HOUSE OF ASSEMBLY

Tuesday, August 22, 1967

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

QUESTIONS

WATER PUMPING

Mr. HALL: Many people have been alarmed by two recent reports: first, that water rationing is a possibility for the summer months if there is not an unusually high rainfall in the latter part of the year, and, secondly, that the Torrens Island power station is out of action indefinitely because of damage to one of the turbines. As South Australia depends greatly on the water presently being pumped from the Murray River, and as the pumping system requires the use of much electricity, can the Minister of Works say whether the Engineering and Water Supply Department will be able to maintain full pumping through the Mannum-Adelaide main now that the quantity of electricity being generated in South Australia is less than it was a short time ago?

The Hon. C. D. HUTCHENS: I can give the Leader and the House an unqualified assurance that the department will be supplied with the necessary electricity so that it may maintain full pumping, if it is necessary, for the rest of the year.

The Hon. G. G. PEARSON: I am not unaware of the Minister's problems concerning the metropolitan water supply, to which he has addressed himself recently, having had experienced a similar position during 1959 and in other years (when, however, we were able to meet the situation). On June 20 last, in reply to a question in the House about metropolitan reservoirs, the Minister said that at that date about 10,046,000,000 gallons was in storage and that at the corresponding date in the previous year about 10,727,000,000 gallons was in storage. On July 11, in reply to a question asked by the member for Barossa (Mrs. Byrne), the Minister said, "The position is not as good as we should like it to be, although I consider there is no real reason for concern."

Later, in reply to the member for Gumeracha (Hon. Sir Thomas Playford) he said that the honourable member was correct in saying that much rain would be required in the catchment area before any run-off occurred. The Minister had said, in reply to the member for Barossa, that only a slight increase above consumption had occurred during June and July. On Tuesday last, when the member for Gumeracha asked, on notice, on how many days during June and July the pumps on the Mannum-Adelaide main worked to maximum capacity 24 hours a day, the Minister replied that that had occurred for 20 days during July, 1967; no maximum capacity pumping was carried out during June, 1967.

As June was a dry month, and as, on July 11, the Minister reported to the House that only a slight increase in storage above consumption had occurred, will the Minister agree that, in the light of later circumstances, it would have been desirable to commence full-time pumping at an earlier date? I point out that the Minister must have considered that matter when replying previously, because he said, "We wish to avoid as much as possible the cost of pumping." Further, in view of the position in which we are now placed, will the Minister indicate the maximum daily pumping capacity of the Mannum-Adelaide main, and the average daily consumption in the metropolitan area from October to March inclusive?

The Hon. C. D. HUTCHENS: One can always be wise after the event, but it must be borne in mind that in June last year the position could have been similar to the one experienced this June: we commenced pumping late and found that good rains occurred later in the spring, and that got us out of the difficulties last year. I think it was reasonable to expect this year that we would receive rains in the late winter and possibly in the early spring.

The Hon. G. G. Pearson: The figures for this June, though, were down on those for last June.

The Hon. C. D. HUTCHENS: Yes, but I shall not debate the matter, because the Speaker will not allow me to do so. Full-time pumping was not carried out this June because, first, we expected rain; secondly, because of certain adjustments being made by the Electricity Trust, the necessary electricity for pumping was not available in June, even if we had wished to pump. I point out that it is not too late for us to receive good rains but that, in order to avoid restrictions, we shall have to receive a sudden downpour and not light falls over an extended period that will not allow the necessary run-off to occur. The pumping capacity is about 68,000,000 to 70,000,000 gallons and, although I have not checked the average consumption figure, the honourable member will know that it can get up to about 200,000,000 gallons on a hot

summer day. It therefore appears that we will be most fortunate to avoid restrictions. I urge members of the public to do all they can to exercise voluntary restrictions, to use only the water that is necessary, and not to be over-liberal in their use of it. I assure the House that the department will do everything possible to minimize the necessity for restrictions, but they can be avoided only if a good downpour of sufficient quantity is received.

QUORN SCHOOLS

Mr. CASEY: As the Minister of Education will recall, a few months ago he journeyed into the Far North to inspect schools, during which journey he visited Quorn, where there are primary and high schools. Over the years, the number of students attending the high school has fallen considerably to the extent that the enrolment at the Quorn High School would now be the smallest high school enrolment in the State. In addition, the Quorn Primary School is an old building in need of repair. During his visit, the Minister suggested that arrangements could perhaps be made, with the concurrence of the people living in the area, to establish an area school, which would be more beneficial. Can the Minister report now whether an area school for this area will be established soon?

The Hon. R. R. LOVEDAY: I am pleased to say that, as a consequence of the suggestion I made when at Quorn, meetings have been held at the two schools. The high school council and the primary school committee are keen to have an area school established. Departmental officers were made available to attend the meetings. The proposal is for the retention of the present high school buildings and the erection of a new Samcon primary school on land adjacent to the south of the high school, the resulting combined establishment to be called the Quorn Area School. I understand that there will not be any difficulty in obtaining from the council sufficient land to enable the high school area to be enlarged for the area school. I have approved the area school to begin in 1968 in the existing primary and high school buildings, and arrangements will be made for the appointment of an area school headmaster of suitable classification as well as of appropriate senior staff. Negotiations will begin immediately to obtain the additional land required and I consider that this school will be a great advantage to the students, as well as to the people generally, of Quorn.

BASCOMB ROCK DAM

Mr. BOCKELBERG: Much difficulty was experienced with the Bascomb Rock dam when the member for Flinders (Hon. G. G. Pearson) was Minister of Works. The dam was washed out on a couple of occasions when extremely heavy rain fell in the area. Recently there was a cloudburst over this area and I understand that the dam was filled for the first time in 10 years. Can the Minister say whether the dam is holding at present against that extremely heavy flow of water?

The Hon. C. D. HUTCHENS: It is gratifying to know that at least one dam is full: I hope there will be more cloudbursts on Eyre Peninsula so that all the dams may be filled. However, I will inquire about the matter raised by the honourable member and give him a reply tomorrow.

ELECTRICITY

Mr. HUGHES: I was extremely concerned to read in this morning's *Advertiser* that a fault had occurred in the first turbo-alternator recently put into service at the Torrens Island power station and that the plant was expected to be out of service for some months. I also understand that it is reported in this afternoon's *News* that the flooding of the turbine with cold water as a result of the wrong tap being turned on has caused $1,000,000 damage to the power station. Can the Minister of Works say whether it is correct that a tap being wrongly turned on was the cause of the damage and whether the damage is to the extent of $1,000,000?

The Hon. C. D. HUTCHENS: On August 16, 1967, when the No. 1 turbo-alternator at Torrens Island power station was being brought into service, a malfunction occurred, which damaged the internal blades of the high-pressure end of the turbine. The damage may have been caused by some water from the boiler entering the turbine, but this is subject to inquiry. No further information can be given at this stage because the respective rights of the Electricity Trust, the manufacturers and certain insurance companies are not yet clarified. The plant may be out of service for some months, although this will be shortened if equipment from the No. 2 machine, in course of construction, can be transferred to No. 1. In the meantime all demands for electricity are being met from Port Augusta and Osborne power stations and, as the heavy winter loads

are now decreasing, the trust expects to be able to maintain normal supplies of electricity to all consumers.

I shall now refer to the report in the *News*. An inquiry is at present being held into the cause of the incident at Torrens Island power station that damaged No. 1 turbo-alternator. This inquiry has not yet been completed and any statement about the cause of the accident or the cost of the damage is at this stage plain conjecture. The statement made in the *News* of August 22, 1967, that it was due to "a wrong turn of a tap" has no basis known to the Electricity Trust. The incident occurred between 4 a.m. and 5 a.m. on Wednesday, August 16, 1967.

As this inquiry is being held, in justice to all concerned neither I nor members of the Electricity Trust will make statements concerning the cause, because it has not yet been determined. Not only must justice be done: it must appear that justice be done, and no statements about the cause will be made until the inquiry is completed.

HORTICULTURAL ADVISER

The Hon. B. H. TEUSNER: Many times I have recently urged the appointment of a horticultural adviser to fill the vacancy caused by the transfer of Mr. Spurling from Nuriootpa some time ago. When answering a question I asked on August 10, the Minister of Agriculture said that the vacancy had been advertised and that applications would close that day. Can he say whether any applications were received for the vacancy and, if any were, whether an appointment has been made?

The Hon. G. A. BYWATERS: I appreciate the concern of the honourable member and assure him that everything will be done to fill this position. I realize that time has passed quickly, but I shall consult the Public Service Commissioner to ascertain what progress has been made and, if a satisfactory appointment has not been made, I will ask that the position be re-advertised immediately. I hope the position will be filled soon, because an officer with a specialized knowledge of the Barossa Valley is required.

DEFECTIVE VEHICLES

Mr. HUDSON: As a result of the power that members of the Police Force in this State have to declare motor vehicles on the road defective and then to inspect work undertaken on them, some difficulty has arisen through policemen not having adequate facilities available to them to check certain matters (in particular wheel and body alignment), and also to check undue noise. This means that certain considerations as to whether the defects in motor vehicles have been corrected have to be left to personal judgment; this can create certain difficulties (which need not arise) for policemen in dealing with members of the public. Will the Premier ask the Chief Secretary whether additional facilities can be provided at either the Government Motor Garage or the Thebarton Police Barracks to enable the full checking of body and wheel alignments and also to enable a definition of undue noise to be made? In connection with noise, I have in mind that more than a set number of decibels, when an engine is operated at so many revolutions a minute, will mean that the vehicle is defective. I am sure that, if full facilities are readily available to the police, relations between the public and the police in regard to defective vehicles will be improved.

The Hon. D. A. DUNSTAN: I shall certainly investigate the matter.

DROUGHT ASSISTANCE

The Hon. T. C. STOTT: Has the Premier received from the Commonwealth Government a considered reply about the amount of financial assistance to be made available to South Australia because of farmers' suffering from drought? If so, what amount will be made available? If not, when is a reply likely to be received?

The Hon. D. A. DUNSTAN: I have not received anything from the Prime Minister other than an acknowledgment of my letter. I am awaiting a number of replies from the Prime Minister: replies from him do not come to hand very quickly at the moment.

MODBURY HOSPITAL

Mrs. BYRNE: The Minister of Works will be aware that, during the planning stages of the general hospital to be built at Modbury, the Government was forced to revise its estimate of the number of beds to be provided in the first stage of the hospital construction. This, of course, occurred after considerable planning work had been done and was necessary because it became clear that the original estimates by the Town Planner about the escalation of population in this area were being exceeded and that, consequently, by the time the first stage was completed, we would have had less than the projected adequate bed level that the Hospitals Department required

for the catchment area of this particular hospital. Can the Minister say what progress has been made in revising this important project?

The Hon. C. D. HUTCHENS: Preliminary planning of the proposed Modbury Hospital, including sketches and estimates, will be completed about the middle of next month for reference to the Public Works Committee, if approved by the Government. The hospital is being planned to provide 240 beds in stage 1, with a further 220 beds in the final stage. The planning programme for the construction of the hospital provides for the Public Buildings Department to be ready to call tenders for preliminary work on stage 1 of the project about January of next year, subject to the Public Works Committee's inquiry and report.

STATE'S ECONOMY

The Hon. D. A. DUNSTAN (Premier and Treasurer): I ask leave to make a statement.

Leave granted.

The Hon. D. A. DUNSTAN: Last week in the Commonwealth Parliament certain public statements were made by members of Parliament, including Ministers, that constituted a grave attack on the economy of this State. Although the statements were made on an entirely inaccurate basis, I feel constrained, on behalf of the people of this State, to defend the State against the attack that has been made on it, and I intend to reply in some detail to the matters that have been raised. Many reports have appeared in the press of the attack on the State's economy made by the Commonwealth member for Adelaide. Normally, knowing of the public statements made by that member I would not consider that they called for any comment by me. However, these statements having been made, the completely inaccurate statistics given by that member were seemingly adopted by two Commonwealth Ministers in attacks on this State's economy and, in those circumstances, I intend to deal with the statistics quoted to show how baseless and inaccurate they are. The member concerned said that South Australia had a "level of economic unprosperity previously unknown" and that the "disgust, contempt, outright disillusionment and despair throughout the State had never been equalled". He then referred to statistics relating to migration and unemployment, dealing first with unemployment.

First, I point out that unemployment in South Australia at the moment can largely be attributed to the low demand for consumer durables which was influenced by two factors (by the 1965 drought, affecting our markets in the Eastern States, and by the action of the Commonwealth Government in relation to works and Loan undertakings, to which I shall refer in a moment). But the unemployment registered in this State at the moment is stated by the member as to indicate unprosperity hitherto unknown in South Australia. In the September quarter of 1961, the level of unemployment in South Australia reached 12,148 persons, or 150 per cent above the present level of unemployment in this State. Secondly, the honourable member does not seem to have turned (nor do the Ministers concerned) to the basic indicator of prosperity in this State, that is, the net value of production and its increase. We are told that this State is stagnant, but in 1965-66 (the latest year for available statistics) the net value of production in South Australia was $862,800,000, an all-time record; and factory production, on present statistics, increased at the average rate of 9 per cent a year, which is much greater than the average Australian growth rate. Do these figures indicate stagnation for South Australia?

The Hon. G. A. Bywaters: They are prophets of gloom.

The Hon. D. A. DUNSTAN: Exactly, and I shall come to that matter in a moment. In 1961 the figures of unemployment in this State were an all-time post-war record, but at that time the State Government was not charged with responsibility in the matter. It was clearly the result of Commonwealth policies, and the Opposition at that time in this State stated clearly what it meant to South Australia, but the Commonwealth Government refused to recognize the needs of the people in this State. We do not find the same today although, in fact, that is where the blame lies. We are well aware of the financial relations between the State Governments and the Commonwealth Government. Let me give members figures on this score.

Since the war South Australia's industrial growth has generally been at about the average (or slightly better than the average) rate of that of the other States, as illustrated by its capacity to absorb migrants at a greater rate than is evident in other States. However, with this growth rate went a higher level of public investment on roads, dams, schools, water supplies, and so on—the infra-structure in which private industry could develop. This

public investment was made through both Commonwealth and State Government works programmes and, true, in most years the combined works programmes by the Commonwealth and State in South Australia were higher per capita (at least until 1965) than those in any other mainland State. In addition, the combined works programmes were growing at a rate of about 7 or 8 per cent a year to allow for the growth in population and depreciation in the value of money. South Australia depended more than any other State on public investment, but in June, 1965, at the Commonwealth Loan Council the growth in total works programmes was arrested, with dire effects on the building trade in South Australia. This State kept its expenditure high; our State expenditures in Loan have been a record throughout the term of this Government, but that is not so in the case of the Commonwealth Government.

When the Commonwealth Government stopped the growth in Loan programmes its action affected this State, on the basis on what had previously been the history, more than it affected any other State. It made two decisions which adversely affected our level of employment. On the one hand it reduced drastically the level of our works in South Australia and on the other it announced it would need to divert these resources from certain sections of the civilian economy in order to spend more on defence. Unfortunately from South Australia's point of view the industries which were chosen to depress (and thus divert resources to defence) were the motor vehicle industry and consumer durables, and it is well known that these two are the mainstays of South Australian industry. Finally, South Australia is an export State for its manufactured products, and many of its industries have large markets in the Eastern States which have been hit severely by a drought. We find a situation then of a reduction, or at least the stopping of growth, in public investment in South Australia because of the policies of the Commonwealth Government, which deliberately depressed our two main industries.

In this situation there was an absence of any constructive policy by the Commonwealth Government to absorb the labour released because of these factors or the migrants arriving attracted by the excellent housing facilities in this State. The fact that, in those circumstances, our unemployment situation differed only marginally from that of the other States by .4 per cent at the moment is an indication of the resilience of our economy in South Australia and an indication of the extent to which this Government has used every means at its disposal to stimulate the markets. It is strange that the Minister for Labour and National Service, instead of criticizing South Australia's policies, has not done well to consider whether his Government should not be diverting more of the large defence vote to take up the resources of this State. We built houses at Elizabeth on the basis of the Commonwealth Government's announced policy of establishing an ordnance depot at Smithfield for which it had the land, and long-term contracts were let on the basis that we would have an expansion of defence expenditure in that area. The Commonwealth Government, however, has expanded its defence expenditure at the expense of industry in this State: it has diverted its defence expenditure overseas or to Queensland instead of diverting it to this State, as was done by the Chifley Government, which was responsible for establishing munition works here.

Let me turn to the other statistics which have been quoted in the Commonwealth sphere. When I attended the Premiers' Conference and the Loan Council, I pointed out to the Commonwealth Government the result of its policies in this State and asked it to regard South Australia not as an island but as a part of the Commonwealth. I said the results of its policies in South Australia were obvious, that the Commonwealth Government should take account of that fact, and that we should get a stimulus to the industries that that Government had deliberately suppressed; but we got nothing from the Commonwealth Budget on that score. In fact, we were ignored: sales tax on motor cars was not reduced. Not only have those representations been ignored, but the Commonwealth Government, through its Minister, has accepted statistics on migration to this State which it must know are untrue. Although we have a population representing only 9 per cent of Australia's population, we have managed to attract and absorb 15 per cent of all migrants to this country, including nearly one-quarter of the British migrants. I have here a table of statistics issued by the Department of Immigration showing the latest figures available on immigration to Australia and the proportion of South Australian immigrants, and I ask that it be inserted in *Hansard* without my reading it.

Leave granted.

TOTAL MIGRANT ARRIVALS

	Australia	South Australia Number	South Australia Percentage of Australian total (per cent)
1963-64 ..	122,318	17,611	14
1964-65 ..	140,152	20,922	15
1965-66 ..	144,055	22,128	15

U.K. MIGRANT ARRIVALS

	Australia	South Australia Number	South Australia Percentage of Australian total (per cent)
1963-64 ..	54,638	12,767	23
1964-65 ..	70,688	15,699	22
1965-66 ..	70,754	17,179	24

(Source: Department of Immigration, "Australian Immigration" Quarterly Statistics Summary.)

The Hon. D. A. DUNSTAN: The Commonwealth Minister, who saw fit to make an attack on this State in the Commonwealth House, seemingly accepted some statements relating to migrant intake into this State which were made by a member for this State in the Commonwealth House and which were completely untrue. The Commonwealth member for Adelaide quoted for 1965-66 a figure of 142,761 for migration, and that is almost correct. He then quoted a figure of 64,392 as being the total migrant intake into Australia in the year 1963-64. The actual figure was 122,318, or nearly double. The honourable member further claimed that, in 1963-64, 9.05 per cent or 824 migrants left this State out of a total intake of 9,102. However, in that year the actual number of migrants who arrived in South Australia was not 9,102 but 17,611 and, since 12,767 of these were migrants from the United Kingdom who had no compulsion to register with the Commonwealth Immigration Department, no positive statistics could be obtained of the number of migrants leaving South Australia. The figures quoted by the Commonwealth member for Adelaide for 1965-66 were also incorrect: the actual number of migrants received in South Australia was 22,128 and not 18,343, as the honourable member claimed. It is obvious that there has been a complete carelessness in the figures relating to the State, quoted by a member supposed to be representing an area of this State in the Commonwealth Parliament, for no other reason than that he wants to make some sort of political attack spreading gloom and despondency about the kind of economy we have in South Australia, regardless of the harm he does to people in this State.

The SPEAKER: The Premier's time has expired. If he wishes to continue he must obtain the leave of the House.

The Hon. D. A. DUNSTAN: I have said all I want or need to say.

The Hon. G. G. PEARSON: Will the Premier answer the following questions? First, did the statement of the Commonwealth member for Adelaide, to which the Premier has referred, criticize the economy of South Australia or the Government of South Australia? Secondly, at what date and in what terms did the Commonwealth Government announce its intention to build an ordnance factory at Elizabeth? Thirdly, by what means did the Commonwealth Government deliberately depress the motor vehicle industry of South Australia?

The Hon. D. A. DUNSTAN: As to the first question, at a meeting attended by the Minister concerned, another Commonwealth Minister, and, I presume, the honourable member (although I do not know what is the infra-organization of the Liberal and Country League in this area because it meets behind closed doors and not, as the Labor Party does, in the open) these statements were made attacking the South Australian economy which it was said by those members was stagnant.

The Hon. G. G. Pearson: I referred to the statement you made about what the Commonwealth member for Adelaide said.

The Hon. D. A. DUNSTAN: He said that the state of the South Australian economy was stagnant, and that there was gloom, despondency and despair and a higher level of unemployment and unprosperity than had ever been known in this State.

The Hon. G. G. Pearson: Whom did he blame for it?

The Hon. D. A. DUNSTAN: Certainly he attacked the South Australian economy for the political purpose of attacking the South Australian Government.

The Hon. G. G. Pearson: He attacked the Government.

The Hon. D. A. DUNSTAN: He attacked South Australia.

The Hon. G. G. Pearson: No, you are not South Australia: you are only the Government of South Australia.

The Hon. D. A. DUNSTAN: Certainly, I am not South Australia nor is the honourable member, but it so happens that the overwhelming majority of the people of South Australia

voted for this Government to put it into power and to carry out the policies we have carried out. When members opposite support the attacks that are made on South Australia by their own Commonwealth colleagues they claim that there is gloom in South Australian industries. I can remember—

The Hon. G. G. Pearson: They blame the Government.

The Hon. D. A. DUNSTAN: —when honourable members opposite saw statements by building trade union leaders that there was unemployment in the building industry in South Australia—

The Hon. G. G. Pearson: They blamed the Government, too.

The Hon. D. A. DUNSTAN: —they got up in this House and asked us about it. Today, however, when building trade union leaders advertise in the press that, as a result of what has happened in the last two months, there is such an upswing in the building industry that they cannot get enough carpenters to place in employment, we hear not a word from members opposite.

Members interjecting:

The SPEAKER: Order! Honourable members know very well that answers to questions cannot be debated.

Mr. Coumbe: No, but we would like an answer, though.

The SPEAKER: Order! The honourable the Premier.

The Hon. D. A. DUNSTAN: I resent the way in which certain people in the political life of this country are trying to damn South Australia in the eyes of investors for nothing other than sectional political purposes. The second matter about which the honourable member for Flinders asked me was the matter of the Smithfield ordnance depot. The land was bought at Smithfield 12 years ago.

The Hon. G. G. Pearson: I know all about that; that was not the question.

The Hon. D. A. DUNSTAN: The Commonwealth Government, on a number of occasions, informed the Government of this State that it intended to build an ordnance depot here. My information concerning this matter, and the basis on which the Housing Trust let this contract, came from Mr. A. M. Ramsay (General Manager of the Housing Trust), and the statement I read out in this House was supplied to me by him. Regarding the third question asked by the honourable member, I will get him a considered reply on the matter because I think that it is worthy of one.

Mr. Jennings: The Commonwealth member for Adelaide contributed to general revenue because of his traffic offences.

The SPEAKER: Order! I ask honourable members to pay attention to the Chair so that the Chair can be heard, so that members can be heard when they are asking questions, and so that Ministers can be heard when replies are being given.

Mr. McANANEY: The Premier, in his apology or statement made earlier this afternoon, overlooked the amount of moneys spent in South Australia by the Commonwealth Department of Supply. Will he say what amounts were spent in this State by that department and also the total amount spent in Australia by that department in 1965 and 1966?

The Hon. D. A. DUNSTAN: I shall be pleased to obtain for the honourable member a total assessment of the proportion of Commonwealth works expenditure by the Department of Supply and by other Commonwealth departments in South Australia and in other States for the years 1964 to date. As there has been a clear decline in the proportion of local works expenditure in this State when compared with the Australian total, I am sure that this information will be informative to the honourable member.

EASTWOOD INTERSECTION

The SPEAKER: I see the member for Burnside (Mrs. Steele) in her place and, in calling on her to ask the next question, I extend to her, on behalf of honourable members, a welcome back from her trip abroad.

Honourable members: Hear, hear!

Mrs. STEELE: Thank you very much, Mr. Speaker, for the reference to my return to this honourable place. I assure you that I am very happy to be back in Australia, particularly in South Australia, and I hope in the course of debate to pass on to members the results of some of my discussions with people abroad and of my observations, as they may be of some interest.

Can the Minister of Lands, representing the Minister of Roads, say what is the current position about the delay in the installation of traffic lights at the very hazardous intersection of Fullarton and Greenhill Roads?

The Hon. J. D. CORCORAN: I shall be happy to take this matter up with the Minister of Roads, although I do not think the situation has changed greatly. There is still difficulty about the acquisition of necessary

land, although I understand that the honourable member has suggested that, despite this, traffic lights could still be installed. However, I shall inquire as to progress made.

UNLEY DRAINAGE

Mr. LANGLEY: Has the Minister of Works a reply to my recent question about the reason for the provision of the new sewage drain through the south park lands to Unley?

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

The sewers referred to are the first stage of the south-eastern drainage reorganization scheme, which was recommended by the Public Works Committee and approved by the Government. The reorganization scheme is necessary because of the increase in population density in the south-eastern suburbs, and will provide relief for the area from Park Terrace to the Mitcham-Torrens Park area, and easterly to Beaumont. The existing sewerage system in this area is fully loaded and results in flooding in areas of North Unley, and portions of Glen Osmond and Fullarton, and flooding under the Keswick bridge. The system is being reorganized to cope with the present and future load in view of the trend to flat dwelling in the area.

VETERINARY COURSE

Mr. NANKIVELL: In today's newspapers there is a statement about the training of veterinary officers in which it is suggested that the States of Western Australia, South Australia and, possibly, Tasmania are particularly short of trained veterinary officers. There is also a suggestion that Western Australia and South Australia may be interested in jointly establishing a new school of veterinary science. I appreciate that the establishment of such a school would be expensive and that existing schools could be expanded more cheaply. Nevertheless will the Minister of Education consider the possibility of establishing such a school in South Australia, and will he ask the university authorities to report on the advisability of, and the necessity for, establishing such a school, possibly jointly with Western Australia, in order to provide the veterinary officers whose services are badly needed in both States?

The Hon. R. R. LOVEDAY: Having been approached recently about this matter, I have undertaken to examine it thoroughly. I am conscious of the need for more qualified veterinary officers and for additional training facilities, but the examination I have made so far reveals that the project is obviously expensive. For example, the setting up of a practical centre, which necessitates land, buildings and so on, would be very expensive at present. However, I intend to examine the whole matter so that plans can be made, if possible, for this work to be undertaken as soon as practicable.

NARACOORTE HIGH SCHOOL

Mr. RODDA: Has the Minister of Education a reply to the question I asked recently about a matriculation class at the Naracoorte High School?

The Hon. R. R. LOVEDAY: The headmaster of Naracoorte High School has supplied information concerning the possibility of establishing a matriculation class at Naracoorte in 1968. The matter is under close consideration, and account will be taken of likely enrolments from nearby schools, but a decision is not likely for a few more weeks.

GAS

Mr. CURREN: In the *Advertiser* of August 18, under the heading "Agreement on Gas", appears an announcement by the Premier that a price had been agreed between the vendors of natural gas and the Electricity Trust. The Leader of the Opposition, when commenting on this announcement, said:

It appeared that the Electricity Trust was to be committed to a fuel price well above that which the Opposition thought desirable and which appeared to be at least double the cost of equivalent fuel units in New South Wales.

As that comment creates the impression in the public mind (as, no doubt, it was designed to do) that the price agreed is to the disadvantage of South Australia, has the Premier any comment?

The Hon. D. A. DUNSTAN: I find it extraordinary that whatever this Government does, whether for the benefit of the State or not, it must be criticized by the Opposition. If we achieve something for the State it is never regarded in that light, but must be criticized somehow. In this instance, the honourable member who made that comment must know, because figures have been given in this House, that the electricity undertakings in New South Wales, Queensland, and Victoria are able to rely on cheap local coal for fuel.

The Hon. Frank Walsh: Power plants are built on top of coal mines.

The Hon. D. A. DUNSTAN: Exactly. In South Australia we have to obtain our fuel at competitive prices. Our aim was to obtain a guaranteed local source of fuel that would be cheaper than the alternative fuel, which was

fuel oil. This is not supplied locally and the contract made is not only significantly better in price than that of fuel oil but also it provides for the escalation at a rate less than the projected decrease in the value of money. One would think from the comments of the Leader of the Opposition, as quoted by the member for Chaffey, that, rather than get natural gas to Adelaide at a price competitive with that available to industry in Victoria, we should have insisted on a price that would not return sufficient to the oil producers to allow them to amortize the cost of the pipeline and return a profit.

The Hon. R. R. Loveday: He would rather not have the project.

The Hon. D. A. DUNSTAN: That is the only conclusion one can come to. I think it extraordinary that this criticism can be made of something that is extremely important to the future of this State.

The Hon. T. C. STOTT: Can the Premier say whether a firm contract has been signed between the Electricity Trust and the gas producers regarding the price to be charged and whether any contracts have been submitted to firms such as the cement companies? If such contracts have been submitted, what price is to be paid by those companies?

The Hon. D. A. DUNSTAN: If the honourable member reads the statement I made to the House last week on the negotiations between the trust and the natural gas producers, he will see that the price is detailed. The price that averages out over the 80 per cent load factor is about 26c a thousand cubic feet, subject to a rebate of 2c a thousand cubic feet. The tail-gate price is much more advantageous than that.

The Hon. T. C. Stott: How many firm contracts have been entered into?

The Hon. D. A. DUNSTAN: The arrangements between the trust and the producers have been constituted by an exchange of letters on the general price and the principles involved in the remainder of the contract. The details of the contract have yet to be put on paper and signed by both parties, but the general principles on which that contract should be established are already clear from the exchange of letters, which are in the nature of a contractual arrangement between the parties. A contract has already been signed as to the price the South Australian Gas Company will be charged, and a public statement has been made concerning this. Similarly, arrangements have been made with the cement company at Angaston for the supply of natural gas at a price which I do not think has been made public. I understand that the general price available to industrial users in the metropolitan area will be about 30c a thousand cubic feet, but that has still to be agreed to in particular contracts. The price at which gas will be available to industrial users here is generally more advantageous than it is likely to be in Victoria, where it is expected to be rather higher. For bulk industrial users another price may be negotiated with producers, but that remains to be seen. This could happen because there are economies in the supply of bulk gas which could reduce its price.

The price charged the Electricity Trust and the Gas Company is the same, and the price for interruptible supplies is lower. The price charged public utilities is subject to a specific rebate which has been agreed with the Government on the basis of financing the pipeline out of low-interest Government funds. This provides an advantageous basis to South Australian industry for the supply of natural gas to industrial users.

Mr. McANANEY: Last week the Premier stated at Wallaroo that he would ask the pipelines authority to investigate the running of a spur line to Wallaroo. Should not such an investigation have been made before either the eastern or the western route was chosen?

The Hon. D. A. DUNSTAN: Suggestions were made by Bechtel Pacific Corporation and by the Director of Mines concerning the feasibility of a spur line to Wallaroo. I have now asked for a final feasibility study based on the earlier reports, which will enable me at this stage (there having been completed a contract to enable the construction of the main pipeline) to offer a firm price and a firm construction date to the ammonia fertilizer company in Jackson, Mississippi, which has been interested in possible establishment at Wallaroo. The preliminary investigations necessary and possible at that time were carried out, and a costing was given to the Government. Now that a firm situation has arisen under which we can say the pipeline is going ahead, I have simply asked for final figures to enable me to offer a firm price.

Mr. FERGUSON: My question relates to the supposed manufacture of nitrogenous fertilizer at Wallaroo. Can the Minister of Agriculture say what investigations are being carried out by his department to establish that nitrogenous fertilizer, to be manufactured from natural gas, can be used economically in the agricultural districts near Wallaroo?

The Hon. G. A. BYWATERS: I will obtain a report for the honourable member.

FISHING

Mr. HALL: Again, I must disappoint the Premier by criticizing Government policy. In this morning's *Advertiser,* under the heading "Fish Industry Aid Attacked" appear comments by Mr. R. M. Fowler, General Manager of Safcol, who is reported as saying that not nearly enough assistance is being given by the State Government to the fishing industry in South Australia. The report continues:

Supporting his views on inadequate Government assistance, he said that South Australia was the second biggest fish-producing State in the Commonwealth yet not one marine biologist was employed here.

He is further reported as saying that the amount being spent here is "nothing" compared with expenditure by the other States on fishing boat havens. Apparently, he is referring to the infra-structure which the Premier fondly spoke about today and which supports private industry in South Australia. As in the last eight years of the Playford Administration an average of $105,000 was spent annually on fishing havens and amenities, whereas in the first year of the present Government the amount was reduced to about $40,000 and last year totalled the amazing sum of $20,000, can the Minister of Agriculture, as Minister in charge of the Fisheries Department, say when he will reinstate and restore the priority of the important fishing boat haven and amenities vote on the Loan Estimates, thereby building up to what the Premier has referred to as a desirable level of expenditure in our infra-structure of State investment?

The Hon. G. A. BYWATERS: I thank the Leader for giving me the opportunity to reply to this question. I read in the press this morning the statement attributed to the General Manager of Safcol and, in the main, I heartily agree with it. In effect, he said that I had been left a legacy by the former Government.

Members interjecting:

The SPEAKER: Order! Order! The Chair will not permit debate when questions are being answered. The Minister of Agriculture!

The Hon. G. A. BYWATERS: Again, the Leader's explanatory statement was full of inaccuracies. The department has ascertained the sums paid from Loan Account over the last nine years for fishing havens, including the three years during the term of this Government. I notice that no money was voted on the Estimates in 1955-56 for fishing havens and, of course, no money was spent. In 1956-57, $150,000 was voted and $3,040 was spent; in 1957-58, $80,000 was allocated and $59,606 was spent; in 1958-59, $200,000 was allocated and $134,962 was spent; in 1959-60, $140,000 was allocated and $142,416 was spent; in 1960-61, $100,000 was allocated and $70,256 was spent; in 1961-62, $100,000 was allocated and $52,104 was spent; in 1962-63, $80,000 was allocated and $30,982 was spent. The average over the nine years was therefore not $100,000 as suggested by the Leader but $54,818.

Mr. Lawn: He was half right!

The Hon. G. A. BYWATERS: Bearing in mind the $271,758 that was placed in Loan Account for the construction of Lake Butler, I point out that the average figure over eight years would have risen to $61,670. In 1964-65 (the year in which this Government came into office), $50,000 was allocated and $62,668 was spent. In 1965-66, $42,000 was allocated and $46,682 was spent; and in the year just passed, whereas $40,000 was allocated, only $20,000 was spent, because of a delay concerning the Kingston jetty, and the necessity to make certain arrangements. The average therefore over the three years under this Government is $52,376, and that is completely different from what the Leader suggests. I have been assured by my colleague the Minister of Works that the $80,000 allocated in this year's Estimates will be spent and that work on certain schemes has already commenced.

BIRDSVILLE TRACK

Mr. CASEY: Has the Minister of Lands a reply to the question I asked last week about the Birdsville track?

The Hon. J. D. CORCORAN: The survey that has been carried out on the Birdsville track was preliminary in nature and will be of use in selecting the final alignment before construction commences. In the area referred to by the member the final alignment has not yet been definitely decided but at this stage it appears that it will substantially follow the route of the present inside track. The Highways Department has no intention of constructing other than one route to Birdsville.

SILVERTON TRAMWAY

The Hon. Sir THOMAS PLAYFORD: Has the Minister representing the Minister of Transport any information regarding the negotiations to enable work on the standardization of the Silverton tramway line to continue?

The Hon. FRANK WALSH: Negotiations are proceeding concerning standardization of the railway between Cockburn and Broken Hill and also in connection with the facilities to be provided at Broken Hill. The honourable member, from his own experience, will appreciate the delicacy of the problems involved in this and I cannot give further information at present. I understand, however, that a final decision will be made shortly.

PARAFIELD GARDENS FOOTPATHS

Mr. HALL: Will the Premier ask the Housing Trust when the footpaths in its area at Parafield Gardens will be constructed, as some residents who are entering their second season in trust houses desire this amenity?

The Hon. D. A. DUNSTAN: I will obtain a report.

IRRIGATION

Mr. McANANEY: Has the Minister of Irrigation a reply to the question I asked last week concerning the rebate payable on rates paid in respect of more than the permissible 14 waterings taken by irrigators on the Murray River?

The Hon. J. D. CORCORAN: Water rates charged in reclaimed areas cover the supply to a maximum of 14 general irrigations each year, which, even in abnormal years, adequately meets the requirements of the majority of lessees. In the past year (August 1, 1966 to July 31, 1967) special irrigations were required in five of the nine swamp areas concerned and involved only 5 per cent of the lessees and 10 per cent of the total acreage. The present basis of rating is considered fair and equitable and, in fact, represents only about one-third of the cost of providing water and drainage in these areas. In these circumstances, further concessions cannot be contemplated.

RIVER MURRAY COMMISSION

The Hon. Sir THOMAS PLAYFORD: Has the Minister of Works a reply to my question of last week about items on the agenda of the River Murray Commission and about what steps should be taken to brief our representative as to Government policy for this State?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief, who is the South Australian Commissioner on the River Murray Commission, reports that it is normal practice for the Secretary of the commission to provide a detailed agenda to each commissioner for all meetings of the commission. This document is usually received about a week before the meeting. It has not been the practice of the present commissioner, nor of the former commissioner, to submit the agenda to the Minister but matters affecting policy have always been discussed. The requirements of the River Murray Waters Act are more than fully met by this arrangement whereby "the commission may make regulations for or relating to the conduct of its proceedings" (clause 9).

SCHOOL TELEVISION

Mr. FREEBAIRN: My question, about joint television programmes for schools, was prompted by an article that appeared in the Melbourne *Age* of August 9. A brief extract of the article is as follows:

The Victorian and New South Wales Education Departments are planning joint school television programmes for next year. Work has already started on a junior secondary mathematics series to be shown on Australian Broadcasting Commission television in schools in both States. Costs—not yet known—will be shared by two departments. If the scheme proves a success, it will almost certainly lead to joint productions with other States. The idea will be discussed at a conference of Education Department heads from all States next month, and by the Education Ministers' conference early next year.

Can the Minister of Education give the House any information about the joint production of television programmes? Has he formulated any policy in this field?

The Hon. R. R. LOVEDAY: I do not have much information at present. However, we have done some experimental work in television. Our technical officers have done excellent work in this regard and, given additional finance for education, we could promote far more work of this type in our schools. I shall be happy to bring down the additional information required by the honourable member.

UREA

Mr. McANANEY: Has the Minister of Agriculture a reply to my recent question about urea contained in stock foods?

The Hon. G. A. BYWATERS: I have the following report which is divided into two sections, first, urea for dairy cows and, secondly, urea for sheep:

Urea for dairy cows: The use of urea as a source of protein in the diet of dairy cows is under constant review. Urea is a chemical and if fed to cows in excess it can become toxic and urea poisoning results. When urea is used, it requires special attention in mixing so that a very uniform and even concentration exists throughout the feed. Urea should not exceed 3 per cent of the total concentrate mixture or 25 per cent of the total protein fed in the ration. Under normal dairying practices

where protein is supplied in pasture, hay, and concentrates, extra protein in the form of urea is seldom required.

Butterfat in milk is associated with energy and starchy foods such as hay and grain. It is unlikely that feeding the urea is the cause of a drop in the butterfat content of the milk. Urea is included in some prepared concentrate mixtures and feeding a further amount could result in the above limits being exceeded and poisoning may result. Although urea can be used as a source of a limited amount of protein, as in prepared concentrates, feeding loose urea crystals is considered a dangerous practice.

Urea for sheep: Urea is a nitrogenous fertilizer, but in the field of animal nutrition is termed non-protein-nitrogen. Rumen bacteria can synthesize protein from a supply of non-protein-nitrogen. However, the efficiency of the conversion from one form to another decreases as the natural food protein increases. Thus, urea can be supplied to animals when the dry pasture residues, conserved feeds, etc., are particularly deficient in protein. Under these circumstances the use of urea has been proved effective in preventing loss of body weight, and subsequent death of animals. However, there are few instances where the true protein content of paddock or conserved feeds drops to a level that would justify the use of urea as a protein supplement.

Conversely, research work in South Australia and elsewhere in southern Australia has so far proved that enhanced wool growth or meat growth does not occur as the result of urea feeding. Furthermore, one effect of urea feeding is a strong appetite stimulus. This can be disadvantageous when feed is scarce, as no production benefits are attained from the extra feed eaten by the animal as a consequence of the urea stimulus. The department each year has its quota of reports of animal death as a result of urea feeding. These deaths are caused by toxicity from ammonia which is released when urea is broken down by rumen bacteria, and can be expected where stock are suddenly introduced to urea or where the suggested safe daily allowance is exceeded.

Mr. McANANEY: Can the Minister say whether the department makes tests to find out the proportion of urea in stock dairy feed lines that are sold?

The Hon. G. A. BYWATERS: I understand so, but I shall get a considered reply for the member.

EDUCATION GRANTS

Mr. COUMBE: On July 5, I asked the Minister of Education whether he could give information about Commonwealth grants to the States for education. At that time, I referred to a statement by the Prime Minister that education grants by the Commonwealth Government to the States this year would increase by about 40 per cent. The Prime Minister went on to say that this outlay would rise from $82,000,000 last year to about $115,000,000 this year, and that this money was to be spent on universities, colleges of advanced education, science laboratories and teacher training. The Minister could not give me details on that occasion. Can he do so now and, if he cannot, will he obtain the information for me?

The Hon. R. R. LOVEDAY: I do not have a list of the details with me, but I will obtain all the information I can obtain for the honourable member. I can say with certainty that the Commonwealth Government has promised to make available $2,400,000 for a new teachers college about which an announcement will be made shortly. Plans are well under way.

Mr. Coumbe: That would be 100 per cent.

The Hon. R. R. LOVEDAY: Yes, that is the full cost. The Commonwealth Government made it clear at the time that it did not wish to confine the State to that sum precisely if we believed, on planning, that it was necessary to increase that sum slightly.

SCHOOL SUBSIDIES

The Hon. D. N. BROOKMAN: Many school committees are concerned about when they will know what items will be subsidized. The point was made to me that, the later in the year a school knows what items of subsidy are approved for payment, the less likely the schools are to receive the benefit in that year. The committee about which I am concerned is anxious to know as soon as possible. Can the Minister of Education say when he expects to make known what items of subsidy for school committees are approved for payment?

The Hon. R. R. LOVEDAY: I cannot understand the honourable member's suggestion that, the later it is in the year, the less likely the committees are to get the benefit of the subsidy payment, because the Estimates contain a certain line for subsidy payments. This subsidy is applied under a scheme of fair allocations, and the other day I gave a complete explanation of how that scheme works. All of the money provided is used, so the schools must get the money. There is no question of their not getting their allocation because they did not get it early in the year. They get it on a line. When they get their allocation, they decide for themselves what they are to use it for. They do not have to submit specific items first and have the department approve an amount for each item. The committees know the allocation and, provided the items are on the list, they can make their

own selection and spend their allocation. If they do not spend what is allocated, that money is made available to people who need it. I shall bring down a report for the honourable member, but there is no question of committees' not getting their full allocation because of timing. All of the money is spent in the year covered by the Estimates.

PARAFIELD GARDENS STATION

Mr. HALL: Will the Premier follow up further the inquiry I made during the Loan Estimates debate and ascertain what stage the construction of the Parafield Gardens railway station has reached?

The Hon. D. A. DUNSTAN: Yes. The matter is certainly on the list of matters to come back to me and, as soon as I have a reply, I shall let the Leader know.

EYRE PENINSULA HOUSING

Mr. BOCKELBERG (on notice):

1. How many Housing Trust houses for—

(*a*) rental; and

(*b*) sale,

will be built this financial year in the District of Eyre?

2. In which localities and when is it expected they will be built?

3. What is the future programme of the Housing Trust in the District of Eyre?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. Provided sufficient suitable land can be obtained the trust intends to build in the District of Eyre:

(*a*) 15 rental houses;

(*b*) 22 houses for rental or sale.

2.

	Rental	Rental or sale	Expected rate
Thevenard-Ceduna	4	5	Three under construction by August 31, 1967. Approximate rate, one house every two months subject to suitable land being obtained.
Cleve	3	5	One under construction: remainder dependent on suitable land being obtained.
Cowell	3	5	Two under construction: remainder dependent on suitable land being obtained.
Kimba	—	3	Dependent on land purchase.
Streaky Bay	3	5	Four under construction: approximate rate, one house every two months.
Wudinna	3	1	Four under construction: approximate rate, one house every three months.

The trust is trying to obtain suitable land in the localities concerned.

3. Future programme will depend on the demand. Surveys of need will be carried out from time to time.

ELIZABETH HOUSING

Mrs. Steele, for Mr. MILLHOUSE (on notice):

1. How many houses have been built by the Housing Trust, at Elizabeth, under its rental-purchase scheme?

2. How many of such houses are at present unoccupied?

3. In which part of Elizabeth are they situated?

4. How many of such houses, now empty, have been previously occupied?

5. How long have these houses been empty?

6. What are the reasons for their being empty?

7. What action has been taken to have them occupied?

8. What further action to this end is proposed?

The Hon. D. A. DUNSTAN: I have assumed that the member for Mitcham means by this question the area of Elizabeth and its environs. He is very particular about drafting but, if I were to answer his questions specifically, the answer would be "No houses have been erected in Elizabeth and, therefore, none is unoccupied."

Mr. Jennings: That is what you should have given him.

The Hon. D. A. DUNSTAN: I have not done that. I have taken Elizabeth and environs and given the answers accordingly. The replies are as follows:

1. 929.

2. 245 rental-purchase houses unoccupied, including 45 returned to the trust.

3. Smithfield Plains, Elizabeth West and Elizabeth Field.

4. 45.

5. Two weeks to six months.

6. Employment opportunities have not been as freely available in the area as was hoped. One company (Tyre Makers (S.A.) Ltd.), purely for technological reasons, closed premises in South Australia, Western Australia and Queensland, and consolidated into one big plant in the Eastern States. In addition to this, the trust, in planning its programme in the Smithfield area, placed a good deal of reliance on repeated statements that the Commonwealth Government would proceed with an ordnance depot and workshop on land, which it has owned for over 12 years, adjacent to these vacant houses. It is doubtful that anywhere else in the Commonwealth the Commonwealth Government has a site ripe for development with houses nearby to accommodate a labour supply and which it consistently refuses to develop. If the Commonwealth Government is genuinely concerned about mounting its defence effort without overstraining the Australian economy, it is difficult to understand why it has reduced its works programme substantially in this State and just as constantly failed to develop this site at Smithfield for defence purposes.

7. All applicants under the rental-purchase scheme have been advised that houses are available immediately in these areas. Applicants for rental houses in the metropolitan area are similarly advised. The information is known to the Department of Labour and National Service, and to the Department of Immigration. In addition, while he was in London, the General Manager of the trust conferred with the Chief Migration Officer and his assistant on this problem, and took certain steps which, he believes, will result in the occupation of these houses, allowing, of course, for the time delay in obtaining suitable trades for migration to the area.

8. As well as endeavouring to interest private industry in the area, the Government will do all in its power to press the Commonwealth Government to fulfil its many promises of proceeding with the defence establishment in this area, and thus provide the work which would no doubt immediately provide occupants for the houses.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Agent-General Act, 1901-1953, the Audit Act, 1921-1966, the Industrial Code, 1920-1966, the Police Regulation Act, 1952-1966, the Public Service Act, 1936-1966, and the Public Service Arbitration Act, 1961-1964, and for other purposes. Read a first time.

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

That this Bill be now read a second time.

Its purpose is to increase salaries that are fixed by statute to accord with recent increases in other comparable salaries. No adjustment has been made to statutory salaries except to those of judges, since July, 1965. In the interim, senior Public Service salaries have received a $2 a week basic wage increase from July 11, 1966, a 2½ per cent marginal increase from February 6, 1967, a $1 a week wage increase from July 3, 1967, and increases resulting from a classification review from July 3, 1967, to remedy anomalies. Generally, these adjustments in sum vary from $800 for salaries that, during 1965-1966, were in the $7,500 range, to $1,400 for salaries that were then in the $10,800 to $11,600 ranges. On the highest salary the increases amounted in all to an increase of 11 per cent.

Except for two cases, the Bill provides for adjustment to salaries strictly in accordance with the foregoing pattern. The President of the Industrial Court at present receives a salary that is $300 a year below that of the Auditor-General and of the Public Service Commissioner and, as his duties have recently been extended, it is thought that the salaries for each of these appointments should be the same. The Agent-General is paid both a salary and an allowance. It would be reasonable to authorize in his case an increase of 12 per cent in his salary component to accord with the increase of comparable local salaries, and about 4 per cent of his allowance component to cover increases in English prices since his appointment. This would produce a total increase of about £560 sterling. However, as other Agents-General receive a relatively higher proportion of their total entitlement as allowance, and it seems undesirable that the relative proportion of our Agent-General's allowance should be reduced, this increase has been spread between salary and allowance to preserve the present relativity between those two components of his total remuneration.

The Bill therefore provides as follows: clause 1 is merely formal. Clause 2 amends section 5 of the Agent-General Act, 1901-1953, by increasing the salary of the Agent-General from £4,080 sterling to £4,460 and the allowance from £1,920 to £2,100. Clause 3 amends section 6 of the Audit Act, 1921-1966, by increasing the salary of the Auditor-General from $11,600 to $13,000. Clause 4 amends section 13 of the Industrial Code, 1920-1966, by increasing the salary of the President of the Industrial Court from $11,300 to $13,000.

Clause 5 amends section 8 of the Police Regulation Act, 1952-1966, by increasing the salary of the Commissioner of Police from $10,800 to $12,200. The uniform allowance is increased from $110 to $120 to bring it into

line with the uniform allowance paid to all members of the Police Force. Clause 6 amends section 17 of the Public Service Act, 1936-1966, by increasing the salary of the Public Service Commissioner from $11,600 to $13,000. Clause 7 amends section 4 of the Public Service Arbitration Act, 1961-1964, by increasing the salary of the Public Service Arbitrator from $10,200 to $11,400. Clause 8 provides that the amendments are to come into force as from July 1, 1967, and clause 9 deals with the payment of arrears and with appropriation.

The Hon. G. G. PEARSON secured the adjournment of the debate.

SUPPLY BILL (No. 2)

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of Supply.

Motion carried.

In Committee of Supply.

The Hon. D. A. DUNSTAN moved:

That towards defraying the expenses of the establishments and public services of the State for the year ending June 30, 1968, a further sum of $30,000,000 be granted: provided that no payments for any establishment or service shall be made out of the said sum in excess of the rates voted for similar establishments or services on the Estimates for the financial year ended June 30, 1967, except increases of salaries or wages fixed or prescribed by any return under any Act relating to the Public Service, or by any regulation, or by any award, order, or determination of any court or other body empowered to fix or prescribe wages or salaries.

The Hon. D. N. BROOKMAN (Alexandra): In the absence of the Leader of the Opposition, I ask the Treasurer whether the Leader was given notice of this motion. I was not aware of it, and I wonder whether the Leader knew of it.

The Hon. D. A. DUNSTAN: The Leader would be aware that Supply was referred to the Committee last week, but I did not introduce a Supply Bill. This is a formal Bill, and I was asked by the Opposition Whip to delay considering the Real Property Act Amendment (Strata Titles) Bill in order to accommodate a member of the Opposition who was dealing with it. I am getting rid of certain formal matters prior to our resuming the debate on that Bill in order to accommodate the Opposition.

The Hon. D. N. BROOKMAN: This may be a formal matter, but I was not aware that it would be debated today. I am trying to establish whether I should have known, and I wanted to ensure that the Leader knew. A motion to move into a Committee of Supply is important, and I should have appreciated advance notice. If the fault is on our side, I shall take the matter no further, but will inquire.

The Hon. D. A. DUNSTAN: A Supply Bill was referred to the Committee last week, and the honourable member should have been aware that it has been in the offing for some days. Obviously, a Supply Bill had to be introduced. This is purely a formal Supply Bill, simply granting a current extension. When I was asked by the Opposition Whip to delay the discussion on the Real Property Act Amendment (Strata Titles) Bill, I looked for the various matters on the Notice Paper with which I could deal reasonably, in order to get them out of the way until such time as we could consider what I understood was a substantive debate in which the Opposition was interested.

Mr. HALL (Leader of the Opposition): I should have appreciated it if we could have been told we were to go into Committee of Supply, although I am happy for the debate to continue. I thank the member for Alexandra for drawing our attention to this matter. Although I am happy for the Treasurer to proceed, I point out that in future we would appreciate it if our Whip could be told what was to take place.

Motion carried.

Resolution adopted by the House. Bill founded in Committee of Ways and Means, introduced by the Hon. D. A. Dunstan, and read a first time.

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

That this Bill be now read a second time.

For some years it has been customary for Parliament to approve two Supply Bills so that the current financial commitments of the Government may be met during the period between July 1 and the assent to the Appropriation Bill following the Budget debate. The Supply Act (No. 1) of 1967 approved by the House in June last provides authority of $36,000,000. As the current requirement to meet ordinary expenditures from Revenue Account is about $16,000,000 a month, it may be seen that the present provision will suffice until the early part of September. It is desirable, therefore, for Parliament to deal with a second Supply Bill before the Royal Show adjournment and to give authority which may

be expected to suffice until the Appropriation Bill becomes effective, probably late in October.

The second Bill last year was for $24,000,000, giving total authority by way of Supply Bills of $60,000,000. I consider that it would be wise to provide now to cover a possible four months' expenditure, that is, up to the end of October, at a rate of about $16,000,000, or a little more, a month. Accordingly, this Bill is for $30,000,000 which, together with the $36,000,000 of Supply Act (No. 1), will give a total of $66,000,000, and should ensure that a third Supply Bill will not be necessary before the end of the Budget debate. Clause 2 provides for the issue and application of $30,000,000. Clause 3 provides for the payment of any increases in salaries or wages which may be authorized by any court or other body empowered to fix or prescribe salaries or wages. The clauses all follow the usual form of Supply Bills.

Mr. HALL: I accept the Treasurer's assurance that this Bill is similar to the normal Supply Bill and that its purpose is to enable the State's financial requirements to be met until such time as the Appropriation Bill becomes effective, probably in late October, when the relevant matters will have been considered following the show adjournment. Nevertheless, I see no reason for the haste and for disposing of this measure in one afternoon. Although I do not intend to delay the matter, I question the Treasurer's need for this haste. I should think we could easily have discussed this matter, say, tomorrow evening and possibly disposed of it then. In view of the Treasurer's explanation which seems reasonable, apart from the time factor to which I have referred, I support the Bill.

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

GOLD BUYERS ACT AMENDMENT BILL

Second reading.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That this Bill be now read a second time.

This Bill, by clause 4, removes from section 15 of the principal Act the provision that a gold buyer's licence shall not be issued to any Chinese person. Such a discriminatory provision is a relic of past days and is out of keeping with modern thinking throughout the world; indeed there are international conventions on the subject, signed by the Commonwealth of Australia, which involve all States, the parties to the convention, in removing its particular provisions from legislation. It is desirable that Australia should not lag behind other countries in having such provisions on its Statute Book. Accordingly the Bill removes the provision while clause 3 makes a consequential amendment by removing the definition "Chinese person" from section 3.

Mr. HALL secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from August 10. Page 1236.)

Mr. NANKIVELL (Albert): This Bill is similar in principle to one that was introduced on March 1, during the last session. It has been redrafted and consolidates many amendments proposed at that time. I believe that, in principle, it has the support of the Royal Automobile Association, to which a draft copy has been submitted. The question of the use of breathalysers was raised at the hearing of the Royal Commissioner on Licensing, but at that time it did not apply to this State. Provisions already existed at that time for the use of breathalysers in Victoria, Western Australia and Tasmania but, until this Bill is passed, they will not be used in South Australia.

I need not go into the principle of the breathalyser, but the evidence submitted to the Royal Commission on Licensing shows conclusively that the breathalyser tests act in the interests (if one can use that term) of the defendant. It has been shown that breathalysers have, on the average, under-estimated the blood alcohol content by anything up to .03 per cent. The maximum under-estimation in a series of 357 samples tested showed that one reading was .067 and the next was .052. It was also shown that the instrument occasionally over-estimates, the maximum over-estimation being .028 per cent at one reading, the next highest at .027 per cent, and the next two at .018 per cent. It is said that on the average the instrument under-estimated by .012 per cent the true blood level as indicated by the blood alcohol test. It would therefore appear that, in principle, a breathalyser is not as accurate as a blood alcohol sample test and that its errors generally favour the person who has been apprehended and asked to subject himself to such a test.

The intention of the use of the breathalyser in this case is not to establish a charge of driving under the influence but to create a new penalty for driving with impairment due to alcohol. This is similar to the offence provided

for in both Tasmania and Victoria. However, in Western Australia a graduated scale is used from .05 per cent to .2 per cent and in Western Australia (under the Road Traffic Act) a person can be charged with driving under the influence as well as driving with impairment, as a consequence of a blood alcohol test. This is a fundamental difference that exists in this Bill. If a person's blood alcohol content is over .08 per cent (the statutory limit imposed by this Bill), he or she can be charged only with driving with an impairment. No provision is made to qualify that by saying that (within certain levels of degree of impairment) a person with an alcoholic content of from .05 per cent to .15 per cent is driving with impairment, and beyond that figure he is driving under the influence.

There is substantial evidence to show that it is not easy for this test to be applied, except as it is laid down in the Bill. All that is required is a suspicion on the part of the police officer, but this is not always evident from the way a person drives. Fortunately, no provision has been made for road blocks, and there is no such provision in the Victorian Act. On the other hand, in the case of a person being apprehended and suspected of driving under the influence, there is no option under the Bill but for him to submit himself to a breathalyser test. The Victorian figures show that, after the introduction of such a test, the number of people apprehended increased rather substantially. They also show that from February 1, 1966, to August 10, 1966, 946 people were tested in the metropolitan area of Melbourne, of whom 31 were not convicted of any relevant offence and 440 were convicted of driving under the influence (the old offence). A number of 475 was convicted of the new statutory offence of driving with a blood alcohol concentration exceeding .05 per cent. Therefore, apparently many more are convicted of the offence of driving with a blood alcohol content exceeding .05 per cent than were previously convicted of driving under the influence of alcohol.

It is interesting to note that these figures completely refute some of the arguments put up that the statutory figure should be .05 per cent rather than .08 per cent. At page 120 of his report, the Royal Commissioner (Mr. Sangster) states that, of the 530 people convicted of the new offence in Victoria, only 15 had a blood alcohol content of .08 per cent or less. Therefore, it appears that the arbitrary figure of .08 per cent, which has been accepted in Tasmania, which is current in the United Kingdom and which we are accepting, is possibly the most reasonable level to make the basis for an offence of this nature. Of course, plenty of evidence exists to show that people do not suffer much impairment until their blood alcohol content reaches a level of .15 per cent. In fact, blood alcohol tests by police generally show that the majority of people apprehended for driving under the influence had a blood alcohol content exceeding .2 per cent. However, as it seems that it can be proved substantially that some impairment is suffered by a person with a blood alcohol content of .08 per cent or more, then in the interests of public safety this provision is necessary.

I am happy that the Bill has graduated the offences. In the Bill first introduced, the penalties imposed for the new offence were identical with those provided for the offence of driving under the influence of alcohol. In this Bill, the difference is drawn and a separate schedule of penalties set out for the new offence as opposed to the other offence. New section 47b (1) (*b*) (ii) provides that "the court may by order disqualify the person convicted of the offence (that is, a second offence) from holding and obtaining a driver's licence for a period of not less than six months and not more than three years." I suggest that is a fairly harsh penalty, and it gives the court no discretion. In this case, I believe it might be better to allow the court to have discretionary powers by providing that a licence may be suspended up to a maximum of three years rather than establishing an arbitrary minimum of not less than six months.

I am pleased to see that the Bill provides a cover, for people convicted under this offence, regarding insurance matters. Under the previous Bill, it appeared that insurance contracts and agreements would be non-operative if a person were convicted of this offence in the same way as they were non-operative if a person were convicted of driving under the influence of liquor. Provision is made in the Bill to ensure that driving under impairment is a special offence and is treated as such. The original suggestion was that the penalty for not agreeing to a breathalyser test would be $40, which was far less than the penalty imposed for a second offence of this nature. However, perhaps the present penalty is a little harsh. The penalty for refusal to submit to a breathalyser test is a fine of not more than $250 and imprisonment for not more than six months, or both. In addition, the court may, by order,

disqualify a person convicted of this offence from holding and obtaining a driver's licence for a period not exceeding six years.

Mr. Quirke: That will make him change his mind.

Mr. NANKIVELL: Yes, but I point out that the penalty for a second offence is a fine of not more than $300. Therefore, there is still some inducement (but not much) to refuse to consent to having one's breath analysed. I am told that it is most unusual for a penalty consisting of both a fine and imprisonment to be imposed. However, in this case, the court can impose a fine and imprisonment and can also take away a person's driving licence. This seems fairly harsh.

Provision is also made for a person to nominate that he prefers to have a blood sample taken by a medical practitioner, the expense of which is to be borne by the person concerned. Some problems could be associated with this because the provision is not very specific, although it provides that a member of the Police Force shall facilitate the taking of the sample and, if that sample is taken by the medical practitioner, he shall take it in the presence of a member of the Police Force. That is quite proper, but it makes no provision for a person to suggest that the test be taken by a police medical officer, whereas I understand that in Western Australia a person can ask that a test be taken by the police medical officer. Although provision is made that a test must be taken in the presence of a police officer, I think it might be better if a provision were made for a sample to be taken by the police medical officer, because then there could be no question raised that the sample in question was the sample taken from the person charged.

A provision exists in Western Australia that I would like to canvass. It is all very well to provide for breathalyser tests to be taken if the offence happens near a police station where such a test can be carried out. However, the Western Australian Act provides that, where equipment is not available within a distance of 25 miles by the nearest route from the place where the person is, that person shall not be required to submit to an analysis of his breath. That provision is made by section 32B (1) of the Western Australian Traffic Act and was inserted by the Traffic Act Amendment Act (No. 3) of 1965. Similarly, this provision is made about a blood sample:

Where a person has, under the provisions of subsection (4) of this section, nominated the medical practitioner to whom he is to submit himself and allow a sample of his blood to be taken, if the medical practitioner is not within a distance of 25 miles or within the time limited by this section for the taking of blood samples or for that medical practitioner to take the blood sample, the person shall submit himself for that purpose to a medical practitioner chosen by the member of the Police Force.

In other words, in these circumstances the onus of providing a medical officer to carry out the necessary blood testing or collection of blood for a blood sample to be tested at some future date is placed on the Police Force. Blood testing is regarded as being about 98 per cent accurate in most cases. I understand that it is common practice for analysts to check regularly in regard to the determination of blood alcohol content and that samples have been sent from South Australia to Victoria for cross-checking in order to make sure that the analysts are correctly assessing the alcohol content of the blood. Some people may, for various reasons, including the accuracy of a breathalyser and the fear of it, choose to have a blood sample taken, and there will be no difficulty about making available facilities for that.

The Bill provides that a blood sample taken at a certain time will be substantive evidence that the blood alcohol content was the same two hours earlier, and this provision seems reasonable. I understand that the time fixed in Western Australia is four hours but our provision means that if, for instance, a hit-and-run motorist is not apprehended until two hours after the accident he can still be charged under the Act if the blood alcohol shown by the breathalyser at the time two hours after the accident is .08 per cent or more. I see nothing wrong with that provision. I think that .08 per cent is a fair and reasonable level.

I am pleased that impairment has been defined as a separate offence, not regarded as the same offence as driving under the influence as was the case previously. However, I point out that, in relation to a second offence, it may be better to give the court a discretionary power for the cancellation of a licence for not more than three years rather than to fix a statutory minimum of not less than six months. If a person refuses to have a breathalyser test, the onus of proof will rest on him and he will have to pay the expenses of medical examination. This suggested provision was included in the submission by the police to the Royal Commissioner:

In the metropolitan area the person may ask that the police medical officer take the sample and, in such circumstances, the member of the

Police Force shall arrange accordingly if the sample can be taken within the two hours mentioned aforesaid.

I think there is merit in that, although some people may choose to nominate their own medical practitioner. This does not place the onus on the defendant to seek evidence contrary to that revealed by the breathalyser or alternative evidence in the case of driving under the influence, and it would not be improper in those circumstances to still expect him to pay the cost of conveyance to and from the point of examination. Unless I am mistaken, this provision is also included in the old measure. For all general purposes, this Bill covers all the objections that were raised to the measure that was introduced on March 1.

However, I have one or two reservations. I think some provision could be made about sampling in the country. It is not likely that patrol cars will have breathalyser equipment in them. In fact, I am told by Sergeant Pengilly that a specialist is needed to operate a breathalyser. There may not be such equipment at country police stations and, although I stand to be corrected if I am wrong, it seems that no provision is made for cases of apprehension by a country police officer or road patrol officer who has a suspicion that a man is driving with impairment when equipment is not available. To get the person concerned to the nearest point where he could be tested might take two hours. For example, a person may be about half way between Murray Bridge and the Victorian border, and the nearest place that has equipment may be Murray Bridge. I take it that such a person would have to pay the expense of being conveyed back to Murray Bridge to be tested. This would not always be a fair basis of testing, not only because of the onus of proof being on the defendant but also because the cost of proving his innocence may be high.

One or two other matters are dealt with in this Bill, and I can see nothing wrong with them. The provision about half an hour before sunrise and half an hour after sunset has been taken out and the words sunrise and sunset are now used without the half-hour proviso. It will be obligatory to have a parked car lit before sunrise and after sunset. A similar provision is made about the dipping of headlights. I can see nothing wrong with this, because I assume it is as easy to define sunrise and sunset as to define half an hour before or after those times. I support the second reading.

The Hon. B. H. TEUSNER (Angas): I, too, support this Bill, which has been introduced following a recommendation by the Royal Commissioner who inquired into the law relating to the sale, supply and consumption of intoxicating liquors, and other matters. The Commissioner (Mr. Sangster, Q.C.) recommends on page 30 of his report:

(*a*) that there be created a new statutory offence for "Any person who drives a motor vehicle while the percentage of alcohol in his blood expressed in grammes per one hundred millilitres of blood is .08 per centum or more",

(*b*) that there be provision for making regulations for approval of types of breathalysers and with respect to their maintenance and use,

(*c*) that there be provisions enabling a member of the Police Force to require a person whom that member believes on reasonable grounds—

(i) within two hours to have driven a motor vehicle and

(ii) to have consumed alcohol so as to have impaired his ability to drive a motor vehicle to accompany that member to the nearest available police station and there to submit to a breathalyser test.

Two other recommendations are made. This Bill embodies these recommendations and, if passed, it will reduce the number of road accidents. The presence of alcohol in the bloodstream has an important bearing on impairing a person's ability to drive a motor vehicle. A statement was made to the Victorian Commissioner by seven doctors, all experts in their field. This statement, referred to in the Commissioner's report at page 117, is as follows:

In an attempt to achieve a clearer appreciation of the significance of blood alcohol levels the following statement has been prepared:—

(*a*) For blood alcohol levels of .05 per cent and below, some individuals are impaired by alcohol but most drivers, even if affected, are affected only slightly. While deterioration in performance of tasks related to driving can be demonstrated below .05 per cent, increased liability to accident appears first somewhat above .05 per cent. It is, therefore, reasonable to say that at blood alcohol level of .05 per cent or less the person concerned is unaffected, in a practical sense, as regards road safety.

(*b*) Blood alcohol levels in the range .05 per cent to .10 per cent. All individuals are affected at or before .10 per cent is reached. In some

people this may be largely compensated by slower or more careful driving—but even in these cases the person concerned is less able to cope with the demands made on his driving ability in emergency situations which often precede accidents and to this extent alcohol in this range is a contributing factor towards accidents. It is in this range that measurable increased liability to accident appears, taking drivers as a group.

(*c*) Drivers with blood alcohol levels above .10 per cent are affected to the extent that their driving becomes distinctly impaired. The impairment increases progressively as the blood alcohol level rises until at levels of .15 per cent there is substantially increased liability to accident.

(*d*) At levels of .20 per cent and above most people are obviously intoxicated. The increased risk of accident is now severe.

This statement was signed, and submitted to the Victorian Royal Commissioner, by seven prominent medical practitioners, including Professor J. S. Robertson, M.B., B.S., Ph.D., F.R.A.C.P. (Professor of Pathology, University of Adelaide). As these men are experts, their statement should have considerable weight when we are considering this problem. Under section 47 of the Road Traffic Act numerous prosecutions have been launched and convictions recorded. However, if details of these prosecutions were examined records would show that in most cases where a conviction was recorded at least .15 grams of alcohol per 100 millilitres of blood were present in the bloodstream. Experts have made it clear that there is an impairment of the ability to drive a motor vehicle with that concentration. The Commissioner suggests that .08 grams should be a minimum quantity when considering a possible prosecution. On page 115 of his report the Commissioner refers to certain hypotheses that were extracted by the Victorian Royal Commission from a paper prepared by the Chairman of the Traffic Commission of Victoria setting out the results of researches into the circumstances surrounding motor accidents on public roads in the Melbourne metropolitan area in 1963. No doubt these conditions could also apply to the metropolitan area of Adelaide, or to any other Australian capital city. It is clear from the hypotheses referred to that motor vehicle accidents are largely the result of drivers' having an excess of alcohol in the bloodstream. The hypotheses are as follows:

(i) The peak accident rate during the very early hours of the morning in proportion to traffic density at that time reflects excessive speed on relatively empty roads together with the effects of the consumption of alcohol by drivers and fatigue.

This relates to the Melbourne position in 1963, before 10 p.m. closing was introduced and, as I have said, it would undoubtedly also apply here. The hypotheses continue:

(ii) The relatively low accident rate in proportion to traffic density during the 7 a.m. to 9 a.m. heavy week day traffic reflects the absence of fatigue and the relative absence of the alcoholic factor.

(iii) The peak of accident rate in proportion to traffic density between 6 p.m. and 7 p.m. reflects a combination of fatigue and alcoholic consumption.

(iv) The peak of accident rate in proportion to traffic density on Saturdays between 6 p.m. and 7 p.m. exceeds that on Mondays to Fridays due to the greater consumption of alcohol in turn due to the greater time available on Saturday afternoons for its consumption.

(v) The very marked peak in accident rate in proportion to traffic density in the early hours of Saturday morning (lasting till nearly 6 a.m.) is due to the greater consumption of alcohol than on other week nights related to social activities late on Friday nights and extending into the early hours of Saturday mornings.

(vi) The astonishing peak in accident rate in proportion to traffic density between 2 a.m. and 6 a.m. on Sunday mornings is related to social activities late on Saturday nights and extending into the early hours of Sunday mornings, and a tendency of drivers to forget the demands upon their physical and mental skills made by the control of modern motor vehicles.

(vii) The levelling out of the accident rate in proportion to traffic density for the remaining hours of Sundays is related to the more limited availability of alcohol on Sundays.

It will therefore be seen that, at certain periods when there is low density traffic, accidents nevertheless occur, undoubtedly because of a driver's inability to control his vehicle properly, following the excessive consumption of alcohol. Section 47 of the Road Traffic Act provides that it shall be an offence for a person to drive a motor vehicle while under the influence of intoxicating liquor and incapable of exercising effective control. Under that section, of course, it is necessary to prove that the

person concerned was incapable of exercising effective control, although that proof may not always have been readily available previously, particularly if a person refused to submit to a blood test. There is a category of drivers whose ability to drive is impaired and who represent a potential danger on the road. I refer to that category of people in whose bloodstream the alcohol is less than .15 grams in each 100 millilitres. This Bill will catch up with those people whom it has perhaps been difficult in the past to prosecute for being unable effectively to exercise control of a motor vehicle because of the intake of alcohol. Clause 6 inserts the following new section in the Act:

47e (1) Where a member of the Police Force believes on reasonable grounds that a person—

(*a*) has been at any time during the last two preceding hours—

(i) driving a motor vehicle; or

(ii) attempting to put a motor vehicle in motion;

and

(*b*) has behaved while—

(i) driving that motor vehicle; or

(ii) attempting to put that motor vehicle in motion,

in a manner which indicates that his ability to drive the motor vehicle is impaired,

that member may, subject to subsection (2) of this section, require that person to submit to an analysis of his breath by a breath analysing instrument.

In view of the Commissioner's recommendation, I consider that .08 grams of alcohol in 100 millilitres of blood should be the minimum quantity of alcohol to be accepted before a prosecution is launched. The Commissioner's report states, at page 118:

(*c*) Coldwell and others on "Report on Impaired Driving Tests" (Canada 1957) stated that most drivers showed impaired driving ability at .08 per cent blood alcohol concentration and that at .15 per cent nearly all drivers showed statistically significant impairment of driving ability.

Paragraph (*f*) states:

Grasman on "What the Physician should know about the Blood Alcohol Test and its Forensic Significance in Traffic Accidents" (Germany 1951) stated that concentrations up to .05 per cent blood alcohol concentration had no forensic significance, that danger began in the range .06 to .09 per cent and that at concentrations .13 to .15 per cent there was a definite deterioration in ability to drive a car.

Paragraph (*h*) then states:

Borkenstein and others on "The Role of the Drinking Driver in Traffic Accidents" (U.S.A. 1964) stated that the probability of accident involvement increased rapidly at levels over .08 per cent blood alcohol concentration and became extremely high at .15 per cent and over.

The Bill requires that a person submit to a breathalyser test if a member of the Police Force believes, on reasonable grounds, that he has been the driver of a motor vehicle in the two preceding hours and that he has behaved in a manner indicating his inability to drive such motor vehicle. The fact that he must have driven within two hours is a reasonable safeguard for the motorist concerned. New section 47 (*g*) (2) provides a further safeguard. It states:

(2) As soon as practicable after a person has submitted to an analysis of his breath by means of a breath analysing instrument the person operating the instrument shall deliver to the person whose breath has been analysed a statement in writing specifying—

(*a*) the concentration of alcohol indicated by the analysis to be present in the blood expressed in grams in a hundred millilitres of blood;

and

(*b*) the day on and time of the day at which the analysis was made.

Furthermore, a person is not debarred from requiring a blood test to be taken. The motorist concerned can request his own or any other doctor to take a test of his blood, and that is a further safeguard for the motorist.

I consider that this Bill is highly desirable and, if it becomes law, it will do much towards reducing the rate of motor accidents. It is considered that in Victoria at least 20 per cent of road accidents that occur are caused by the impairment of a person's driving ability due to the over-consumption of alcohol, and I believe this legislation will act as a deterrent. Perhaps we should have regard to the old saying, "If you drive don't drink, and if you drink don't drive". However, not everybody gives heed to that. More could be done to educate the public in sane and proper drinking. However, if the motorist refuses to accept education or to observe the requirements of the law, he has only himself to blame. If, as a result of prosecutions under this Bill (if it becomes law) or under section 47 of the Road Traffic Act, his licence is suspended, he will certainly lose some of his freedom, but it has been said the only freedom that would be infringed is the freedom to kill and maim. I have much pleasure in supporting the Bill.

Mr. QUIRKE (Burra): I support the measure, without reservation. Now that there is greater freedom associated with the consumption of alcoholic beverages and almost everyone has a high-speed vehicle that can become a lethal

instrument on the road, it is only right and proper that responsible people should be prepared to undertake a test of their capability to drive, and this simple test should give no offence to anyone. If a person hesitates to take it, perhaps he knows he has offended. A person who has too much to drink and then drives on the roads can be a killer, because there is no doubt that alcohol is reflected in one's ability to drive a motor car. People may ask when alcohol starts to affect them and how much they can drink before they are affected. I say they should have none at all if they intend to drive. From the moment one takes alcohol and it starts to enter the bloodstream, although perhaps it might not be noticed from the point of view of driving, one is affected to some degree.

One might also ask how much he can drink before having a blood alcohol content of .08 per cent, but that is another question. The department worked that out and the results were published in *Hansard* on March 22, 1967, at page 3955. I have often heard people say how much beer they can drink without its having any effect on them. However, that is dangerous nonsense. There is no difference in alcoholic content between a schooner of beer and an ounce of whisky, and there is no difference in effect. The consumption of four schooners of beer or four ounces of whisky will lift one's blood alcohol reading to .08 per cent. It is well known that in one hour the liver can get rid of an ounce of alcohol. Therefore, if one consumed 24 ounces of alcohol over 24 hours, one could finish up no different from one's condition during the first hour of consumption, provided only one ounce an hour were consumed. That is not well known. One often hears stories of a man's drinking all night and still remaining sober, and if he had sufficient interval between his intake, he could be sober. However, that does not prevent his becoming sleepy.

Everyone knows I have been a winemaker, and I have made it my business to understand these things. The percentage proof spirit of a schooner of West End or Southwark beer is 7.8 per cent. Four of those schooners will give a blood alcohol reading of .08 per cent, and I do not believe the man who says he can drink a dozen schooners and not be affected. Scotch whisky is 70 per cent proof and is 40 per cent by volume, which means that 40 per cent of a bottle of Scotch whisky is spirit; its alcohol content by weight is 37 per cent. A nip of Scotch whisky represents 1 oz. and four nips would give a blood alcohol content of .08 per cent. I wanted these figures published so that the information could be disseminated among the people. People do not willingly break the law and, if they know the contents of this table, perhaps they will be prepared to drink according to the information contained in it so that under breathalyser tests they will not offend. If they do not offend under those tests, then they will not be dangerous on the roads. Figures such as those included in this table should be distributed in all senior schools so that young people will be informed about these facts. The terrible mortality among young people on roads can, in some cases, be traced to the quantity of alcoholic liquor they are taking. It should be the responsibility of those in authority to see that young people know the effects of what they are drinking.

A person may say, "I do not want anything strong: I will just have a dry sherry." Fortified wines such as dry sherry and port, in a 2 oz. glass, are 33 per cent proof; 19 per cent of a glass of sherry is spirit. A glass of claret, hock, or wine of that type would contain about 3½ oz. and would contain 21 per cent proof or 12 per cent by volume. Such wines are invariably taken with food, and to drink with food is the safest way to drink. Although it is illegal for people to drink before they are 21 years old, we know that they do drink. If they drink, they should understand what they are drinking and what the effect of that liquor will be. As young people are apt to be carried away with exuberance at a party, they should know that if they exceed a certain quantity of liquor they will be intoxicated and that if they exceed a smaller quantity they will have a blood alcohol content higher than that allowed by the law. Some alcoholic beverages are safer to drink than others: all are safe to drink in moderation but spirits have a quicker effect.

People should understand that, and the only way to make them understand it is to teach them about these matters when they are young. They should be taught to drink in moderation. Quite innocently, sometimes, people are led into the trap of drinking something which tastes pleasant but the strength of which they do not know. Some sweet sherries are soft, palatable and lovely to drink (they are a seductive drink), but they are 33 per cent proof and contain 19 per cent of alcohol. A dry sherry or a sweet sherry with a meal is all right but it is a great mistake to drink sherry on its own. Some older

people do not understand the alcoholic strength of what they drink and they, too, should be informed.

The Bill is a protective rather than a punitive measure. If people know that, if they have one more drink than they can safely accommodate, they can be given a breathalyser test and be convicted, this will influence them and will help to protect the community from the lethal effects of a person who drives under the influence of alcohol. The combination of the availability of alcoholic beverages, fast cars, and a different outlook by each of us means that it is necessary to protect people. Young people particularly should be informed about things which they do not yet fully understand and about which apparently there will not be much effort made to instruct them, except in this place. For heaven's sake let us inform people of the strength of what they are drinking and tell them what they can drink safely. After that, they are on their own.

I am reminded of a story about the St. Christopher's medals (St. Christopher is the patron saint of travellers) carried in motor cars in America. When a motor car exceeds 60 miles an hour, a little voice pipes up and says, "You're on your own now bud." The St. Christopher medal takes no responsibility over 60 miles an hour. In this case, we should instruct people and warn them and, if they ignore that advice, then they are on their own. I support the Bill because it protects drinkers as well as people who can be the innocent victims of those who drive under the influence.

Mr. McANANEY (Stirling): I strongly support this Bill, the technical points of which have been dealt with by other members. Last week we completed the debate on the Licensing Bill, which will make liquor more freely available, and I supported every clause of that measure. However, if people are to be given those opportunities to obtain liquor, we have the responsibility of ensuring that those who drink to excess are checked and kept under control. The member for Burra (Mr. Quirke) has suggested that people be told how much liquor they can consume before being liable, but I think that breathalysers should be made available to people who want to find out how much they can drink without being dangerous on the roads.

Some people drive more carefully after having one or two drinks than they do at other times but that cannot be taken into account and an arbitrary figure regarding alcoholic content of the blood must be set. Many people who are now driving on our roads should not be allowed to drive regardless of the alcoholic content of their blood. When breathalyser tests were introduced in Western Australia, the number of people convicted in Perth of offences for driving under the influence of liquor doubled and that figure has remained constant. Therefore, we cannot hope that this Bill will reduce the number of convictions. In country areas, where breathalyser tests are not conducted, the number of convictions for driving under the influence has been about the same. This Bill does not exempt country areas, but I should not imagine there would be many facilities in country areas for testing. Perhaps people will have to be taken long distances to be tested, or the old method may continue to be adopted. Many pedestrians who drink to excess are as much a menace on the roads as are drivers who drive under the influence, but the pedestrians are not subjected to tests. However, that is no reason for not fully supporting this Bill and I hope that it is passed quickly.

The Hon. G. G. PEARSON (Flinders): I support the Bill and cannot refrain from referring to the lengthy debate on the Licensing Bill that we recently completed. As far as I am concerned, the moral to be derived from having this Bill before us almost simultaneously is that, having made wider legal provisions about the procurement and consumption of alcohol, we find it necessary to introduce a Bill of this nature. It may be argued that, regardless of whether we had a licensing Bill before us, this Bill would have been considered. I agree that that would have been the case. However, there is a corollary in relation to the ideas that the Government, the Royal Commissioner and the public have, because it is more than a coincidence that these two matters have been coupled during the whole period in which the Licensing Bill has been considered.

I approve of this Bill, because there is no doubt that driving under the influence is one (and I emphasize one) of the principal contributing factors to the mounting road toll, both directly and indirectly. It is well known that inattention to driving is the main cause of road accidents. For example, one cannot understand how it is possible for two vehicles to collide as apparently they did during the week-end on the road north of Snowtown in such a way that one vehicle was impaled beneath an oncoming heavy vehicle, resulting in the loss of two lives and serious injury to a third.

Obviously, there is error of judgment on the part of one or both drivers involved in accidents. One does not get involved in the reasons for accidents, because it is unfair to do so, and I am not drawing any conclusions about this accident. However, one wonders how accidents happen, and there are obviously reasons for them. The consumption of alcohol is one of the important causes.

Parliament ought to do anything it can to reduce the road toll, and this measure is long overdue. Discussion of the matters dealt with in the Bill always includes mention of whether an effective, reliable and fair device can be operated and Parliament must be careful not to apportion blame where blame does not fairly rest. It seems that the breathalyser has proved its worth, and its results are considered to be *prima facie* evidence of the inability of a person to control a motor vehicle. The Bill provides for a percentage of alcohol content that has been considered as reasonable for the average person and beyond which it would be unsafe for an individual if he has to drive a motor vehicle. This legislation is not final; it is experimental. It is not designed to obtain prosecutions but is intended to be a deterrent. If a person is affected by alcohol, is convicted, and his licence withdrawn, that decision will deter others from over-indulging in alcohol.

A person, knowing that a precise mechanical device exists to determine the degree to which his reactions and abilities are affected by the number of drinks he has, will be more cautious in his drinking and driving habits. Because of the experience that will be gained in the future, we will be able to determine whether this legislation needs amending. It may inflict hardship and injustice on some people; it may need to be more severe; but these things will become known within a few years. Although it is experimental and can be changed if necessary, we are putting useful legislation on the Statute Book, and I support it.

Mr. MILLHOUSE (Mitcham): I, too, support the idea behind this legislation. It is one of the few recommendations of the Royal Commissioner that has been substantially included in legislation. Most of his recommendations are included in the Bill, but one thing that is not included (although he does not recommend that it should be introduced) is the introduction of random roadside tests, about which the Commissioner states:

> (*e*) that the State Traffic Committee, not less than twelve months and not more than eighteen months after the commencement of these provisions inquire into and report whether any amendment be desirable and in particular a lowering of the blood alcohol concentration in the offence section, the introduction of wider powers in members of the Police Force to require a breathalyser test, and the introduction of random roadside breathalyser tests.

What the Commissioner did not know when he made his report was that the State Traffic Committee had been disbanded by a decision of the Walsh Labor Government, and no such committee existed to do this job. I regret that that committee, which represented interests concerned with traffic problems and of which I had the honour to be Chairman, had been disbanded and could not do the job. I hope that this sort of investigation will be made by a responsible body.

I accept the principle that a concentration of .08 per cent of alcohol in the bloodstream should be an offence, a concentration recommended by the Commissioner, who canvassed the various concentrations put to him, as the appropriate one. New section 47b prescribes the penalties. I do not quarrel with the penalty for a first offence, but I consider that a mistake has been made in the penalty for a second, and third or subsequent offence. It is silly to give a discretion to disqualify and then say that if the court exercises the discretion the disqualification must be for at least six months and, in the case of a third offence, for not less than two years. A court could well think that a period of disqualification should be imposed but that it should not be as much as the minimum provided. That matter needs attention. I believe that when amending legislation was introduced last session the penalty for refusal to have a blood test was much less than it is here.

Mr. Nankivell: Forty dollars!

Mr. MILLHOUSE: Yes. Here, a savage penalty is imposed—"not more than $250 or not more than six months' imprisonment, or both".

Mr. Nankivell: That's unusual, isn't it?

Mr. MILLHOUSE: No; a number of offences under the Road Traffic Act involve an alternative. Although this is not absolutely comparable it is, in fact, a penalty harsher than the penalty for a second substantive offence. While the Commissioner said in his report that he believed that motorists should feel that whenever and wherever they drove they underwent a very real chance that they might be called on to subject themselves there and then to a breathalyser test, and it was

necessary to make sure that they were caught or that they felt they were likely to be caught, I think this penalty is rather out of line with the other penalties. New section 47c deals with insurance and the effect on an insurance policy of a conviction for an offence under these provisions. Personally, I am rather sorry that this provision has been inserted, because I think it would be an added deterrent to a motorist if he believed that he were going to forfeit his indemnity under his policy if he were convicted of this offence.

Mr. Nankivell: He would then be driving under the influence of .08 per cent alcohol.

Mr. MILLHOUSE: Although I do not know whether this has been raised previously, I point out that most insurance policies do not stipulate that a person must be convicted or even be in such a condition as to be convicted for the offence of driving under the influence; they merely provide that if a driver is under the influence of alcohol when he is driving, which is a rather lesser thing—

Mr. Nankivell: It would have to be proved.

Mr. MILLHOUSE: Yes, and it is proved in an arbitration. I know that some prominent members of the Government do not like arbitration proceedings, but the usual provision in an insurance policy is for arbitration if the company concerned does not wish to fulfil its obligations under the policy because it alleges that a breach has been made.

Mr. Nankivell: How could it be proved without a conviction?

Mr. MILLHOUSE: It can be proved in the arbitration proceedings.

Mr. Nankivell: On what basis?

Mr. MILLHOUSE: In any way in which it could be proved that a person was driving under the influence of alcohol. Usually, under an insurance policy what must be proved under section 47 of the Act, which refers to a person who is "so much under the influence of intoxicating liquor as to be incapable of exercising effective control of the vehicle", does not have to be proved. I hope these provisions do not affect the right of an insurance company to repudiate within the terms of the policy. We seem to be interfering, to an extent anyway, with the relationship between the insurer and the insured. I express the hope that we do not interfere with this particular right, which most companies have under the terms of their policies.

Mr. Nankivell: This is in line with the Tasmanian set-up.

Mr. MILLHOUSE: I do not care whether it is, frankly. I hope we are doing the right thing. I personally am sorry that there is any clause about this; I would be glad to see a forfeiture of the rights under an insurance policy when this offence was committed, because I think that would be a substantial added deterrent against the commission of the offence itself. I hope that we can again take up these points in Committee. I thought I should mention them for the benefit of the Minister, in order to give him some warning that I, at least, if not other members, will raise them.

Mr. HUDSON (Glenelg): I support the Bill. I believe that, when considering a breathalyser test or any changes in our road traffic laws, we should be aware of the appalling rate of traffic accidents that exists not only in South Australia but in the whole of Australia. During my recent visit to the United States, what impressed me perhaps most of all was not only the high quality of American roads, particularly the interstate highways and freeways, but also the higher standard of driving and the greater consideration that is given in that country to other drivers and to pedestrians. I think we have always believed in this country that the U.S. has a far worse traffic accident rate than ours but, in fact, the reverse is the case: while, for example, in 1965 the total number of people killed as a result of traffic accidents in the U.S. was 49,000, the rate of traffic deaths for each 100,000 of population in that country was 25.3, as against 27.9 in Australia.

The Australian traffic death rate for each 100,000 of population is significantly higher than the corresponding American figure. If we compare the traffic death rate for every 10,000 motor vehicles, we find that the discrepancy is even greater: in 1965, 5.4 persons for every 10,000 motor vehicles were killed on the roads in the U.S., the corresponding Australian figure being 8.2. Therefore, in terms of the number of vehicles on the road, our accident rate causing deaths to drivers, passengers and pedestrians was 60 per cent higher than the American figure. There is no doubt in my mind that the higher Australian figure is to some extent the result of our poorer quality interstate roads. In the U.S., for example, one can travel from San Francisco to Sacramento, a distance of, say, 90 miles, without encountering a single cross street or traffic light. One can also travel the whole distance from Los Angeles to Las Vegas, which is about 350 miles—

Mr. Bockelberg: Does that mostly involve straight roads?

Mr. McAnaney: More people are killed on straight roads than on other roads.

Mr. HUDSON: Some of our worst accidents occur at intersections a little way out of the city (Waterloo Corner comes to mind immediately). From Los Angeles to Las Vegas (a distance of about 350 miles) there is only one traffic light and there are no other cross streets anywhere. Accidents may still occur, but the lack of intersections means that less danger exists. Although I believe that, to some extent, the lower accident rate in the United States, the lower death rate per thousand of population, and the much lower death rate per 10,000 vehicles are due to superior roads, nevertheless it was quite apparent to me in the two months I had in America that the overall standard of driving was an improvement on Australian conditions. When an American who has been in Australia says that some of his worst traffic experiences both as a pedestrian and as a driver have been in Australia, this becomes easy to understand.

The Hon. G. G. Pearson: Do you think an absolute minimum of 70 or 75 miles an hour has any advantage?

Mr. HUDSON: Yes, as few roads in the United States do not have some speed limit on them, the type of speed limit imposed tends to lead to a much greater uniformity in the speed at which the traffic travels. Consequently, the extent to which cars are passing one another relative to the traffic flow is less than would be the case here; I think that is also an advantage. I do not believe one can fail to be impressed by the relatively greater consideration that American drivers give to other drivers and pedestrians. In San Francisco one can walk off almost any kerb and into the street, the traffic stopping for one without any difficulty at all. Of course, at an intersection pedestrians have absolute right of way. In fact, knocking over a pedestrian in the United States under any circumstances is a serious offence: the person concerned may be in great trouble. Their laws in this respect are much stricter than ours.

In South Australia, over the last two years, we have had an alarming increase in our accident rate per 100,000 of population. In 1965, in South Australia the deaths caused by motor vehicles of one type or another produced a death rate of 21.8 per 100,000 population as against the Australian figure of 27.9 and the American figure of 25.3. The deaths per 10,000 vehicles in South Australia were 6.2 as against an Australian figure of 8.2 and the equivalent American figure of 5.4. However, in South Australia in 1966 deaths as a result of motor vehicle accidents rose to 24.1 per 100,000 population. If we assume that the deaths that have occurred so far in 1967 on our roads will continue at the same rate for the rest of 1967, South Australia's figure of deaths per 100,000 population for 1967 will be 25.6. Therefore, in the space of two years the death rate on our roads per 100,000 population has increased from 21.8 to 25.6. We are gradually moving towards the Australian average figure; we are now higher than the American figure on a population basis and significantly higher than the American figure on a motor vehicle basis.

The deaths in South Australia for this year are likely to produce a figure of 7.1 deaths per 10,000 vehicles as against the American figure of 5.4. This is a serious situation. In this country, we have comforted ourselves with the thought of the appalling accident figures in the United States where there has been an aggregate of about 50,000 deaths a year (that represents one-twentieth of South Australia's population). However, in terms of American population, it is a smaller death rate than that for Australia and, now (on the latest figures and in terms of our population of motor vehicles) than that for South Australia. I believe this means that in the future we are going to become a lot tougher in respect to our road traffic laws. The introduction of a compulsory breathalyser test is a move in this direction: it is part of a process of change that is taking place in relation to our traffic laws.

In view of the death toll on our roads it seems that we will have to educate people within South Australia and within Australia that when they exceed speed limits they are risking people's lives and are being negligent. Speed limits of one type or another are not imposed just because the Government or the police want to make a nuisance of themselves: in each case where a speed limit is imposed, there is a definite reason for it. The attitude of the average Australian driver to speed limits (and I must confess that I am guilty in this respect) is not good enough and will have to change. I also believe that we need to consider seriously the quality of our interstate roads, in particular, and the problems created by difficult intersections on these out-of-city roads. It is clear from the latest accident statistics that a significant proportion of accidents arises out of the main metropolitan area in

areas where the road seems to be relatively clear of traffic and the danger, on the surface, much less.

For all honourable members it is a sombre duty to have to support this sort of legislation. However, I do not think the stage has been reached where any member can say that this sort of thing is an intrusion into the ordinary driver's freedom. Although it may be an intrusion in some sense, it is an intrusion that is taken in the interests of the overall community and of reducing traffic accidents. I, for one, believe that it may be necessary in future to be tougher regarding breathalyser tests than is envisaged in this legislation. However, as a first step in the matter, as I believe the figure of .08 per cent is reasonable, I support that. I hope some thought will be given to the problem of the lack of consideration for others that is shown time and time again on our roads. We, as a Government, ought to direct our attention much more to educating drivers to consider the other persons, to take care, and to drive defensively, not negligently.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Enactment of sections 47a-47h of principal Act."

Mr. NANKIVELL: I move:

In new section 47b (1) (ii) to strike out "not less than six months and".

The amendment removes the statutory minimum of six months that should not be provided if the court is to be given a discretion.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I cannot agree about the removal of this minimum penalty. The penalty provisions are in no way severe and for a second offence there ought to be certain minimum penalties that can be departed from only for special reasons. That would be the case under the provisions of the Justices Act with this clause as it is drafted. Unless special circumstances can be shown to exist, the minimum penalty should apply. I do not think that for a second offence of driving with an excess of alcohol in the bloodstream it is unreasonable to impose this penalty of requiring a person to be without his driving licence for a minimum of six months. We have had in this House in recent months questions on notice from the Opposition in which they have asked what action we are taking to decrease the road toll.

Mr. Nankivell: Why don't you add the word "shall"?

The Hon. D. A. DUNSTAN: If the honourable member likes to do that, I do not mind. The provision is there because the court has the discretion to impose the additional penalty but, if the additional penalty is imposed, it shall be not less than that prescribed. An additional monetary penalty is prescribed and I think it proper to proceed in this way about the period of disqualification.

Mr. MILLHOUSE: I am surprised at the Premier. He usually does his homework and usually knows what he is talking about, but I am afraid that on this occasion he has not done his homework and does not realize what he is saying. The matter the member for Albert has raised is an extra discretionary penalty that the court may impose. The Premier does not seem to appreciate that and I am surprised that he, as the Minister in charge of the Bill, is not acquainted with its contents. The court may, as an additional penalty and in its discretion, by order disqualify the person convicted. The member for Albert is encouraging the court to exercise its discretion. As the provision stands, the court may exercise its discretion by disqualifying for between six months and three years, but it cannot disqualify for a shorter period than six months. That situation is patently absurd. What will the court do if it considers that some period of disqualification less than six months is required as an additional penalty? The court may think the period should be three months but it cannot prescribe that period, so it may not disqualify at all. The provision as it stands discourages the court from imposing the disqualification, which is one of the penalties most feared by offenders and which is far worse than the monetary penalty. Now that the matter has been explained to the Premier again in the same way as the member for Albert explained it, I hope that he will accept the amendment.

The Hon. D. A. DUNSTAN: I thank the member for his explanation but I assure him that I was well aware beforehand of the effect of the clause. In setting the lower limit we are giving to the court an indication of the kind of disqualification that we expect in the case of a second offence, and it is perfectly proper for us to do that. In the circumstances I see no reason why we should not proceed with the clause as it stands.

Mr. MILLHOUSE: What if a court imposes a monetary penalty of, say, $200 and it thinks that a period of disqualification is required but

that a period of, say, three months will fill the bill? What does the Premier expect the court to do in that case?

The Hon. D. A. DUNSTAN: I should think it highly unlikely that the court in the case of a second conviction, in view of the terms of the new section, would come to any such conclusion.

The Committee divided on the amendment:

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

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

Pairs.—Ayes—Messrs. Coumbe and Rodda. Noes—Messrs. Clark and Ryan.

Majority of 2 for the Noes.

Amendment thus negatived.

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

Mr. MILLHOUSE: The member for Albert (Mr. Nankivell) has an amendment on the file to strike out the words "not less than two years" in placitum (iii) of new section 47b (1). As he is not here at the moment perhaps I could speak on the purport of the amendment. It is similar to the one the Government has, unfortunately, just rejected. The penalty for a third or subsequent offence as laid down is imprisonment for not less than one month or more than six months, and that is a fair enough penalty to impose. The point of the amendment is that again the court is given a discretionary power to impose a period of disqualification, but there is a lower limit on the period of disqualification of two years.

It may well be that the court would consider that a period of disqualification for something less than two years was a very appropriate penalty in the circumstances, but in this instance we are tying the court's hands by saying that it has to be for at least two years. The effect of this may be for the court not to impose any period of disqualification at all (even though it considers that a period of disqualification is called for), or it may be obliged to impose a period of disqualification longer than it thinks is necessary in the circumstances of that case.

Every case must be looked at in the light of its own circumstances. It is quite obvious (I am sure the Premier would not deny this) and certainly conceivable that cases would arise in which a court considered that a period of disqualification for a period of less than two years was appropriate, and if we leave placitum (iii) as it is the court just cannot impose that period. I am confident that this is the purpose of the honourable member for Albert's proposed amendment.

Mr. NANKIVELL: I move:

In new section 47b (1) (iii) to strike out "not less than two years".

I move this amendment because I consider that we depend on the court to interpret all the laws we make. Therefore, we should grant the court some discretionary powers in these matters, and we should not lay down any hard and fast rules such as those contained in this provision. As the member for Mitcham has said, it might be that the court considered that the penalty in the circumstances should be less.

The Hon. D. A. DUNSTAN: I am not happy to accept this amendment. It is perfectly proper for the court to have a direction from the Legislature as to the way in which it should exercise its discretion, and an indication should be given by the Legislature to the court for that purpose, otherwise it might seem to the court that the Legislature was not requiring that some serious penalty be attached to a third offence of this nature. The court is not averse to having guidance from the Legislature as to what it thinks is an appropriate penalty.

Mr. MILLHOUSE: As the Premier well knows, the normal way of guiding the court in these matters is to impose an upper limit and not a lower limit.

The Hon. D. A. Dunstan: That is not always the case by any means.

Mr. MILLHOUSE: I do not know of any other case.

The Hon. D. A. Dunstan: In that case, you have not been listening to the legislation going through Parliament during the past 15 years.

Mr. MILLHOUSE: It is not necessary for the honourable gentleman to interject with some asperity; it is quite out of place. He uses that asperity merely to cover his knowledge that he cannot rebut my argument but to try to defeat me in another way. He knows perfectly well that the normal way of guiding the court is to impose an upper limit on penalties, and leave the court an unfettered discretion up to that point. If we were to say "for not more than five years", or something of that nature, it would be a far better guide than this. Nevertheless, if the Premier is determined, for the sake of his own face (because he did not see this before), to insist on it, that is our bad luck.

I point out that there is a literal error in this placitum which I saw only when speaking a moment ago. If the honourable gentleman cares to look at it he will see that the phrase "in addition to either penalty" is inserted. There is, in fact, only one penalty here: there is no monetary penalty prescribed, so that phrase, which is appropriate in placitum (ii), is not appropriate in placitum (iii) and should be struck out. That comes before this amendment of the honourable member for Albert. I do not know how we get over this.

The CHAIRMAN: Will the member for Albert withdraw his amendment temporarily at this stage?

Mr. NANKIVELL: Yes, Mr. Chairman. I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Mr. MILLHOUSE moved:

In new section 47b (1) (iii) to strike out "to either penalty".

Mr. HUDSON: I think all that is necessary is to substitute "that" for "either".

Mr. MILLHOUSE: I prefer to strike out the words "to either penalty".

Amendment carried.

Mr. NANKIVELL moved:

In new section 47b (1) (iii) to strike out "not less than two years".

Mr. HEASLIP: I cannot understand the Premier's inconsistency in allowing the court all the discretion in the world under certain legislation that has recently been passed and yet not allowing discretion to the court in this case. The court should be allowed to impose a penalty according to the seriousness of the offence.

Mr. SHANNON: Although I think there is something to be said for the amendment, I do not know whether it is necessary to amend the clause to the extent that the amendment provides. I agree that the court should treat a third offence seriously; perhaps it could be given the opportunity to suspend a person's licence for, say, 12 months, or for an indefinite period if it is considered necessary.

The Hon. G. A. BYWATERS (Minister of Agriculture): I oppose the amendment, for it is not too much to ask the court to impose a penalty of two years or more as, indeed, the clause at present provides. If a person has three convictions for drunken driving his licence should be cancelled for all time.

Mr. Nankivell: But what if it is not a drunken driver involved?

The Hon. G. A. BYWATERS: Only last Friday, when travelling to a function that I was obliged to attend, my car was struck by another car driven by a driver who did not think he was drunk but who obviously was. He should not have been driving a car. Having told me that he wanted to take a short stroll, he did not return and was not found until the next day when, of course, he was sober. Too many loopholes exist at present for this sort of person; we should not be at all lenient in this respect, and the strongest possible penalty should be imposed.

Mr. MILLHOUSE: The Minister misses the point that, of course, the court is not obliged to impose any period of disqualification at all; it is merely provided that if the court decides to exercise its discretion to disqualify, then the period has to be not less than two years. If we take out the words, it will undoubtedly encourage the court to impose some period of disqualification but it will leave the court free to decide how long it will be. If we leave the provision as it is, the court will be discouraged from imposing disqualification in some cases where it may think disqualification is desirable but not for as long as two years. In supporting the present provision, the Minister is arguing against himself.

Amendment negatived.

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

In new section 47c (3) to strike out "against this section" and insert "under section 47b of this Act".

This is a drafting amendment; the provision refers, in fact, to an offence under section 47b.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 47e (3) after "Not more than" to strike out all words and insert "one hundred dollars, and in addition to that penalty the court may by order disqualify the person convicted of the offence under this subsection from holding and obtaining a driver's licence for a period not exceeding twelve months; and where that person has already been convicted of an offence under section 47b of this Act not more than two hundred and fifty dollars or not more than six months' imprisonment or both; and in addition to either penalty the court may by order disqualify the person convicted of an offence under this subsection from holding and obtaining a driver's licence for a period not exceeding two years."

The penalty for a refusal to submit to a test is at present a harsh one ("not more than $250 or not more than six months' imprisonment or both"), and discretion to impose disqualification not exceeding two years. As I previously said, this is harsher (although it is not absolutely comparable) than the penalties for a second substantive offence under new section 47b. The reason is

obvious: if a person has already been convicted of an offence under new section 47b, he should not be allowed to avoid a second conviction by refusing to take the breathalyser test and get off more lightly by so refusing than he would be punished if he took the test and were convicted of a second offence. That is logical.

It is possible, and even probable, that some of those people charged with an offence under new section 47e are clean-skins, with no previous convictions. It seems tough to impose such a severe penalty upon a person who may have no convictions under the Road Traffic Act up to that point. Our purpose would be served if we wrote this penalty in but provided that it should apply only to a person who had previously been convicted of an offence under section 47b, which is the substantive one; and if we provided also a penalty for a person who was a clean-skin, who had not already been convicted; because this penalty as it stands is far too severe on a person who is not trying to avoid a second conviction. Honourable members on this side have assured me that this amendment has some merit. I should like to hear the Government's views on it.

Mr. COUMBE: Perhaps the Premier can say why the penalty as now provided in the Bill is so much more severe than the penalties provided for actual convictions. I realize the Government is trying to prevent anybody avoiding a conviction by refusing to take a test. We accept that premise but it seems that the penalty provided for dodging a test is much more severe than the penalty for an actual conviction. If a person is convicted of the offence of having more than the prescribed maximum amount of alcohol in his blood, for the first offence the penalty is not more than $100, and for a second offence it is not less than $100 and not more than $300. Can the Premier explain the reasoning behind these provisions?

Mr. NANKIVELL: I have discussed with the member for Mitcham the fact that this penalty was in keeping with a further offence penalty, whereas it may be the first or second offence where an argument may arise whether a person should consent to a breathalyser test. If it is a subsequent offence and not a first offence, I do not think the penalty is too much out of line; but for a first offence it is a severe penalty, which would make him decide, possibly, in favour of a test rather than refuse it. However, it seems an unnecessary penalty for anyone other than a second offender.

The Hon. D. A. DUNSTAN: The member for Mitcham is right, and I presume he has read my second reading explanation of the reason for this penalty being of this kind. I have pointed out previously to honourable members that, if these penalties were appreciably less than those proposed, no person who had been convicted more than once of a statutory offence would comply with a statutory requirement. It has been asked, "What about a first offender?" First, it is necessary to impose a substantial penalty for this particular offence because it is necessary, for enforcement, that people take breathalyser tests. Secondly, the defence is considerable, because in the next subsection there is a very wide defence. The member for Mitcham talks about "clean-skins". How does the clean-skin fare when section 47e (4) states:

> It shall be a defence to a prosecution for an offence under subsection (3) of this section if the defendant shows (*a*) that there were no reasonable grounds for the making of a requirement under subsection (1) of this section; or (*b*) that there was a reason of a substantial character other than a desire to avoid providing information which might be used in evidence against the defendant.

One returns to the fact that the reason for avoiding taking the test is to avoid evidence being given against one. That is the reason for the severity of the penalty.

Mr. MILLHOUSE: We should not confuse a defence provided under new section 47e (4) with the penalty that is imposed once a conviction has been recorded. There are two completely different concepts. The Premier's point is not relevant. If somebody has never been convicted of this offence, my amendment provides this penalty for a first offence. Therefore, there is no encouragement to a person to refuse a test in the hope of getting a lighter penalty; but, where a person has already been convicted under this Act, we retain the penalty already in the Act. I believe this achieves my object and the Government's object. It retains the original penalty where any lesser penalty might encourage a person already convicted not to take a test, but it provides a lesser penalty for a person who has never had any conviction.

The Hon. D. A. DUNSTAN: I cannot accept the amendment for the reasons I have stated previously and also because I do not think the amendment, as drafted, is satisfactory.

Mr. Millhouse: I can't help that.

The Hon. D. A. DUNSTAN: We are used to having the honourable member come into this place in high dudgeon and lecture members

for not doing their homework. This Bill has been on the Notice Paper for some time so that the honourable member has had plenty of opportunity to draft his amendment. This is the kind of thing about which he lectures other people. The plain fact is that he talks about persons who have already been convicted. That is not the normal way we deal with previous convictions under the Road Traffic Act. I point out that under new section 47b (3) it is normal to talk of a first, second, third, or subsequent offence and to limit the periods in relation to these things. That happens in other sections of the Road Traffic Act. As the honourable member in this case is using entirely different verbiage, we do not know whether he is referring to the first, second, third, or subsequent conviction.

Mr. Millhouse: That doesn't matter.

The Hon. D. A. DUNSTAN: I see. The honourable member's amendment does not provide for a time limit regarding previous convictions. I do not think that is a satisfactory way of going about the matter: it is inconsistent with what has been done elsewhere in the Bill.

Mr. HEASLIP: It ill behoves the Premier to criticize the member for Mitcham for not doing his homework. Last week, the Premier was still moving amendments to another Bill at midnight. The member for Mitcham has tried to improve the Bill by his amendment.

Mr. SHANNON: As with most new laws, people will not understand this provision for a time and therefore we should be a little more understanding in respect of a first offender. On the other hand, a person who has already had experience of a breathalyser test should receive the full penalty.

The Hon. D. A. DUNSTAN: I do not understand honourable members. A few moments ago they were saying that we should have no minimum penalties because that was depriving the court of discretion. In this case we have no minimum penalties so that the court is able to adapt its penalty to the circumstances of the case. What we have here is a penalty with a maximum that is a considerable deterrent to people when they know that is what they could face. I do not see the difficulty the honourable member seems to see in the provision.

Mr. MILLHOUSE: I would not have spoken again except for the argument the Premier has just used. He knows as well as I do that the court is guided by the maximum penalty inserted by Parliament. Even though less than the maximum is imposed, the court looks to the maximum penalty inserted by Parliament an an indication of the seriousness with which Parliament views a matter. If we include a harsh penalty in this case, the courts will be obliged to impose harsh penalties in individual cases. If we halve this penalty, the Premier well knows that the court will then adopt a lower scale of penalties. It is not right for him to say that because the court has a discretion it can impose any penalty it likes: it has to pay regard to the penalty that Parliament inserts. I do not think the Premier, with his background and knowledge, should put forward an argument such as the one he has put forward, because he must know it is false.

The Hon. D. A. DUNSTAN: I know nothing of the kind. I have my opinion, too, and it is an opinion that has been listened to by courts from time to time with some respect. I suggest that the honourable member, since he says my remarks are false, cast his mind to certain offences about which he ought to know: for example, the offence of larceny and the maximum penalty that can be imposed for it. I also suggest that he cast his mind to the fact that the court sometimes imposes penalties as low as $1 on first offenders. Again, first offenders are sometimes released on bonds. That is done in cases where the penalty prescribed in the Statute is imprisonment for seven years.

Mr. Millhouse: The honourable gentleman well knows that courts have said time and time again that they must have regard to the severity of the penalty inserted in an Act by Parliament.

The Hon. D. A. DUNSTAN: Yes, and the courts can also exercise their discretion in a proper fashion. The purpose of having a penalty of this kind is clear to anyone and doubtless the courts, as well as the honourable member, are able to read it.

Amendment negatived; clause as amended passed.

Remaining clauses (7 to 11) and title passed.

Bill read a third time and passed.

ELECTRICAL ARTICLES AND MATERIALS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 15. Page 1303.)

Mr. COUMBE (Torrens): I indicate my general support for this Bill, although I shall raise one or two queries that can be answered in Committee. Apparently, this Bill also has the support of certain members of the electrical trade, particularly the Electrical Contractors

Association. One of its main purposes is simply to revise or review the Statute law provision regarding the Electrical Goods Approvals Committee that was set up to investigate and administer the law relating to electrical articles and materials. When the Electricity Trust took over the administration of this measure in 1946, the Statute was not amended and the amendment has been made by this Bill. That part of the Bill is clear.

The main purport of the Bill is to introduce a method of marking for all electrical goods and materials that come within the approved scale so as to provide protection and safety to purchasers and users of this type of electrical equipment. This system has been operating in other States and it has operated to some extent here. The Bill will now allow the operation of what is known as the "one certificate" system of approvals. An article approved in, say, New South Wales or Victoria and bearing the official mark of that State will be accepted immediately in South Australia without much formality. Similarly, reciprocal arrangements will operate with other States in relation to articles approved and marked in this State. That is a good thing and is welcomed by the trade.

The other part that comes under this general heading deals with the time factor. In the past there has been a delay in implementing approvals. The amendment will help dealers and holders of this type of material who have had large quantities of material in store or on order when proclamations have been made that the lines on the shelves or on order were outside the limit of the approvals. Previously the people concerned have been caught with all these goods. Delay has been occasioned deliberately by that authority in order to enable these people to clear their stocks. The Bill sets out to do this in a far more businesslike way. A person will have six months in which to clear goods that are on the shelf or on order but not marked when the proclamation is made.

That seems to be fair and it has the advantage that it overcomes the position that arose when delays occurred in South Australia because our Act was different from the legislation in other States and manufacturers or merchants in the other States immediately dumped goods here. As a result of that, the people in South Australia were saddled with many of those goods. I thoroughly approve of this portion of the Bill and am sure that the merchants, who constitute an important part of our trade, will welcome it. I point out that in recent years there has grown up a great tendency for all sorts of electrical items to be sold other than by the recognized electrical merchants. In this respect I refer particularly to the chain stores. One can walk into any chain store and buy flex and all sorts of electrical appliances, and I guarantee that not one person in a thousand looks to see whether the approval mark is on the article. These people will be affected and I think it is a good idea to bring all these lines within the classifications proposed by the committee. These people will be given six months in which to either quit their stock or handle the orders they have already placed in a *bona fide* manner with the manufacturer. Of course, they will not be able to dump goods in other States, and other States will not be able to dump goods here. So, this clause represents a step forward.

I now turn to the clause dealing with dangerous articles and materials; up to the present there has been no such provision in the principal Act, and any article that a merchant has wished to market here has had to be placed before a committee and to receive a mark of approval. However, no restriction has been placed on the use of articles or materials which may at first appear safe but which may become dangerous soon after people begin to use them. In recent years many electrical items imported from the East have proved to be defective or dangerous after a period of use. For example, for some time we were importing from a country in the East 110-volt domestic light fittings that could easily be altered for use on our 240-volt current. Although they worked, they were not built in the first place with the insulation to carry this voltage. So, these goods, which sold cheaply, soon became dangerous. This is the kind of situation that this provision sets out to prevent.

Clause 7 enacts new section 12a, which gives the trust, the administering authority, certain powers that may be proclaimed in the case of emergency. It serves notice in respect of goods that are either unsafe now or will become unsafe in the future. This is satisfactory for new items that are now being marketed, but what about items that have been in use for some years? This raises another question: can the Electricity Trust or its inspectors enter private property and inspect goods and materials now in use and, if they find that they are defective, issue an order? Here we are dealing with everything: the words "proclaimed

class" do not appear in this provision. It is important to notice this. The new section provides:

(1) If, in the opinion of the trust, any electrical article or material is or is likely to become unsafe or dangerous in use, the trust notwithstanding any other provision of this Act, may in the manner provided by this section prohibit by notice the sale, hire or use of the electrical article or material.

This is fairly embracing. Having made these prohibitions, the provision states how notice shall be given. I emphasize that it not only controls the sale or hire of the product but also its use. So, I must again raise the question: what will happen in the case of goods that have been in use for some time on a person's property? Can the trust enter anyone's property and inspect his equipment and condemn it? We are dealing here with domestic equipment—240-volt material.

The Hon. C. D. Hutchens: I take it that the honourable member is not querying industrial material?

Mr. COUMBE: Industrial work must always be done by a registered electrician. I favour the inspection of industrial equipment because workmen are involved and it is usually of a higher voltage. The provision does not refer to a proclaimed type. I took the trouble of looking up the Victorian and Western Australian Acts to see how this matter is handled in those States. Generally speaking, the wording in this Bill is the same as that in the legislation of those States, but there is one exception, which relates to the question of emergencies. Section 52 of the State Electricity Commission Act of Victoria, No. 6377 of 1958, provides that the board shall have the same powers as those in the Bill, but it provides for cases of emergency, whereas the Bill does not do so. The Minister, in his second reading explanation, said:

The trust believes that there should be an emergency power to prohibit the distribution or use of electrical goods . . .

It wants this emergency power (with which I agree in principle) because, if it finds a certain type of equipment or material which is bad and which should be the subject of an order, it does not want to wait and to go through a series of formal applications as in the past. We agree that there should be emergency powers. I put it to the Minister that we should insert the word "emergency" in the provision in order to make it similar to the relevant provision in the Victorian legislation.

I indicate my general support for the Bill, which I believe will be accepted by the various branches of the trade. I consider that it will give greater protection both to the users of these appliances and to the merchants, for whom provision will be made to enable them to handle their stock in a normal manner. It can only improve the general acceptance of electrical equipment in this State. It will, of course, implement the reciprocal arrangements with the other States that are so necessary, and it will prevent dumping in this State of goods from other States and from overseas which may be of inferior quality.

I think the dangerous materials clause is desirable. I say that with the reservation that when we get into Committee the Minister might be able to suggest some action along the lines I have indicated. I support the Bill.

Mr. HURST (Semaphore): I support the Bill, which has three purposes. It brings the Act up to date in regard to the control of electrical articles and materials. We all know that in 1943 a Bill authorized the establishment of the South Australian Electricity Commission and more or less disposed of the body that had been dealing with this particular matter. Then when the Electricity Trust was formed in 1946 the Act setting up the trust provided for the substitution of the trust for the commission. Therefore, the provisions of the original Act have, in effect, been overridden by these two amending Acts.

The Bill is quite short. Clause 3 in the main abolishes the committee that was set up under the original Act. That committee was quite a good one. However, I think we all realize that, when it comes to a question of approvals and testings, committees sometimes can become a little cumbersome. After all, it is a technical matter, and the officers who do that job have to do it in accordance with the approved standards, consequently they are in a position to know at first hand whether or not any particular article or appliance conforms with the standards set down for safe practices.

Clause 4 is purely a machinery amendment, tidying up other aspects in accordance with the abolition of the committee. Clause 5 repeals sections 4 to 9 of the principal Act which deal with the workings and the constitution of the committee. One could say that this is merely removing the obsolete sections. Clause 6 to some degree tightens up the position regarding approvals. The Bill authorizes the adoption of a common seal and standards of acceptance.

The Electricity Trust has approved, as a result of direct submission to the trust, 1,850 articles. Through the recognition of interstate approvals, there are another 3,500 approvals, so altogether there are 5,350 such articles within the approved range that are required to be tested. In South Australia the number of proclaimed items is 36, which clearly indicates the range and variety of different manufacturers and the types of material that can be submitted by different people. Within that range, we get a considerable number of inferior goods. This Bill will eliminate the necessity for all the items approved in other States to go through the machinery of being approved in South Australia, for in fact all these bodies work to a particular standard laid down by the Standards Association.

Mr. McKee: I suppose there would be a fair number of rejections.

Mr. HURST: My information is that there have been 350 rejections by the Electricity Trust of South Australia. This clearly indicates to honourable members and to the public the necessity of having a body of this description. Had it not been for the existence of this body, retailers and other persons throughout the State would have been selling inferior appliances and possibly holding the purchasers' lives in their hands. This Bill will tighten that up. It will obviate the necessity of re-submitting these articles for test, and it will afford greater protection. As the member for Torrens (Mr. Coumbe) said, it will avoid the dumping of inferior quality articles in South Australia which could react to the detriment of local manufacturers who were complying with the required standards. It will also protect the innocent members of the public who would not know whether these goods complied with a certain standard.

Mr. Jennings: If any.

Mr. HURST: Yes. The Bill is designed to protect the consumer and the manufacturer, and I have much pleasure in supporting it. I think we all agree that it is a good measure and one that should commend itself to the House.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Progress reported; Committee to sit again.

REAL PROPERTY ACT AMENDMENT (STRATA TITLES) BILL

In Committee.

(Continued from July 25. Page 819.)

Clauses 2 to 10 passed.

Clause 11—"Enactment of Part XIXB of principal Act."

Mr. MILLHOUSE: I move:

In new section 223mc (3) (a) to strike out "1950" and insert "1940".

First, I express my appreciation to the Premier for allowing this Bill to stay on the Notice Paper for sufficient time for those outside who were interested in the measure to make their comments and for those comments to be embodied in amendments. I have consulted several members of the legal profession who are particularly interested in the law of strata titles and in home-unit schemes, and most of the amendments that I have on the file (I think all of them) are the result of suggestions which have been made to me and which I have discussed with the relevant authority.

Regarding this particular amendment, members will see that at present only buildings which were built in 1950 or afterwards, can be converted to home units. I have been told that certain buildings in existence (and one member of the profession referred to a building that had been erected in about 1940) are eminently suitable for conversion to home units. The amendment simply puts the date back from 1950 to 1940 so that all those buildings that are, in fact, suitable for conversion may be converted.

The Hon. D. A. DUNSTAN (Premier and Treasurer): It was considered that a realistic date ought to be set and that local authorities should not be given any discretion to approve buildings erected earlier than that date, in order to prevent an authority from relaxing the rule and allowing older-type buildings that existed under slum-like conditions to be included in home-unit schemes. However, as no buildings of any size were erected in South Australia between 1940 and 1950, I do not think 1940 is an unrealistic date. It could be agreed to without doing violence to the policy underlying the Bill, although I was somewhat bemused to find that the practitioner who suggested 1940 to the honourable member was the practitioner who suggested 1950 to the Government when it drafted the Bill.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223mc (4) (*a*) after "Part" to insert "and also signed by each person, if any, referred to in paragraph (*c*) of subsection (3) of this section in whom, by virtue of any lease, underlease or agreement or share in a company, are vested the predominant rights to the exclusive use and occupation of any building unit referred to in that subsection".

This is the first of a number of fairly technical amendments. It has been pointed out to me that those with "predominant rights" (and that is the phrase used in new subsection (3) (*c*)) may be lessees, or they may acquire those rights by virtue of shares in a company. This amendment and the ones that follow are designed to cover their cases. It establishes that these are people with predominant rights.

The Hon. D. A. DUNSTAN: I am happy to accept the amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223mc to insert the following subsection:

(5) For the purposes of paragraph (*a*) of subsection (4) of this section, the person or persons referred to in paragraph (*c*) of subsection (3) of this section, in whom are vested the predominant rights to the exclusive use and occupation of the building units referred to in that subsection, shall be the person or persons entitled to be the registered proprietor or registered proprietors, respectively, of the units defined on the plan.

This merely explains new subsection (4) (*a*).

The Hon. D. A. DUNSTAN: I accept the amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223md (3) (*b*) to strike out "1950" and insert "1940".

This amendment is merely consequential on the first amendment I moved.

The Hon. D. A. DUNSTAN: I accept the amendment.

Amendment carried.

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

In new section 223md (6) before "rate" to strike out "such" and insert "a".

This is a drafting amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223mg (3) to strike out "seven" and insert "fourteen".

It has been suggested to me by several practitioners that the time for performing certain acts under the Bill is rather short and this merely extends seven days to 14 days.

The Hon. D. A. DUNSTAN: I am happy to accept the amendment. The Registrar has power to extend time, anyway, but I see no difficulty in the amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223mg (4) after "fee" to insert "which shall not exceed one dollar".

Some practitioners to whom I have spoken have expressed the fear that this could, although I am certain the Government does not intend that it should, be used as a revenue-producer by the imposition of heavy fees.

Mr. McKee: It is not intended, but it could be.

Mr. MILLHOUSE: That is so. I spell it out in case some future Government should do something else.

The Hon. D. A. DUNSTAN: I accept the amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223mg (5) after "trusts" first occurring to insert "or subject to any unregistered liens or charges,".

It has been pointed out to me that, besides trusts, liens and charges should be covered. This amendment merely provides for that.

The Hon. D. A. DUNSTAN: I accept the amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223mg (5) after "trusts" second occurring to insert", liens or charges".

This is consequential upon the amendment just carried.

The Hon. D. A. DUNSTAN: I accept it.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223mg (5) after "trusts" third occurring to insert", liens or charges".

This, again, is consequential.

The Hon. D. A. DUNSTAN: I accept it.

Amendment carried.

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

In new section 223mg (7) after "company" to insert "or a foreign company"; and after "registered" second occurring to insert "under that Act or under a corresponding previous enactment, or".

These are desirable drafting amendments.

Amendments carried.

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

In new section 223mg (8) after "corporation" second occurring to insert "in a register kept by him for the purpose".

This is to make clear where registrations shall be placed.

Amendment carried.

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

In new section 223mh (2) to strike out "or other records".

The register has now been specifically named.

Amendment carried.

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

In new section 223n (3) after "kept" to insert "or issued".

This, again, is a drafting amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223na to insert the following new subsection:

(8a) Where, after the deposit of a strata plan referred to in subsection (6) of this section in the Lands Titles Registration Office by the Registrar-General and the incorporation of the registered proprietors of the units defined thereon, the Registrar of Companies is satisfied, on the application of a company that had been formed and incorporated under the Companies Act, 1962-1966, or under any corresponding previous enactment, and on verification, by Statutory declaration or otherwise as the Registrar of Companies may require, of matters contained, in such application or of matters relevant thereto, that, because of the deposit of the strata plan, the purpose for which the company had been formed no longer exists and that it has no assets or liabilities, the Registrar of Companies may, notwithstanding anything contained in the Companies Act, 1962-1966, by order dissolve the company and strike the name of the company from his register.

This sounds technical but the effect of it is to provide for a more expeditious way of winding up a home-unit company that is no longer required because the provisions of this Bill are to be used instead. In other words, the scheme converts from the scheme we have known so far as a company to the scheme under this Bill. The object of this amendment is to allow for a company that has neither assets nor liabilities to be wound up without the necessity of an application to the court. Where there are assets or liabilities, obviously the court should come in, because some adjudication has to be made.

The Hon. D. A. DUNSTAN: This is a useful amendment, which I am happy to accept.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223na (9) to strike out "by reason of" and insert "after".

This is a drafting amendment that will bring that subsection into line with the wording we have just inserted.

Amendment carried.

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

In new section 223na (9) after "1962-1966," to insert "or under any corresponding previous enactment".

This is a desirable drafting amendment.

Amendment carried.

Mr. MILLHOUSE moved:

In new section 223na (9) after "that" second occurring to insert ", because of the deposit of the strata plan,"; after "which" to strike out "it" and insert "the company"; and after "exists" to insert "but that it has any assets or liabilities".

Amendments carried.

Mr. MILLHOUSE: I move:

In new section 223nc (12) to insert the following new paragraph:

(f1) the sum or the respective sums standing to the credit of the fund or funds kept and maintained by the corporation pursuant to paragraph (*d*) of subsection (5) of this section, and the amount or respective amounts out of that fund or those funds committed or earmarked for any expenses already incurred by the corporation;

In certain circumstances that are recited in this subsection, information has to be given to a person who is a member of a corporation. This paragraph provides that details of the fund that may be kept pursuant to subsection (5) (*d*) are among those details.

The Hon. D. A. DUNSTAN: I am happy to accept the amendment.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223nc (14) after "agreement" to insert ", express or implied,".

It has been suggested that in certain circumstances an agreement may not be express but may be implied. Therefore, it is wise to insert these words.

The Hon. D. A. DUNSTAN: I think this is implied anyway, but I do not object to it.

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 223nc (15) to strike out "jointly and severally".

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 223ne (10) (*c*) after "proper" first occurring to insert "records and"; after "of" second occurring to insert "its assets and liabilities"; and to strike out "proper records to be kept of the matters in respect of which any such sums are received and expended" and insert "owing to and by it".

Amendments carried.

The Hon. D. A. DUNSTAN moved:

In new section 223ne (10) (*d*) before "prepare" to insert "in, and in respect of, each year".

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223ne (10) (*d*) to strike out "one week" and insert "fourteen days".

This is in line with an earlier amendment to extend the time.

Amendment carried.

Mr. MILLHOUSE moved:

In new section 223ne to insert the following new subsection:

(10a) No fee that is payable to the Registrar of Companies on the lodging or furnishing with him or any copy of accounts or any return or information under paragraph (*d*) or (*f*) of subsection (10) of this section shall exceed one dollar.

Amendment carried.

Mr. MILLHOUSE: I move:

In new section 223nf (4) to strike out "seven" and insert "fourteen".

This is again an extension of time.

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 223ng (3) after "proxy" second occurring to insert "or is not deemed to be present at the meeting by virtue of subsection (12) of this section".

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 223ng (11) (*c*) to strike out all words after "meeting" first occurring.

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 223ng (12) after "shall" second occurring to insert ", except for the purposes of subsection (7) of section 223nf of this Act,".

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 223nj (4) to strike out all words after "Companies" first occurring.

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new section 223nj (5) after "control" to insert "the corporation, the committee of the corporation and".

Amendment carried.

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

In new section 223nl (5) (*d*) after "once" second occurring to insert "either"; and after "State" to insert "or in a newspaper generally circulating in the area in which the parcel lies".

Subsection (5) of new section 223nl deals with matters the Registrar-General must be satisfied about before he cancels a deposited strata plan. A deposited strata plan is the basis on which indefeasible titles to units and the common property comprised therein are derived. The units are capable of being charged as security for money borrowed, and other rights could also exist and be created in relation to them. It is therefore important that the widest publicity that could reasonably be given should be given to a person's intention to apply for the cancellation of a deposited strata plan. Paragraph (*d*) of subsection (5) requires notice of intention to apply for cancellation of a deposited strata plan to be published at least once in the *Government Gazette* and once in a daily newspaper circulating generally throughout the State.

It has been pointed out that in some cases it would be sufficient (if not better) if the notice of intention were published in the local newspaper that could have a wider circulation than a daily newspaper within the area in which the land in question is situated. These amendments, if agreed to, would leave it open as to which newspaper is to publish the notice. It is pointed out, however, that every person who has a registered estate or interest in a unit or in the common property comprised in the plan must consent to the cancellation of the plan and, in practice, it could well happen that such persons or any of them, for their or his own protection, could well require the notice of intention to be published as widely as they or he may require before their or his consent is given. It can thus be seen that the Bill provides adequate protection against the likelihood of insufficient publicity being given to applications for cancellation of deposited strata plans.

Mr. MILLHOUSE: I support these amendments. I know that the editor of a newspaper in the South-East wrote both to the Minister and to the Leader of the Opposition in the Upper House suggesting amendments along these lines. If the Minister had not had them prepared, I would have prepared them. I therefore have pleasure in supporting them.

The Hon. D. A. DUNSTAN: I have pleasure in accepting the amendments.

Amendments carried.

The Hon. D. A. DUNSTAN moved:

In new section 223nr (2) (*l*) after "matters" to insert "not prescribed or provided for by this Part but"; and after "Part" second occurring to insert "or for more effectually giving effect to matters to which this Part applies".

Amendments carried; clause as amended passed.

Remaining clauses (12 to 17) and title passed.

Bill read a third time and passed.

SUCCESSION DUTIES ACT AMENDMENT BILL

Consideration in Committee of Legislative Council's suggested amendments:

No. 1. Page 1, line 15 (clause 3)—Leave out "paragraph" and insert "paragraphs".

No. 2. Page 2, line 18 (clause 3)—Leave out "and".

No. 3. Page 2, line 19 (clause 3)—Leave out "if" and insert "where".

No. 4. Page 2, (clause 3)—After line 21 insert new paragraph (*f*) as follows:

(*f*) any person who has died of wounds inflicted, accident occurring, or disease contracted while engaged by, or with the authority of, the Commonwealth, in the work of providing ambulance services, medical attention, nursing services or advisory services to the civil population in any area outside Australia that is declared by proclamation under paragraph (*e*) of this subsection to be an area for the purposes of that paragraph, where such wounds were inflicted, such accident occurred, or such disease was contracted within twelve months before death.

No. 5. Page 2, line 30 (clause 4)—Leave out "The amendments of".

No. 6. Page 2, line 30 (clause 4)—Leave out "made" and insert "as amended".

No. 7. Page 2, line 33 (clause 4)—Leave out "who died as provided by" and insert "referred to in".

No. 8. Page 3, line 28 (clause 7)—Before "University" insert "The".

The Hon. D. A. DUNSTAN (Premier and Treasurer): I move:

That the Legislative Council's suggested amendments be agreed to.

All of the suggested amendments but one are drafting amendments and are useful. The only one of substance is that to clause 3, and this extends the concessions already granted to persons dying of wounds inflicted, accident occurring, or disease contracted while engaged by, or with the authority of, the Commonwealth, in providing services to the civil population in proclaimed areas. The suggested amendment was accepted in another place by the Government and I ask members to agree to it.

Suggested amendments agreed to.

ADJOURNMENT

At 9.13 p.m. the House adjourned until Wednesday, August 23, at 2 p.m.