests as regards new industries. Over the past few years, the State has built up secondary industries by doing things to promote such industries, but over the last two years we have lost some of those industries. Many industries are at present losing money in an effort to keep their workmen employed. If a postponement is not effected, the Eastern States may well have another advantage over South Australia.

The Hon. D. A. Dunstan: Is this the attitude of your Commonwealth members?

Mr. HEASLIP: I do not know. Being a State man, I am jealous of South Australia's powers and our industries.

The Hon. D. A. Dunstan: Do you think that your Commonwealth members are not South Australians?

Mr. HEASLIP: I am not mixing State politics with Commonwealth politics, because South Australia is autonomous. I am against the Labor Party's policy to dispense with State Governments and to centralize government in Canberra. Indeed, I oppose anything that will harm South Australia.

Mr. SHANNON: I do not deny that the difficulties to which the Attorney-General has referred do, in fact, exist. Obviously, however, other States will have to decide whether they will transfer power. I suggest that, if those States foresee some economic advantage in not transferring power, they will not enact this type of legislation. The member for Gumeracha (Hon. Sir Thomas Playford) has said, with some justification, because of his experience in administration, that the Prices Act affords considerable control in this field. It is awfully difficult to frame legislation dealing with restrictive trade practices when other States have not done so.

The Hon. D. A. Dunstan: I did not say that.

Mr. SHANNON: The Attorney-General said that adequate protection could not be provided in South Australia by means of a State law.

The Hon. D. A. Dunstan: Not when the Commonwealth is also in the field.

Mr. SHANNON: The Attorney-General said that at a conference of Attorneys-General the other States sat mum. Are they waiting for us to be the foolish ones to rush in with this legislation, knowing that they will ultimately benefit? The only way in which to cure this particular ill, which plagues our economic society, is to have Commonwealth overall control.

The Hon. Sir THOMAS PLAYFORD: Last evening I gave two reasons for my amendment: first, that the Bill would supersede the Prices Act in South Australia and, secondly, that South Australia's chances of securing new industries would be seriously jeopardized if it were the only mainland State to refer these powers to the Commonwealth Government. I was surprised to find that the Attorney-General's reply this evening showed that he had not obtained any information on these two matters. In the time available to him since the matter was last discussed, he could have contacted the Prices Commissioner and asked him whether powers under the Prices Act were insufficient to deal with these matters. Also, he could have contacted the Chamber of Manufactures to obtain its views on whether the Bill would be detrimental to South Australia's chances of securing new industries. Whatever differences the Government may have with the Chamber, I do not think any member opposite would deny that it is dedicated to the expansion of industrial activity in South Australia.

However, the Attorney-General obviously preferred to use the majority of members he has in this House to pass the Bill rather than have the matters to which I have referred examined. I believe one reason why the Attorney did not request information from the two sources to which I have referred is that he knew they would have supported the amendment. The Chamber of Manufactures would have said that the provisions of the Bill were dangerous regarding industry.

Mr. Hall: The Bill would be to the advantage of firms in other States.

The Hon. Sir THOMAS PLAYFORD: I agree. If Sir Henry Bolte were in this place he would undoubtedly support the Attorney-General in this respect although he would not support him in other respects. I am surprised Sir Henry has not asked for a pair in this matter so that he could register his opinion here. The Attorney said that New South Wales and Victoria had sat mum on this matter. A similar case to this occurred a couple of years ago regarding restrictive legislation affecting foreign capital. I said I favoured Victoria and New South Wales passing this legislation and that South Australia would support their doing so, but that we would not have the legislation in South Australia because we wanted industry.

Neither Victoria nor New South Wales would want to become the only mainland State in Australia to refer powers in relation to restrictive trade practices to the Commonwealth Government. Frequently the Attorney-General and his colleagues have said they want legislation passed in South Australia to bring our laws into line with those in other States, but in this case we will be the only State to have this legislation because no other State on the mainland will pass similar legislation. At various conferences on this subject all the gifts of eloquence of the Attorney have been inadequate to convince other States to introduce this legislation. I believe the Attorney would be well advised to hold this matter over and to seek the counsel of people who understand the issues involved. I am sure the information thus obtained would be interesting. I hope the Committee will accept the amendment.

The Committee divided on the amendment:

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

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

Pairs.—Ayes—Messrs. Brookman and Ferguson. Noes—Messrs. Hudson and McKee.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 2—"Reference of matters to the Parliament of the Commonwealth."

Mr. HALL: The referral by a Socialist State Government of the powers contained in this Bill to a Socialist Commonwealth Government is something to be feared, although the powers will be given now to a Liberal Party and Country Party coalition Government. My fears were increased recently when I read a pamphlet called *New Horizons* circulated in the Millicent district. Whilst it is not stated in the pamphlet who printed it, it contains the photograph of the Minister of Lands. I am concerned about the material contained on the back of this pamphlet. There is an openly expressed opinion that Australia is in the grip of oversea capital and that this is a bad thing for Australia. As this is a pamphlet issued by a member of the South Australian Labor Party, I take it that he means this is a bad thing for this State. There is a long list of companies that are said to be suspect. I believe that enumerating these prominent Australian companies is tantamount to saying that the Government does not want them in this State. If one of these companies that was considering expansion here read this, it would regard it as the policy of the Government. I would like to read the names of the companies listed here by the Minister of Lands as being undesirable in their activities in Australia.

Mr. Hughes: Does it say the Minister of Lands listed them?

Mr. HALL: The law provides that pamphlets must be authorized. The companies which are told, in effect, that they are not wanted in this State are as follows: W. Angliss & Company (Australia) Proprietary Limited; the Australian Estates Company Limited; Australian Rennet Manufacturing Company Proprietary Limited, Walkerville, South Australia; Thomas Borthwick & Sons (Australasia) Limited; British-American Bye-Products Proprietary Limited; British United Dairies Limited; Bungel (Australia) Proprietary Limited; Cadbury-Fry-Pascall Proprietary Limited; Campbell's Soups (Australia) Proprietary Limited; Carnation Company Proprietary Limited; the Central Queensland Meat Export Company Limited; Cerebos (Australia) Limited; Creamoata Limited; D. & J. Fowler (Australia) Limited; Robert Harper & Company Limited; H. J. Heinz Company (Australia) Limited; Holsum Products Proprietary Limited; Horlicks Proprietary Limited; Kellogg (Australia) Proprietary Limited; Kraft Foods Limited; Lea & Perrins (Australia) Proprietary Limited; Clifford Love & Company Limited; Nabisco Proprietary Limited; the Nestle Company (Australia) Limited; Oppenheimer Casing Company of Australia Limited; Parsons General Foods Limited; Peek Frean (Australia) Proprietary Limited; and many others. These companies are deliberately named by a member of the Government as being undesirable companies. If it were not for oversea capital behind these companies, would there be an equivalent industry in Australia? Can the Minister of Lands and other Labor members of Parliament claim that there would be an equal opportunity of employment in this State without this capital? This is an indication of the Government's attitude to industry in this country and, in particular, in this State. If powers were referred to the Commonwealth Government, and if that Government became a Socialist Government as we have here, I fear for the future of South Australia even more than I do today. The member for Wallaroo can laugh. He is Chairman of the Industries Development Committee, and he apparently subscribed to this when he is trying to get $7,500,000 spent in his electorate for a foreign industry.

The Hon. Sir Thomas Playford: With an oversea company, too.

Mr. HALL: Yes, and with oversea money. One big industry in the member for Wallaroo's own district is not mentioned in this pamphlet. This is the practical attitude of a Government in the hands of people vindictive to oversea capital, and the reference of these powers to a Socialist Government in Canberra would be disastrous for this State.

Mr. MILLHOUSE: I support the Leader's remarks. It is extraordinary that a Government that states that it will encourage industry in South Australia could circulate such

twaddle and bunk as contained in this pamphlet. Clause 2 sets out the powers that we refer to the Commonwealth. No doubt they are the same as in the Tasmanian Act, and the wording is the same as the Commonwealth Attorney-General would like to see in the legislation of the States. However, the wording is extremely wide and indefinite. If the Attorney-General does not reply to other matters, I hope he will be kind enough to say who drafted this; who considered it; and what, in his opinion, are the limits of the powers referred.

The Hon. D. A. DUNSTAN: The drafting was done by the Tasmanian draftsman in conjunction with Mr. Ewens (Senior Commonwealth Draftsman) and was examined by our draftsman in consultation with the Commonwealth draftsman, and by me. I was perfectly satisfied, after discussing the matter with Mr. Fagan, Mr. Bowen, and Mr. Snedden, that this was the only effective way in which we could draft the clause. I do not agree that it is vague: it effectively covers the necessary area of powers, and any further limitation of powers could make quite difficult the effective exercise by the Commonwealth of powers over restrictive trade practices within the State.

It would be a good idea if the Leader read the Bill. It is concerned with restrictive trade practices: it is not, nor is the power referred to the Commonwealth nor the terms of the Commonwealth Bill, concerned with the degree of oversea control of companies. This is another matter under another head of Commonwealth power. The things stated in the pamphlet by the Labour Party are similar to things that were said by a leading member of the Liberal Party and Country Party coalition Government, the Deputy Prime Minister.

The Hon. Sir THOMAS PLAYFORD: Yesterday, the Attorney-General said that the Bill referred to the Commonwealth the precise powers contained in the legislation already passed by the Commonwealth and that that was why he went to some trouble to outline the Commonwealth legislation. I refer the Attorney-General to this and the following clause to show that there is no validity in his statement that we are referring the power with regard to the Commonwealth Bill.

The Hon. D. A. Dunstan: What about the next clause?

The Hon. Sir THOMAS PLAYFORD: The Commonwealth Bill is not mentioned, and the powers referred could be in relation to any legislation that the Commonwealth chose to place on its Statute Book. It is a general passing over of power that could be used for any purpose. We are passing to the Commonwealth power in connection with agreements, arrangements, understandings, practices, and acts restrictive of, or tending to restrict, competition in trade or commerce. What does "tending to restrict" mean? The Attorney-General would not say it had been determined by any court of law. It is as wide as the sea. The Attorney-General seriously misinformed members when he said we were referring powers in respect to the particular legislation.

The Hon. D. A. Dunstan: I did not! You read the next clause!

The Hon. Sir THOMAS PLAYFORD: I have read the next clause. Could the words "without limiting the generality of section 2" be any wider. That is a blank cheque, as the Attorney-General knows. I was intrigued just now when I heard the origin of this Bill. It was apparent who had had a hand in its fabrication because there was not going to be any argument about whether anything the Commonwealth had passed was going to be within the scope of the Bill.

The Hon. D. A. DUNSTAN: I resent what the honourable member has just mischieviously said. He is known as "Mr. Mischief" and he is often prone to misquote members on this side of the Committee for the purpose of making as much mischief as he can. That is what he has tried to do on this occasion. He thinks this is funny. What I said last night was that one of the things this Bill did was specifically to give the power to the Commonwealth; I did not say that the only thing the Bill did was give the power to the Commonwealth to pass present legislation in respect of intrastate practices.

Mr. Millhouse: That was the implication on what you said.

The Hon. D. A DUNSTAN: It was not. I explained why I had gone into detail concerning the contents of the Commonwealth Bill, and the honourable member for Mitcham took me to task. He has a great habit of protesting when I explain things in a second reading speech, but if I do not spell out the Bill he protests when I reply. Whatever anyone on this side of the House does is wrong as far as he is concerned. In this Bill we are specifically giving the Commonwealth power to pass legislation in relation to intrastate practices, and that is why I explained it. I did not in any of the words I used in explaining the Bill say that was all we were doing.

Mr. SHANNON: The Attorney-General wants to make this power as wide as can be. As the member for Gumeracha has said, the proposed powers need not necessarily be confined to restrictive trade practices. Subclause (2) provides:

The matters mentioned in subsection (1) of this section are referred to the Parliament of the Commonwealth for a period commencing on the day on which this Act commences and ending on the day fixed, pursuant to section 4 of this Act, as the day on which the reference made by this section shall terminate, but no longer.

Opinions have been quoted from various authorities, but we have not had an authoritive opinion on where power exists in a State Parliament to take back powers that have been transferred. The Act suspending the collection of income tax, as a wartime measure, was passed in 1942. Have we ever got that power back? Of course not, and we will never get it back. No State Government would have the courage to go in behind the Commonwealth and collect income tax. Clause 4 provides:

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

If this power were referred to the Commonwealth and the Commonwealth passed legislation as a result, a proclamation declaring the Commonwealth legislation invalid would not get us very far. I believe that one of our obligations as representatives of the people is to make the Acts as clear and concise as possible, so that they can be clearly understood and so that legal interpretation is not necessary. However, we have not received from the Attorney-General or anybody else in the Chamber any authority showing that referred power can be terminated.

The Hon. D. A. Dunstan: Well, you didn't listen last night.

Mr. SHANNON: Yes, I did.

The Hon. D. A. Dunstan: Well, you didn't understand.

Mr. SHANNON: The Attorney-General knows that this clause is a waste of time, although he is trying to make it a little more palatable for those people opposed to all-powerful Commonwealth control. The Attorney-General wishes to make it clear that the State will definitely take back these powers.

Mr. Quirke: Will he want to take them back?

Mr. SHANNON: Obviously not. The drafting is an indication of the wide powers to be transferred to the Commonwealth. Obviously, the Labor Party would shut up this place if it were possible.

Mr. Hughes: That's not true.

Mr. Heaslip: Yes it is.

The CHAIRMAN: Order! The question before the Chair is clause 2.

Mr. SHANNON: I am aware that part and parcel of Labor's platform is the policy of unified Government. I do not doubt for a moment that, when he signed on the dotted line that he would carry out his Party's platform, the member for Wallaroo knew all about that.

Mr. Hughes: Put me to the test, and see about this one!

Mr. SHANNON: The test will be whether these powers will be transferred. If they are, that is only the first step in the direction of complete authority.

The CHAIRMAN: Order! The honourable member has gone as far as I intend to let him go. He must restrict his remarks to clause 2.

Mr. SHANNON: I am dealing with one aspect of clause 2: whether the powers to be transferred to the Commonwealth by this Bill will in the future be recouped by South Australia.

The CHAIRMAN: That is out of order until the Committee reaches clause 4. It is not related to clause 2.

Mr. SHANNON: If you look at clause 2 (2), Sir, you will see that it is linked with clause 4. I am discussing clause 2 (2).

The CHAIRMAN: I am not altogether sure that the honourable member is.

Mr. SHANNON: I say that inherent in clause 2 (2) is the implication that, at any time that we elect, we may by proclamation take back the powers we are now conferring on the Commonwealth. I will not be sold on that argument.

Mr. HALL: It is becoming common that, when we question the Attorney-General's statement on a matter, his reaction is to say that we have not read the Bill. However, we have read this clause, and nowhere in it (or in any part of the Bill) is a provision that the powers we refer to the Commonwealth can be restricted to present-day legislation proposed by the Commonwealth.

The Hon. D. A. Dunstan: I never said there was.

Mr. HALL: That is the direct implication of what the Attorney-General has said.

The Hon. D. A. Dunstan: Nonsense!

Mr. HALL: Why did the Attorney-General directly imply that the reason for explaining the Commonwealth Bill was to show members how South Australia's referred powers would function?

The Hon. D. A. Dunstan: That's a lie. I said nothing of the kind.

Mr. HALL: The Attorney-General cannot get away from it. I say that this is not a plausible proposition. We are giving to the Commonwealth the wide powers set out in the clause, and these are not restricted by present-day legislation enacted by the Commonwealth.

Mr. MILLHOUSE: I was surprised at the way in which the Attorney-General spoke a few moments ago, and I have been surprised at his demeanour since, because there is no doubt in my mind that until we reached the debate on this particular clause the whole sense of what he had said in his speeches was that the powers that were being referred were powers only wide enough to support the restrictive trade practices legislation.

The Hon. D. A. Dunstan: That is not so. Look at my second reading explanation, in which I completely explain the whole thing. Why don't you quote what I said? You always try to imply that something different has been said.

Mr. MILLHOUSE: Don't be silly.

The Hon. D. A. Dunstan: Why don't you tell the truth!

Mr. MILLHOUSE: I cannot see why the Attorney-General should lose his temper.

The CHAIRMAN: Order! The Committee might make better progress if honourable members did not become heated and excited.

Mr. MILLHOUSE: Thank you, Mr. Chairman. The Attorney-General has just referred to his second reading explanation, but I took him to task, when I spoke in the second reading debate, for spending 11 of the 16 pages of the typed speech, which was handed to me, explaining the detailed provisions of the Commonwealth Act. How can the Attorney-General say, when he spent all that time on those specific provisions, that the sense of what he said was not that this Bill was sufficient only to pass those powers to the Commonwealth? He spent most of his speech explaining them. That is the position. Of course, this provision is much wider than that and we find now, in the debate on this clause, that it was drawn by the Parliamentary Draftsman (I think the Attorney-General said) in Tasmania in conjunction with the senior Commonwealth Draftsman. Therefore it is no wonder that the provision is a good deal wider than is strictly necessary to support that Act. It is in the interests of the Commonwealth that it should be wide. There can be no doubt at all (knowing the authors of this particular piece of drafting) that the reference of powers to support the Commonwealth Restrictive Trade Practices Act as at present enacted (and, as the Leader has reminded us, any amendments that may be made to it in future must also be supported by a power of this nature) is wide because it is in the interests of the Commonwealth that it should be wide. Of course, the Party that makes up the Government opposite and the Government in Tasmania believes in referring legislative powers entirely to the Commonwealth, so it is no wonder that those Governments concur. When one looks at this placitum there is no doubt that this is a wide power indeed and that it goes beyond (as the Attorney-General now admits) what is necessary merely to support the Commonwealth Act as at present on the Statute Book.

The Hon. D. A. DUNSTAN: I make no apology for being annoyed at what has been said by the members for Mitcham and Gumeracha and by the Leader of the Opposition this evening. They have charged me specifically with deliberately misinforming the Committee, and that charge is completely base and untruthful. I have challenged them repeatedly this evening to quote my words, which they will not do: they just repeat their charge. I will quote my words and we shall see whether I was misleading members. In my second reading explanation I said:

Clause 2—

that is the clause to which we are referring—

refers to the Parliament of the Commonwealth the matters mentioned in paragraphs (*a*) and (*b*) of subclause (1) of that clause. Briefly, they are (*a*) agreements and practices that restrict or tend to restrict trade or commerce; and (*b*) the exercise or use by a person, or by a combination or any member of a combination, of a monopolistic power in or in relation to trade or commerce.

I did not limit it; I said clearly what clause 2 contained and meant.

Mr. Millhouse: You did not dilate on this.

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

Clause 4 and subclause (2) of clause 2 provide that the reference is to terminate on any day which the Governor may fix by proclamation, and clause 3 assures that the reference is intended to confer on the Commonwealth Parliament power to enact provisions having the same operation within the

State that the Trade Practices Act of the Commonwealth would have if its operation within the State were not restricted by reason of the limits of the legislative powers of the Commonwealth Parliament.

I made it clear that we were conferring general power and, to ensure that the Commonwealth legislation was within that general power, we had a special clause to make that clear. Because that clause was in the Act, I then went on to explain what the contents of the Commonwealth Act were that we were giving specific power to enact.

Mr. Millhouse: You really confirm everything we have been saying.

The Hon. D. A. DUNSTAN: Apparently the honourable member would like to convince people here and elsewhere that the moon is green cheese.

Mr. McANANEY: I strongly oppose referring these powers to the Commonwealth Government. It has been said that by opposing this Bill we are not supporting Commonwealth members in this respect, but I wholeheartedly support the legislation that has been passed by the Commonwealth Government. I have been at meetings attended by leading businessmen of Adelaide, where Mr. Snedden and other authorities on this matter have answered questions convincing those at the meeting that there was much good in the Commonwealth legislation. Many trade practices are bad and most people would agree they should be banned. Other practices must be declared. I believe the Commonwealth legislation is in the interests of the people of Australia and that it will spread throughout the Commonwealth, which will be a good thing. Of course, this legislation could be amended and extreme provisions included and, if the State hands over authority to the Commonwealth, it would be condoning something that might happen in the future. No less an authority than the Attorney-General has said that the Commonwealth has the power to institute controls over interstate trade. I can see no reason why we should hand over control of these matters to the Commonwealth.

I strongly oppose the Prices Act which is outmoded and serves no useful purpose, as statistics show. The Victorian Government has already banned certain practices and I can see no reason why, at the State level, we cannot ban certain practices that are against the public interests. That is the course we should adopt rather than to transfer full powers to the Commonwealth so that it can do as it likes. Up to a point, in regard to practices that are to be declared, the Commonwealth legislation is experimental. With the effluxion of time we will be able to see how the Commonwealth legislation works and introduce similar legislation here if we think it is desirable. South Australia has had price control legislation for many years. Anybody who has had anything to do with business in South Australia knows that the restrictions imposed in this way have been of no use to the community. A host of restrictive trade practices should be eliminated but this could be done by State legislation without our transferring power to the Commonwealth. I oppose the clause.

The Committee divided on the clause:

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

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

Pairs.—Ayes—Messrs. Hudson and McKee. Noes—Messrs. Brookman and Ferguson.

Majority of 2 for the Ayes.

Clause thus passed.

Remaining clauses (3 and 4) and title passed.

Bill read a third time and passed.

NATURAL GAS PIPELINES AUTHORITY BILL.

Returned from the Legislative Council without amendment.

LONG SERVICE LEAVE BILL.

The Legislative Council intimated that it had disagreed to the House of Assembly's amendments.

ADOPTION OF CHILDREN BILL.

Adjourned debate on second reading.

(Continued from February 28. Page 3295.)

The Hon. D. A. DUNSTAN (Attorney-General): I have listened with interest to the contribution of members opposite to this Bill and I think that since they have charged that there was no apparent reason for proceeding with the Adoption of Children Bill, I should give them some of the history of this particular measure and some further reasons in relation to the facts discovered by the department which have led to the proposal for alteration. It is quite true that the present adoption system in this State has worked well

in most cases. This is so, not so much because of the present Act, which is largely a framework only, but mainly because of the co-operation over the years between the department and the recognized voluntary agencies in carrying out the administrative system which has been developed. In the interstate adoption conferences held in recent years, South Australian delegates consistently maintained their opposition to any radical changes being made in South Australia's present satisfactory system, but it was accepted that some things could be usefully added to the legislation. To have accepted the model Bill in its entirety would have meant destroying the present system. The first attempt at drafting was for a bill to amend the existing Act. This proved a cumbersome method and it was therefore decided to draft an entirely new Bill incorporating the useful parts of the present legislation and those additional matters from the model Bill which were acceptable. The Bill, as drafted, does not destroy but continues the system under which most adoptions in this State have been made. It has long been the practice for the department to check on the general suitability of applicants and for the voluntary adoption agencies to place children only with people accepted by the department. The agencies make their own choices from those who are approved officially. Occasionally an agency wishes to place a child with a person who has not so far been approved. In such circumstances the agency discusses the case with the department, which either accepts the agency's view or satisfies the agency that the person is not acceptable. This is the practice although there is nothing in the present Act to require it. Nor is there anything in the present Act to prevent any individual person arranging an adoption and even charging for his services. The only requirement at present dealing with finance is that prospective adopters must reveal to the court any premium or other consideration they have received. That leaves out many monetary considerations which may have been and which would have to be reported to the court under the present legislation. Clause 47 (3) provides for agencies that are approved to continue their present arrangements for placements of children. The detailed provisions of the model Bill, and of the legislation of some States dealing with private adoption agencies, were not incorporated in the draft Bill, because the voluntary agencies are not equipped, as is the department, to make full inquiries about prospective adopters. It was understood that the agencies (or most of them) do not want the responsibility of having to make complete checks, provided they can continue to make their choice from those who are approved, and provided they can make representation about particular cases.

Despite that, I am prepared to accept the view that has been urged on this House by the members for Mitcham and Burnside, that some further provision in relation to adoption agencies should be made. I have examined the amendments that the member for Mitcham has filed and I am prepared to accept them completely. There can be no doubt that some additions and a few changes are needed in the present adoption legislation.

Mr. Millhouse: It is a pity you did not say a few of these things in your second reading explanation.

The Hon. D. A. DUNSTAN: I am sorry that in my second reading explanation I did not spell everything out but, as I said earlier this evening, when I do that I am taxed with wasting the time of members. It was found more convenient to draft new legislation rather than amend the legislation. It must be emphasized that the proposals continue the present satisfactory system under which most adoptions are arranged. There are some weaknesses at present because the Act, which is over 40 years old, does not provide at all for some situations that are recognized now as actually or potentially damaging to children. Some provisions designed to prevent abuses have been criticized as giving too much power to officials. If abuses are to be prevented the power of control must be placed somewhere and control can be effective if it can be exercised promptly and as completely as possible. In adoption matters it is far too late to leave the control to courts that may not hear the adoption application until some months after placement. Control can be exercised properly at time of placement.

Members of adoption courts have at times indicated privately that they were doubtful about some orders, but it was too late, since the child was in the home, to do anything else but grant the order. It is recognized by those in Australia and overseas, who are experienced in adoption matters, that the interests of children can be properly safeguarded only if placements are restricted to official bodies and officially approved agencies; and this is what the Bill provides. Under the present legislation in South Australia there is no legal restriction on any person placing a child for adoption with any other person. There are some practical

restrictions because not every person has a child for disposal, and there are technical requirements such as consent forms, etc., but there have been examples of unsatisfactory adoptions due to inadequate control over placements.

I give some of them. With the mother's consent, a child was handed to a stranger in a shop by a shop assistant who arranged the transaction. Prospective adopters, who have been found unsuitable by the department, have advertised for and, in some cases, obtained a child for adoption, without having any knowledge of the child and without the child's mother having any knowledge of them, and without any authority or agency being able to prevent the placement. For a successful adoption one needs the most careful investigation to see that the child is going to fit into the particular situation involved, and care has to be exercised both about the background of the prospective adopters, and the background of the child.

Mrs. Steele: It is most important.

The Hon. D. A. DUNSTAN: It is extremely important. Another example is that medical practitioners have sought to obtain babies for neurotic patients in an effort to avoid the patient's emotional breakdowns, with little thought for the plight of the child in such an environment. There have been numbers of cases of this and I have had numbers of applications to me for the placing of children with people whose background, as reported to me, is clearly a neurotic one, and who are seeking a child as the object of thwarted emotions. In these circumstances, it is not proper in the interests of the child for a placement to be made of this kind. Well-meaning but misguided individuals have sought to place babies with couples whose marriages were failing in an effort to avoid divorces or separations. They have treated the child as a form of medicine in a difficult matrimonial situation, and it is not a proper placement. Solicitors, acting in the interests of adult clients, have obtained children for adoption with little regard for the welfare of the child or the suitability of their clients as parents for that child.

Mr. Millhouse: I am sure you will agree that does not apply to all practitioners.

The Hon. D. A. DUNSTAN: No, but some solicitors have done it. I would not think this was the generality of members of the profession, but it does occur.

Mr. Millhouse: It is a pity you did not phrase that more carefully. Perhaps you did it deliberately.

The Hon. D. A. DUNSTAN: Really! Mothers have by direct advertisement or by press reports made known that their children are available for adoption, and quite often there has been a clear inference in those advertisements that they were available for adoption to the highest bidder. Mothers have abandoned their children with strangers and then disappeared. In one current case the circumstances are known because the couple who had the child quarrelled, but the child has not yet been traced. There are also two current cases where mothers have placed their children privately, and then, although they have not disappeared, they have declined either to complete papers for adoption or remove the child or provide for its maintenance. The children are not neglected in a legal sense, but if they are to be adopted it is possible that they could be better placed. There have been transfers of children to other States without any official body or approved voluntary agency having an opportunity to check the *bona fides* of the prospective adopters or the suitability of the placement. The honourable member for Burra knows about a particular case where the child was removed from Western Australia and I have further information to give him. The background was a most unsuitable placement.

Mr. Quirke: I know the background.

The Hon. D. A. DUNSTAN: Children have been placed with medically unfit adopters who have died shortly after the adoption orders were made. Had the legislation given greater control over placements the child could have been placed more satisfactorily. In one case, a child was withdrawn from an unsatisfactory placement but not before it had become a "battered baby". These cases are not numerous but they occur and should be stopped. I have a further statement from the Director of reports that have come from other States about further practices that have been found there before the model Bill was adopted, where there has been an introduction, of what has been a blight in certain areas of the United States of America, of clear trafficking in children. We should pass legislation here to prevent that before it occurs. Where we can see that an abuse may occur (and it has occurred in similar communities elsewhere) we should provide that it does not occur here. Even under the proposed legislation there may still be some

unsatisfactory or relatively unsuitable placements, but the risks to children will be much less.

From time to time in this State, there are allegations that some adoptions turn out badly; there are also, of course, some natural families that turn out badly. Statistics about successful or unsuccessful adoptions cannot be obtained but the consensus of opinion is that success is much more likely when skilled official or voluntary agencies make the arrangements. Some of the unsuccessful adoptions are known to be adoptions by relatives, adoptions arranged privately, and adoptions made overseas before migration, where the problems arise more because of difficulties in settling in a new country than because of the adoption itself. The Bill as drafted is designed quite deliberately to control matters in the interests of children. It is now claimed that one effect of this is to place too great a power and responsibility on one individual or body. In fact, the Bill does not do this to the extent suggested, because particular approved agencies would continue to have a choice of placement within an approved group of people.

In any case, the power is to be used for the benefit and the interests of otherwise defenseless infants. However, to meet the objections some amendments to the Bill are to be considered. The member for Mitcham put a number on the file. On examination it seemed to me that these amendments met his objections, as well as the matters raised by the member for Burnside. Consequently, I am prepared to agree to these amendments when we are in Committee.

The House divided on the second reading:

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

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

Pair.—Aye—Mr. Hudson. No—Mr. Ferguson.

Majority of 3 for the Ayes.

Second reading thus carried.

Mr. MILLHOUSE (Mitcham) moved:

That it be an instruction to the Committee of the Whole House on the Bill that it have power to consider new clauses concerning arrangement of adoptions.

Motion carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

Mr. MILLHOUSE: I move:

After the definition of "adoption order" to insert the following definition:

"charitable organization" means an organization, corporate or unincorporate, formed or carried on primarily or principally for religious, charitable, benevolent or philanthropic purposes, but does not include an organization formed or carried on for the purpose of trading or securing a pecuniary profit or benefit to its members:

and after the definition of "prescribed" to insert the following definitions:

"principal officer", in relation to a private adoption agency, means the person specified as the principal officer in the application for its approval as a private adoption agency or the person specified as its principal officer in the latest notice given to the Director by the agency:

"private adoption agency" means a charitable organization for the time being approved as a private adoption agency under Part VI of this Act:.

These are the first of a series of amendments, which the Attorney-General has been good enough to say that he is prepared to accept. There was some jeering when I called for a division on the second reading. The reason I did so was—

The CHAIRMAN: The honourable member cannot reflect on a vote already taken.

Mr. MILLHOUSE: I would not dream of doing so. The reason that I called for a division was that the Attorney-General gave the explanation and the reasons for the Bill in his reply on the second reading. Had he given those facts earlier—

The Hon. D. A. Dunstan: Don't be so childish!

The CHAIRMAN: Order. The member for Mitcham cannot refer to a debate that has already been carried.

Mr. MILLHOUSE: That is all I wished to say. I hope it will be a lesson to the Attorney-General.

Amendments carried; clause as amended passed.

Clauses 5 to 12 passed.

Clause 13—"Court to be satisfied as to certain matters."

Mr. MILLHOUSE moved:

In subclause (1) to strike out "the court has received a report in writing by or on behalf of the Director concerning the proposed adoption and"

Amendment carried.

Mr. MILLHOUSE moved:

In subclause (1) to strike out "the report" and insert "such report (if any) concerning the proposed adoption as may, under subsection (2) of section 16 of this Act, be made to the court by Director or some other officer of the Department of Social Welfare,".

Amendment carried.

Mr. MILLHOUSE moved:

In subclause (2) to strike out "the court has received a report in writing by or on behalf of the Director concerning the proposed adoption and".

Amendment carried.

Mr. MILLHOUSE moved:

In subclause (2) after "considering" to strike out "the report" and insert "such report (if any) concerning the proposed adoption as may, under subsection (2) of section 16 of this Act, be made to the court by the Director or some other officer of the Department of Social Welfare,".

Amendment carried; clause as amended passed.

Clauses 14 and 15 passed.

Clause 16—"Notice of application for adoption order to be given to Director."

Mr. MILLHOUSE moved:

In subclause (1) to strike out "for an adoption order" and insert "by any person other than the Director.".

Amendment carried.

Mr. MILLHOUSE moved:

In subclause (2) after "Director" second occurring, to insert "may, before the conclusion of the hearing of any application for an adoption order, make a report in writing to the court concerning the proposed adoption and".

Amendment carried.

Mr. MILLHOUSE moved:

In subclause (2) to strike out "the application" first occurring and insert "any application made to a court under this Act".

Amendment carried.

Mr. MILLHOUSE moved:

In subclause (2) to strike out "calculated to safeguard the interests of the child".

Amendment carried; clause as amended passed.

Clause 17—"Parties."

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

After "order" to insert "or for an order to dispense with the consent of any person"; and to strike out "or for the purpose of opposing an application to dispense with the consent of a person".

This a drafting improvement to widen the proceedings before the court and make them more flexible. As originally drafted, there would have been certain restrictions in the clause.

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Amendments carried; clause as amended passed.

Clauses 18 and 19 passed.

Clause 20—"Discharge of adoption orders."

Mr. MILLHOUSE moved:

In subclause (1) to strike out "The Director may apply to the Supreme Court for" and insert "The Supreme Court may make".

Amendment carried.

Mr. MILLHOUSE moved:

In subclause (1) to strike out "and the Court may make the order applied for".

Amendment carried; clause as amended passed.

Clauses 21 to 26 passed.

Clause 27—"Court may dispense with consents."

Mr. MILLHOUSE moved:

In subclause (1) after "Director" to insert "or by or on behalf of an applicant for an adoption order,".

Amendment carried; clause as amended passed.

Clauses 28 to 46 passed.

Clause 47—"Penalty for making unauthorized arrangements for adoptions."

Mr. MILLHOUSE moved:

In subclause (2) after "child" last occurring to insert "or to any negotiations or arrangements made by the principal officer of a private adoption agency, or a person authorized in writing by such a principal officer to act on his behalf, with a view to the adoption of a child by any other person".

Amendment carried.

Mr. MILLHOUSE moved:

In subclause (3) to strike out "he may specify" and insert "are approved by the Minister".

Amendment carried.

Mr. MILLHOUSE moved:

In subclause (3) to strike out "approved by the Director".

Amendment carried.

Mr. MILLHOUSE: As I understand the situation (and I do not think there is any doubt about this), it will be necessary for a legal practitioner, before he can act in a matter of this nature in future, to comply with this particular clause and get the requisite permission. The Attorney-General was a little testy when I pulled him up on this point in what was, in fact, his second reading explanation of the Bill. As he agreed at that time, there are a number of legal practitioners in this State who act in adoption matters and, as he has agreed, in most cases this is for the good. What will be the policy of the Minister

and the Director in such cases? Does he propose, as I hope he does, that practitioners who practise in this way will be allowed to continue to do so?

The Hon. D. A. DUNSTAN: I propose that legal practitioners be able to act in the ordinary way in which legal practitioners do act in the course of their legal practice, but I do not propose that legal practitioners should make all the arrangements about the placement of adoptions. That will have to be done either through an agency or through the department. In conducting negotiations in the way legal practitioners would ordinarily do in the course of their practice, there will be no difficulty.

Mr. MILLHOUSE: Do I understand that the Attorney-General does not propose any change in what has been the custom up to date?

The Hon. D. A. DUNSTAN: I do not propose that there be any change in what legal practitioners do in this State, but I cited cases where legal practitioners under the present law had proceeded to make all the arrangements without the assistance of approved agencies or the department. That certainly would not be allowed to occur.

Clause as amended passed.

Clauses 48 to 59 passed.

Clause 60—"Contents of report not to be disclosed".

Mr. MILLHOUSE moved:

To strike out "13" and insert "16".

Amendment carried.

Mr. MILLHOUSE moved:

After "proceedings" to insert "unless upon application made by that person to a judge of the Supreme Court, the judge is satisfied having regard to all relevant matters, that the report or part of the report ought to be made available to that person and has made an order that it be made available accordingly".

Amendment carried; clause as amended passed.

Clauses 61 to 65 passed.

Clause 66—"Regulations."

Mr. MILLHOUSE moved:

After paragraph (*k*) to insert the following new paragraphs:

(*k*1) the conduct of private adoption agencies and the conditions and requirements to be observed, and facilities to be provided, by private adoption agencies, including conditions and requirements with respect to the qualifications and experience necessary for persons acting for or employed by private adoption agencies;

(*k*2) the keeping of registers by the Director of persons approved by him as fit and proper persons to adopt children and the order in which persons whose names are included in any such list may be selected to be applicants for adoption orders;

(*k*3) the making of appeals against the exclusion of the name of any person from any such register and the conferring of jurisdiction on any special magistrate or court to hear and determine those appeals.

Amendment carried; clause as amended passed.

New clauses 58a to 58f.

Mr. MILLHOUSE moved to insert the following new clauses:

58a. A charitable organization carrying on, or desiring to carry on, the activity of conducting negotiations and making arrangements with a view to the adoption of children may apply in writing to the Director for approval as a private adoption agency.

58b. (1) The Director—

(*a*) may grant or refuse an application made under section 58a of this Act; and

(*b*) shall give notice in writing served personally or by registered post of his decision to the person specified in the application as the principal officer of the organization.

(2) Without limiting the generality of subsection (1) of this section the Director shall refuse an application if it appears to him that the applicant is not a charitable organization or is not suited to carrying on the activity of conducting negotiations and making arrangements with a view to the adoption of children, having regard to all relevant considerations, including the qualifications, experience, character and number of the persons taking part, or proposing to take part, in the management or control of the organization, or engaged or proposed to be engaged, on behalf of the organization, in the conducting of such negotiations or the making of such arrangements.

(3) Every approval of a charitable organization as a private adoption agency shall be subject to such conditions and requirements as may be prescribed, and to such additional conditions and requirements as the Director, in any particular case, thinks fit and specifies in the notice given to its principal officer under subsection (1) of this section.

58c. (1) Before making an application under section 58a of this Act, a charitable organization shall appoint a person resident in South Australia to be its principal officer in South Australia for the purposes of this Act in the event of the granting of the application.

(2) If the application is granted, the private adoption agency shall, within seven days after the occurrence of a vacancy in the office of principal officer, appoint a person resident in South Australia to fill the vacancy and give notice in writing to the Director of the appointment.

(3) An application under section 58a of this Act shall specify the name of the principal officer, and the address of the principal office in South Australia, of the charitable organization making the application.

(4) For the purposes of subsection two of this section, the office of principal officer shall be deemed to become vacant if the person holding the office ceases to be resident in South Australia.

(5) Anything done or omitted by the principal officer of a private adoption agency, or with his approval, shall, for the purposes of this Part and any regulations relating to private adoption agencies but without prejudice to any personal liability of the principal officer, be deemed to be done or omitted by the private adoption agency.

58d. (1) The Director may, at any time, revoke or suspend the approval of a charitable organization as a private adoption agency under this Part—

(*a*) at the request of the agency;

(*b*) on the ground that the agency is no longer suited to carrying on the activity of conducting negotiations and making arrangements with a view to the adoption of children, having regard to all relevant considerations, including the matters referred to in subsection (2) of section 58b of this Act;

or

(*c*) on the ground that the agency or any of its officers has contravened, or failed to comply with, a provision of this Act that is applicable to it or him or any additional condition or requirement referred to in subsection (3) of section 58b of this Act or subsection (3) of section 58e of this Act.

(2) Where the Director has revoked or suspended the approval of a private adoption agency under the provisions of subsection (1) of this section, he shall give notice in writing served personally or by registered post on the principal officer of the private adoption agency of such revocation or suspension.

58e. (1) Where the Director—

(*a*) refuses an application of an organization under section 58b of this Act;

(*b*) approves of such an application subject to additional conditions or requirements referred to in subsection (3) of section 58b of this Act;

or

(*c*) revokes or suspends the approval of a charitable organization as a private adoption agency in accordance with the provisions of section 58d of this Act,

the organization may appeal to the Supreme Court against the decision of the Director.

(2) Notice in writing of intention to appeal and the general grounds of the appeal shall be given on behalf of the organization to the Master of the Supreme Court and the Director within twenty-one days after the service of notice of the decision.

(3) On the hearing of an appeal under this section, the Supreme Court shall review the decision of the Director and may order that the decision of the Director be confirmed, or may order that the organization be approved as a private adoption agency subject to such conditions and requirements as may be prescribed and to such additional conditions and requirements as the Supreme Court thinks fit and specifies in its order, or may annul the revocation or suspension of the approval of the organization as a private adoption agency.

58f. (1) The Director shall cause to be published in the *Gazette* notice of the approval of any charitable organization as a private adoption agency under this Part and of the revocation or suspension and of the annulment of the revocation or suspension of any such approval.

(2) Every such notice shall specify the address of the principal office of the agency concerned and the full name of the principal officer of the agency.

New clauses inserted.

Schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT.

At 9.46 p.m. the House adjourned until Thursday, March 16, at 2 p.m.