HOUSE OF ASSEMBLY

Tuesday, September 2, 1969.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

QUESTIONS

GAS

The Hon. B. H. TEUSNER: Natural gas will soon be made available to the cement works at Angaston, and over the last two years I have often asked whether it is also intended to make available a domestic supply of natural gas to the thickly-populated parts of the Barossa Valley. As I understood from previous replies that the South Australian Gas Company intended to make a survey of these areas to see whether such a supply was warranted, will the Minister of Works ascertain whether such a survey has been completed and, if it has, what is the result of that survey?

The Hon. J. W. H. COUMBE: I will take up this matter with the company to see whether the survey has been undertaken, and I will bring down any additional information that I can obtain for the honourable member.

ELIZABETH SCHOOL

Mr. CLARK: I have been informed that for at least two years many letters have been written and many telephone calls made both to the Education Department and to the Public Buildings Department complaining about the broken surface in the bitumen of the playground area near the temporary buildings at the Elizabeth Girls Technical High School. On inspecting this recently, members of the school council found that not only did this cause puddles to remain for long periods but also the depth of some of the holes was at least 9in. The council now sees this as a distinct hazard, believing that a serious accident will occur soon unless this part of the playground is repaired. Will the Minister of Education call for a report on the situation and see whether something can be done to assist the school?

The Hon. JOYCE STEELE: Yes.

RIVERTON HIGH SCHOOL

Mr. FREEBAIRN: Has the Minister of Education a reply to the question I asked a few days ago about the future of agricultural education at the Riverton High School?

The Hon. JOYCE STEELE: The land purchased for the Riverton High School was intended to provide for future building requirements and for an oval for organized sports. About five acres of the area is at present being used for sport. When the school is transferred to the new site, a part of the land will be used for a project area in connection with the agriculture course, but at present there would be many problems in establishing a suitable course on land so inconveniently placed in relation to classrooms and laboratories where students spend most of their time. In May this year the high school council was informed that there would be insufficient teachers to permit the introduction of agriculture into the curriculum of more than one or two schools in 1970. I think the honourable member knows the position with regard to asking student teachers to do a course in agricultural education. It is unlikely that a teacher of agriculture will be appointed to the Riverton High School next year.

MOUNT GAMBIER COURTHOUSE

Mr. BURDON: Has the Minister of Works a reply to a question I asked him privately last week about the new courthouse building at Mount Gambier?

The Hon. J. W. H. COUMBE: A decision regarding a new courthouse building at Mount Gambier has been necessarily delayed pending the determination of a site for a Government office building. Originally, it was intended that a Government office building be erected on the existing courthouse site as a joint project with the erection of a new courthouse. It was subsequently decided that each should proceed separately, and alternative sites for the office building were investigated. This investigation is still proceeding. Until a site is determined for the office building, it is not possible to decide the future of the old courthouse building.

TRANSPORTATION STUDY

Mr. GILES: Has the Premier a reply to the question I asked him last week whether, under the Metropolitan Adelaide Transportation Study, private transport was intended to be taken over by public transport?

The Hon. R. S. HALL: The sum of $58,900,000 required for rail and bus rolling stock is made up of $32,000,000 for rail rolling stock and $26,900,000 for bus rolling stock and equipment. In arriving at the latter figure, no cognizance was taken whether the buses would be operated by the Municipal Tramways Trust or by a private operator. The figure simply represents the cost of bus rolling stock and equipment to meet the extensions of bus services proposed in the 1968 transportation study report.

WALLAROO DOCTOR

Mr. HUGHES: Some weeks before July I was informed by the resident medical officer at Wallaroo that he would leave that town at the end of July. He told me that he was trying hard to obtain the services of another doctor to take over the practice. However, he was not able to do so by the end of July, and since then the town has been without a resident doctor. Before the doctor left I informed the Director-General of Medical Services of the position and of what could happen when the doctor left, and the Director-General believed that another doctor would take over the practice. However, that position has not eventuated. Many elderly people living at Wallaroo have no conveyance to get to a doctor at Kadina if they require medical assistance, and the health of many of these people is deteriorating because they are worried about having no resident medical officer in the town. Therefore, will the Premier explain the position to the Chief Secretary, asking whether he, in conjunction with the Director-General of Medical Services, will make every endeavour to have a resident medical officer appointed at Wallaroo?

The Hon. R. S. HALL: I shall be pleased to take up the matter with my colleague.

Mr. HUGHES: I understand that pensioners who are directed to the Royal Adelaide Hospital for treatment receive a refund of their public transport fares and that those unable to use public transport can engage a taxi and have the fare refunded. Will the Premier also ask his colleague whether, while Wallaroo is without the services of a resident doctor, pensioners can have the services of a taxi to go between Wallaroo and a Kadina doctor's surgery, with provision that the doctor whom they choose to visit may determine their eligibility for a refund of fares?

The Hon. R. S. HALL: I will get a report from my colleague.

RACING CAR ACCIDENT

Mr. McANANEY: Has the Attorney-General a reply to my question about public risk cover of motor car racing meetings?

The Hon. ROBIN MILLHOUSE: The Chief Secretary states that all forms of motor racing come under the jurisdiction of the Inspector of Places of Public Entertainment. By arrangement among the Confederation of Australian Motor Sports and the Racing Drivers' Association of South Australia and the Inspector, licences are issued for motor racing only subject to the race track, machines, and safety provisions being in accordance with the rules laid down by either or both of the organizations I have mentioned. One of these rules is to the effect that adequate public risk insurance be obtained to cover spectators at all motor racing functions.

ROADSIDE SALES

Mr. BROOMHILL: Has the Minister of Labour and Industry further information in reply to my question about children being involved in roadside sales?

The Hon. J. W. H. COUMBE: Yes. No provisions under the Highways Act or the Road Traffic Act control sales from roadside stalls. The Local Government Act empowers municipal and district councils to make by-laws to control the use of roads by hawkers and traders. Whilst, therefore, this type of road activity is a matter for the council concerned, councils have had difficulties in exercising adequate control. The Local Government Act Revision Committee has received approaches from councils and other organizations that provisions be introduced to enable this activity to be more efficiently controlled. The committee will make recommendations on the matter in its report.

CHALLA GARDENS SCHOOL

Mr. RYAN: Has the Minister of Education a reply to my question about when the building of the change room at the Challa Gardens Primary School will commence?

The Hon. JOYCE STEELE: The Education Department telephoned the honorary secretary of the school committee on July 14, seeking clarification of whether the lowest tenderer had included in his quote the cost of additional items that had been specified by the Public Buildings Department. This resulted in the contractor's submitting an amended price for the additional work, and on August 22 approval for the work was obtained. The secretary of the school committee was immediately informed by telephone, and a letter of confirmation was forwarded on August 26, 1969, stating that the school should now enter into a contract with a view to work being commenced as soon as satisfactory arrangements for supervision had been made with the Public Buildings Department by the contractor.

WHITE THISTLE

Mr. RODDA: The white stemless thistle (commonly known as a horse thistle) has

become pronounced in some of the seed-growing areas of the South-East. The Keppoch and Lochaber Agricultural Bureaus have applied unsuccessfully to have this weed declared noxious under the Third Schedule of the Noxious Weeds Act, as this would bring it within the control of councils. One characteristic of this weed is its smothering tendency, which is giving trouble in the prime seed-growing areas of the district. Because of its tendency to become airborne the seed has spread throughout the district, and the only way to control it is by the expensive method of spraying and by hoeing. As there is evidence that this weed is getting out of control in certain areas, will the Minister of Lands ask the Minister of Agriculture to include this weed in the Third Schedule of the Act?

The Hon. D. N. BROOKMAN: I will refer the question to the Minister of Agriculture.

FESTIVAL HALL

Mr. VIRGO: I refer the Premier to a statement in Saturday morning's *Advertiser*, under the heading "Hall site to move slightly", which states:

The festival hall site at Elder Park had been shifted a little to the north, the Minister of Roads and Transport (Mr. Hill) said yesterday. This had been done in the interest of planning the proposed underground railway.

I remind the Premier that, after he had presented in Parliament in September, 1968, the report on the proposed site of the festival hall at Elder Park, I asked him about the suitability of the site in view of the proposed route of the underground railway and, after obtaining information, he said that the site was suitable in this respect. However, the statement of his colleague indicates that the site has been shifted to the north to accommodate the underground railway. Can the Premier say how far the hall site is being shifted to the north and what are the reasons for the change of heart now, compared with the reply he gave the House 12 months ago?

The Hon. R. S. HALL: Siting the festival hall in the position now chosen has raised the matter of the ability of the railway authorities to build the underground line close to that site. I think that the questions are whether there will be two or four rails and whether there will be access to the parcels office of the Railways Department. Much thought has been given to where this office will be placed and how its operations will be affected by the site of the festival hall. It should be obvious to the honourable member that there could be a likelihood of a minor change in the site, but I will obtain any available information and let him have it soon.

GRAIN SHIPS

Mr. ALLEN: In the country edition of today's *Advertiser* appears an item of Port Pirie news stating that two bulk grain ships are berthed at Port Pirie, one loading barley and one wheat. The report states that this will provide room at the terminal for farmers to deliver the rest of their grain. This news came as a surprise to me, as I was under the impression that all the grain had been delivered. I direct my question to the member for Rocky River because, as Director for that zone, he will be able to give me an immediate reply. Is there any grain on farms in the Northern Division that has not yet been delivered?

The SPEAKER: Order! I do not know whether this is a matter of business before the House. In my view, it is not. Whether the member for Rocky River wishes to reply or would rather the question were referred to the Minister is a matter for him to decide.

Mr. VENNING: I shall be happy to answer the question. I, too, saw the report in the press and I would say that growers would have had the opportunity for some time now to have delivered their wheat anywhere in the Port Pirie Division, but it would be correct to say that there could be grain still stored on farms in the area. This is not an uncommon happening, although it is not very common. Growers have been known to hold back supplies for a time in case they needed to resow some of their farms or to use the grain for feed. The Wheat Board publishes in the press the closing date when wheat deliveries can be made, and it is usually in September. Growers for some time have had the opportunity to deliver their grain, but there may be odd cases where growers will still deliver prior to the closing date on which the board will receive deliveries from the current harvest.

FISHERIES LEGISLATION

The Hon. C. D. HUTCHENS: Has the Minister of Lands, representing the Minister of Agriculture, a reply to my question of August 26 about fishing legislation?

The Hon. D. N. BROOKMAN: My colleague states that the report of the Select Committee on the Fishing Industry recommended, *inter alia*, provision for several types

of fishing licences to meet the needs of commercial and amateur fishermen. The draft of the new Fisheries Bill now under consideration attempts to implement this recommendation, with a view to protection of the livelihood of full-time fishermen, and at the same time to provide reasonable facilities for amateur and sport fishing. It is hoped that the new Bill will be submitted for consideration by Parliament shortly.

Mr. CORCORAN: Has the Minister of Lands a reply from the Minister of Agriculture to my recent question about changes in fishing regulations that would affect cray fishermen in the South-East?

The Hon. D. N. BROOKMAN: The Director, Fisheries and Fauna Conservation, reports that suggestions have been made to him by certain sections of the fishing industry in South Australia that increased fees should be paid by fishermen operating in the protected cray fishery, for additional research and inspectorial services. The Director, who is Chairman of the Crayfish Advisory Committee, has circulated an agenda for the next meeting of the committee to be held on October 7, 1969, listing as one of the items for discussion the matter raised by the honourable member. Naturally, members of the Crayfish Advisory Committee would seek the views of their members in their respective areas. The Minister, whilst agreeing (as did his predecessor) that an increase in crayfishing licence fees is necessary in order to take advantage of Commonwealth matching money for research, is awaiting a recommendation from the industry before discussing the matter with the Government.

RIVER LAKES

Mr. NANKIVELL: Has the Minister of Works a reply to my comprehensive question of August 28 concerning the effect of river flows on the future of Lakes Albert and Alexandrina?

The Hon. J. W. H. COUMBE: In South Australia's entitlement under the Murray River agreement there is a component of 564,000 acre feet for river losses and lockages from Lake Victoria to the river mouth, but this component does not allow for losses in Lakes Alexandrina and Albert. The evaporation losses on these lakes, which amount to approximately 500,000 acre feet, must therefore be made up from flows in the river in excess of South Australia's entitlement. With Dartmouth alone there should be sufficient uncontrolled flows from the central river region to offset the evaporation losses of Lakes Albert and Alexandrina, but with Chowilla, make-up water for the lakes would be available only when Chowilla was full. Further, the high evaporation loss through Chowilla could reduce the flow by more than 10 per cent. A base flow at Murray Bridge will always be required for salinity control, and this would partly offset lake losses. If ever it became necessary to exclude Lake Albert from the system, an alternative water supply would be essential for the people at present drawing water from the lake. This alternative supply would be a Government responsibility.

Mr. NANKIVELL: I thank the Minister of Works for the two replies he has given me about the future of Lake Albert should the Chowilla and Dartmouth dams be built on the upper reaches of the Murray River. In my opinion on each occasion, he has conveniently sidestepped the question whether Lake Albert will have to be drained if the two dams are built concurrently. As this is a vital matter regarding the programme in the area, I should like the Minister to say definitely whether, in order to maintain the condition and quality of water in the lower reaches of the river and also to maintain the supply of water in Lake Alexandrina in view of the reduced flow, Lake Albert would have to be drained.

The Hon. J. W. H. COUMBE: From the information I have given the House, it is obvious that both Lake Alexandrina and Lake Albert can be seriously affected by the Chowilla dam proposal or by the proposal for building the two dams. I do not go as far as to say that Lake Albert would have to be done away with or replaced, but if that were the position (and it could well be) the Government would have to take the responsibility of providing a water supply to those who presently receive their supplies from the river. No decision has been made on the future of Lake Albert, but what the honourable member has suggested could well happen.

THEBARTON PRIMARY SCHOOL

Mr. LAWN: Has the Minister of Education a reply to the question I recently asked about rehabilitation of the Thebarton Primary School?

The Hon. JOYCE STEELE: A proposal to replace the Thebarton Primary School is at present being investigated by architects of the Public Buildings Department. Replacement buildings have been designed, submitted to the Education Department for examination

and discussion, and referred back for amendment. This is the preliminary stage of investigation. When it is seen that the proposals are workable on the very restricted site at Thebarton, further consideration can be given to the replacement of the school.

RIVER BOAT

Mr. ARNOLD: I understand that a new derrick boat is at present being built for the River Murray Commission to operate in South Australia. If that is so, the paddle steamer *Industry*, at present in use, will probably become redundant and be sold. Yesterday, with the Minister of Lands, I attended the opening of "Orange Week", and the Government was asked to do everything possible to retain this craft and to preserve it in the same way as the *Marion* has been preserved at Mannum. It was pointed out that most of the remaining paddle steamers had been acquired by people in the Eastern States and that this was one of the last craft of its kind in existence. Will the Minister of Works consider this request?

The Hon. J. W. H. COUMBE: True, a new work boat is being constructed to replace the old *Industry*, which for years has given yeoman service on the river. As the new boat is being constructed as a River Murray Commission undertaking, South Australia will be contributing towards the cost. I point out that the successful tenderer was a South Australian firm, and the craft is being built in this State. Regarding the future of the *Industry*, I will certainly try to see whether it can be retained in South Australia for historical or any other reasons.

ANCILLARY STAFF

Mr. CASEY: As I understand that schools with fewer than 400 students are not considered to warrant ancillary staff, will the Minister of Education outline the Government's policy in this respect? It is apparent to me that, while the large primary and high schools in my district may not be in the 400-and-over category, some of them at least should have ancillary staff.

The Hon. JOYCE STEELE: It has long been the Education Department's desire to appoint ancillary staff. As a fairly complex scale is involved here, I think it will be in the honourable member's interest if I bring down for him a report on how the system operates at present in relation to schools in which it is applicable.

BLUFF ROAD

Mr. VENNING: I read with interest in the country edition of Saturday's *Advertiser* that a new move was being made to have the road to The Bluff (near Wirrabara) in the Flinders Ranges opened to the public. I know that my predecessor (Mr. Jim Heaslip), who made several endeavours to have this road opened for tourists, will be most interested also in this move to open the road, which provides access to the transmitter station that was completed a year or two ago. The report stated that the Director of the South Australian Tourist Bureau (Mr. Pollnitz) accompanied the Chairman of the Port Germein council and other councillors on a visit to the area, and it went on to say that Mr. Pollnitz agreed to suggest to the Government that this road be open between 9 a.m. and 5 p.m. Will the Minister of Immigration and Tourism seriously consider this request, as the area could become a popular tourist attraction? The area affords a view of farm lands beneath The Bluff, extending south as far as the eye can see and, in the foreground, there is a view to the sea and across the gulf, taking in the hills and the coast line of Eyre Peninsula. In all, there would be a wonderful view from this vantage point. Will the Minister view this request favourably?

The Hon. D. N. BROOKMAN: This matter has been considered on several occasions by the various State authorities and the Commonwealth Government. When I last dealt with the matter, it was not possible to undertake what the honourable member is now asking. However, as I have not discussed the matter recently with the Director of the Tourist Bureau, I will take up the matter with him and give a considered reply, probably tomorrow.

SECURITY DEPOSITS

Mrs. BYRNE: Has the Minister of Works a reply to the question I asked on August 20 about a security deposit required by the Electricity Trust?

The Hon. J. W. H. COUMBE: The trust requires security deposits not from all new consumers but only from certain defined categories. One such category is that of persons who rent a furnished residence and of whom the trust has no previous record. In the application referred to by the honourable member, the applicant indicated that the intention was to occupy a rented house and, as the trust had no previous record of payments by the person concerned, the applicant was

asked to pay a security deposit. If, in fact, this person is purchasing a residence, or is renting it unfurnished, then an application can be made to the trust to recover the deposit. Alternatively, if the accounts are paid by the due date for a period of two years, the deposit will be returned.

SHORTHAND

Mr. CORCORAN: Has the Minister of Education a reply to my recent question about the teaching of shorthand in State schools and particularly at the Millicent High School?

The Hon. JOYCE STEELE: Shorthand is offered to students at a secondary school (either high school or technical high school) whenever sufficient numbers indicate their desire to study the subject. The headmaster assesses the need for including shorthand as an elective subject in the light of demand from parents in the district. In the case of Millicent High School, shorthand has not been offered as an elective and the headmaster has not requested its inclusion in the curriculum. Should such a request be made in the future, in the light of numbers at present studying the other commercial subjects, commerce and typewriting, it would be given favourable consideration.

EYRE PENINSULA BUSES

Mr. EDWARDS: It has come to my notice that there is a new law requiring passenger buses to be a certain length. In my district, bus drivers generally have to undertake long bus runs on West Coast roads and in places where kangaroos are prevalent on the roads at night. They have to have fitted to their buses what is known as a "roo" bar. Will the Attorney-General ask the Minister of Roads and Transport whether a bus operator who must operate under these conditions has to consider providing 1ft. clearance between the front of the bus and the "roo" bar to protect the radiator and lights on the buses used on journeys, or does this extra foot length have to be taken into the whole length of the vehicle?

The Hon. ROBIN MILLHOUSE: I will inquire.

WATER QUALITY

Mr. LANGLEY: Has the Minister of Works a reply to the question I asked recently concerning an article in the *Advertiser* that stated that Mr. Tom Harvey of Dunbarton Street, Windsor Gardens, had invented a method of providing cleaner water?

The Hon. J. W. H. COUMBE: Following the honourable member's question, an engineer from the Engineering and Water Supply Department called on Mr. Harvey on Tuesday, August 19, 1969, and discussed with him in detail his water treatment system. Mr. Harvey's treatment plant comprises a simple fill-and-draw sedimentation tank with chemical coagulation by alum. It would be quite unsuitable for bulk supplies although the principle involved is a well established stage of water treatment. Mr. Harvey also outlined schemes for full-scale treatment of Murray River water, but these would be more expensive than conventional treatment methods and would not be as reliable or effective. However, the Government is very appreciative of Mr. Harvey's sincere interest in water quality.

GLENELG SCHOOL

Mr. HUDSON: About two weeks ago I asked the Minister of Education a question about the damage to the screens that have been erected at the new Glenelg Primary School to protect the windows of the school from footballs coming from the Glenelg Oval. I am very loath to raise any element of humour in seeking a further reply, because, following a certain letter to the *Advertiser*, it is clear that we must, in dealing with all matters in the House, avoid humour of any description.

Mr. Broomhill: Say a few words on Freddy Phillis.

Mr. HUDSON: With your permission, Mr. Speaker, I want to say that I believe all members would join in congratulating Freddy Phillis on his magnificent effort in winning this year's Magarey Medal. However, further damage was done to the screens on Saturday, and I shall be most interested (and so will many other people) in the reply the Minister has for me whether or not the department will take up with the Glenelg Football Club and the Glenelg council the possible erection of a high wire fence at the back of the oval. Will the Minister give that reply?

The Hon. JOYCE STEELE: I can well understand that the member for Glenelg is glowing in the reflected glory of having this champion footballer, who has been named Magarey medallist this season, live in his district. After referring this matter to the department, I have been told that the officers of the department are still convinced that the screens erected at the Glenelg Primary School should be sufficient to deter the efforts even of a man of Mr. Phillis's calibre.

Mr. Hudson: What will be done to protect the screens?

The Hon. JOYCE STEELE: It is estimated that, to prevent footballs from the Glenelg Oval entering the school property at all times, a fence at least 60ft. high would be needed. This would be wasteful and would make the return of footballs almost impossible. However, the sunscreens erected on the windows have been effective in preventing damage. The possibility of strengthening the louvres so that they will withstand the impact of footballs is at present being examined.

HOT WATER SERVICE

Mr. CLARK: Has the Minister of Housing a reply to a question I asked recently on behalf of a constituent, requesting that assistance be given to my constituent in view of continued difficulties he has faced with his hot water service?

The Hon. G. G. PEARSON: I have the following report:

The hot water unit in question is a Gramall low pressure valve-controlled gas unit, the complete installation, including all hot and cold plumbing, being installed for the trust by the South Australian Gas Company. Valve controlled units were installed in house types with low pitch roofs which did not afford sufficient roof space to accommodate a cold water storage head tank.

The report then lists some specifications of the unit that I do not intend to read. It continues:

The South Australian Gas Company agreed to give the trust a five-year warranty on all units it supplied and/or installed, and the trust has also agreed to repair or replace any electric hot water units where faults occur within five years of the purchase date of one of its houses. In view of the trouble experienced with low pressure valve units the trust changed its specification some three to four years ago. It is considered that a five-year warranty on any type of hot water appliance is very reasonable, and that a house purchaser should be responsible for replacements or repair after this period. In this particular case the Gas Company is prepared to advise and submit quotation for a replacement unit and, if required, spread the payment over a time period.

Other details in the report I will make available to the member privately if he wishes me to do so.

WHEAT

Mr. McANANEY: Will the Minister of Lands ask the Minister of Agriculture to obtain for me details of the quantity of wheat that South Australian Co-operative Bulk Handling Limited expects to receive and the storage available for this new season?

The Hon. D. N. BROOKMAN: I will ask my colleague.

Mr. FREEBAIRN: Last week the Minister of Lands, representing the Minister of Agriculture, was good enough to reply to a question I had asked about wheat storage at Eudunda, Hamley Bridge, Kapunda, Robertstown, Saddleworth and Tarlee. In the last few days I have had several inquiries about whether those silos will have sufficient capacity to take at least the quota of wheat from this harvest. Will the Minister ask his colleague whether these silos will be able to accommodate quota wheat in the coming harvest?

The Hon. D. N. BROOKMAN: I will ask my colleague.

ADELAIDE CHILDREN'S HOSPITAL

Mr. BROOMHILL: Has the Premier a reply to my recent question about the likely programme of building in respect of the new casualty department at the Adelaide Children's Hospital?

The Hon. R. S. HALL: The Board of Management, Adelaide Children's Hospital, is investigating requirements for a new casualty department as a part of a new building. However, this is only in the planning stage. There has been no official approach to the Government as yet.

JAMESTOWN BUS SERVICE

Mr. ALLEN: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my recent question about the Jamestown bus service?

The Hon. ROBIN MILLHOUSE: My colleague states:

For the year ended June 30, 1969, 9,523 passengers and 44,024 parcels were carried on the bus service between Riverton and Jamestown. At the same time the running costs, as represented in bus operations, amounted to $19,946. As pointed out in my reply last year, the revenue obtained is difficult to assess because it would be credited to the total length of the journey involved and not just that portion covered by the bus.

CANNERIES

The Hon. D. A. DUNSTAN: On December 11 last I asked the Attorney-General the following question:

As several proprietary canneries have closed recently, leaving growers in an unfortunate situation, will the Attorney-General consider amending the Companies Act to provide that,

in relation to the debts of canneries, the growers will be considered as secured creditors and, consequently, given preference in relation to the allotment of moneys on the winding up of canneries?

The Attorney said that that matter was being considered. Can he say now what has been the result of that consideration and whether we can expect an amendment of the Companies Act to be introduced this session?

The Hon. ROBIN MILLHOUSE: I must apologize to the Leader for not having replied earlier. The Government does not intend to introduce an amendment of the Companies Act on this matter during the present session.

The Hon. D. A. DUNSTAN: Certain fruitgrowers in the Murray District in 1958 supplied Moray Park Proprietary Limited with fruit, for which part payment was made. The company subsequently went into liquidation. The growers, however, paid Commonwealth income tax on the full amount payable to them in respect of supplies forwarded to the company, whereas up to the present they have not recovered the balance of moneys due to them. Will the Attorney-General consider having the balance of the money owed declared to be bad debts so that for taxation purposes a refund from the Taxation Department might be claimed by the growers, because it seems that this is all they will get out of it?

The Hon. ROBIN MILLHOUSE: I will check on this matter and, if necessary, discuss it with the Minister of Agriculture, and let the Leader know.

PADTHAWAY SCHOOL

Mr. NANKIVELL: Has the Minister of Education a reply to my question about future land requirements for the Padthaway Area School?

The Hon. JOYCE STEELE: The Public Buildings Department has been asked to report on the suitablity of an area of about six acres adjoining the Padthaway school. When the report is received, the possibility of its purchase will be considered.

THIRD PARTY INSURANCE

Mr. McKEE: Recently I have received many complaints from constituents about the difficulty they have in obtaining third party insurance cover, one constituent having told me at the weekend that a wellknown insurance company with which he has insurance policies had stated that, if he joined the Royal Automobile Association, he would find it reasonably easy to obtain third party insurance. It seems to me to be unreasonable to force a person to pay $10.50 to join the association in order to get compulsory third party insurance cover. Further, people are forced to take out all kinds of other insurance to get the third party cover. Will the Attorney-General say whether protection can be given to people who have difficulty in obtaining third party insurance cover (and it is compulsory to have it), because it seems most unreasonable for insurance companies to engage in a racket by forcing these people to take out other forms of insurance to obtain third party cover?

The Hon. ROBIN MILLHOUSE: I think that, at the moment, the most helpful reply I can give is an undertaking to inquire about the particulars of the transaction referred to, if the honourable member gives me those particulars, and then perhaps to advise him on the larger issue.

FREIGHT RATES

Mr. VENNING: Has the Attorney-General a reply from the Minister of Roads and Transport to my question about railway freight rates?

The Hon. ROBIN MILLHOUSE: My colleague has received from the Railways Commissioner a report that states that an intensive study indicates that railway finances would be prejudiced if the 25 per cent rebate were applied to the movement of sheep and lambs consigned from the Adelaide abattoirs. However, as a further concession to the primary producer, the Commissioner intends to extend the rebate to movements of two vans or more of sheep or lambs between any two South Australian country stations, including Broken Hill.

EGGS

Mr. FREEBAIRN: On August 21 I asked the Minister of Lands, who represents the Minister of Agriculture with such distinction, whether he would ask his colleague why there was such a substantial egg-grading differential between South Australian Egg Board agents and Victorian Egg Board agents. Has the Minister a reply?

The Hon. D. N. BROOKMAN: The Chairman of the South Australian Egg Board reports:

The board's decision to reduce grading charges from 6c to 4.5c was influenced by deductions reached by the board as a result of the conclusions of accountants investigating the costs of operations performed by grading agents on behalf of the board. In the light of the contents of the accountants' report,

4.5c a dozen is considered reasonable remuneration for the handling and grading of eggs consigned to grading agents. The board feels that it is not in any position to compare, or even comment on, what must be regarded as a Victorian Egg Board prerogative to declare its own charges.

RIDGEHAVEN SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to my question of August 21 about the appointment of a canteen manageress at the Ridgehaven Primary School?

The Hon. JOYCE STEELE: Applications for the position of canteen manageress will be considered by the headmaster and the members of the school committee who will make the appointment and determine the remuneration and general working conditions. Ridgehaven Primary School will open on the first school day in 1970 and parent bodies will probably not be formed until meetings of parents are held. This usually occurs in March. Should the headmaster and the committee then decide to operate a canteen at the school, they will doubtless advertise the position of manageress.

FARM VEHICLES

Mr. EDWARDS: Recently a constituent, when taking from the local town to his farm a bulk fuel tanker trailer behind his tractor, was intercepted by a policeman in the area and later fined because the trailer was not registered. This matter is extremely contentious. On my own property, a short time ago we had a three-chain road put through between our various blocks and, if the action I have described becomes the practice, we will have to register every piece of farm machinery that we want to take across the three-chain road. Will the Attorney-General ask the Minister of Roads and Transport what practice will be followed regarding the registration of farm machinery? Also, will the Attorney-General ascertain whether bulk field bins have to be registered to be towed from one part of the farm to another, although the distance is only a quarter of a mile along the road? These bins are used to store wheat when it is being reaped and stored whilst the truck is delivering and returning for another load for the silo. As both vehicles are used to speed up farm work, will the Attorney obtain this information from his colleague?

The Hon. ROBIN MILLHOUSE: I think, with respect to the honourable member, that perhaps the legal position is not quite as he has suggested it is pursuant to the Act, but I will inquire about it.

NOARLUNGA FREEWAY

Mr. HUDSON: Has the Premier a reply to questions I asked on August 6 and 7 concerning details of the consideration given by the Metropolitan Transportation Committee to the route of the Noarlunga Freeway?

The Hon. R. S. HALL: In accordance with the direction given by the Government, the Metropolitan Transportation Committee will reconsider the route of the Noarlunga Freeway through and in the vicinity of the city of Marion. This is in addition to the reconsideration being given to the route in the vicinity of Field Creek, district council of Noarlunga. All possibilities will be investigated but particular attention will be given to the following:

(*a*) The routes previously investigated in the 1968 transportation study;
(*b*) The route shown on the Metropolitan Development Plan of 1962;
(*c*) The route along Sturt River suggested by Mr. Virgo;
(*d*) Any other route suggested in any representation submitted on the transportation study.

The committee has been directed to make its recommendation to the Government in about six months' time, and every effort will be made to meet this requirement.

Mr. HUDSON: It has been brought to my attention that certain buildings in the line of the 1962 route of the Southern Freeway have been purchased subsequent to the announcement by the Premier in this House and by the Minister of Roads and Transport in another place that the whole matter of the route of the Noarlunga Freeway was being re-examined. In one such case, a person who purchased a house did not know of the press report of the announcement and he has purchased a house that may well be in the line of the freeway, although he will not know what is the situation for about six months. Will the Attorney-General ask the Minister of Roads and Transport what consideration the Highways Department will give in cases where hardship can be established and whether the department will make purchases in such cases along the route of the 1962 proposal as well as along the route of the Noarlunga Freeway before the committee that has been asked to investigate the matter recommends one of the routes or some alternative?

The Hon. ROBIN MILLHOUSE: Yes.

LAND AGENTS

Mr. VIRGO: My question arises from two unfortunate incidents relating to land agents. In the first case, a land agent sold a person a house, and about four or five days before

settlement day (when the final papers were presented) the purchaser found out that there was an easement through the property that would debar him from making extensions to the property. Obviously, the sale was made under what I believe to be false pretences. The second incident relates to the sale of a house, in which last weekend the land salesman assured the prospective purchaser that the house would not be affected in any way by the Metropolitan Adelaide Transportation Study plan, when, in fact, the property is plumb in the centre of the M.A.T.S. plan. Because of these two cases, can the Attorney-General say whether the act of concealment in the first instance and what I call blatant misrepresentation in the second instance are sufficient grounds for him (or alternatively the Land Agents Board, of which the Attorney's Secretary is chairman) to cancel the licence of a land agent and/or salesman and, if they are, will the Attorney-General require the Land Agents Board to circularize all registered land agents and salesmen to warn them that further cases of this nature will render their licence subject to cancellation?

The Hon. ROBIN MILLHOUSE: I cannot express a legal opinion on these matters, and I know that the honourable member does not want me to do that.

Mr. Virgo: He is going to court, anyway.

The Hon. ROBIN MILLHOUSE: I was going to say that I should imagine that these are primarily civil matters for action by the intending purchasers against the vendors. Concerning the first matter, I should guess that no search was made at the Lands Titles Office of the title of the property, because if it were made the easement would have been discovered.

Mr. Virgo: Not by the buyer, but it was done by the seller.

The Hon. ROBIN MILLHOUSE: In his own interest the buyer should have had a search made. I am speaking without knowing all the facts, but this is an elementary precaution to take if one is buying a property. Concerning the second case, the honourable member said that the property was plumb in the middle of the M.A.T.S. plan, but I am not sure which proposal of the plan affects this property, so perhaps the most helpful thing I could do, if the honourable member gives me the information, would be to follow up the two cases. If he gives me the names and addresses I will do this to see whether any action by the Land Agents Board is warranted.

PINE SEEDLINGS

Mr. BURDON: Has the Minister of Lands a reply from the Minister of Forests to my recent question concerning the purchase of pine seedlings?

The Hon. D. N. BROOKMAN: The Minister of Forests states:

I believe that my predecessor authorized the free distribution of *pinus radiata* seedlings for the encouragement of private farm forestry under the following conditions:

(1) Trees will be available only to *bona fide* farmers, residing on their own property and who do not intend to make forestry the major use of their land.
(2) The area to be planted must be suitable for the satisfactory growth of *pinus radiata.*
(3) The area to be planted must be located within a 20-mile radius of either an existing Government plantation, or an established utilization plant.
(4) The area to be planted will not be less than one acre nor more than 20 acres in any one year.
(5) Trees will not be available unless the area to be planted is prepared to the satisfaction of the inspecting officer, and adequate maintenance can be regularly and properly carried out.
(6) The free issue of trees will be confined to the initial planting. Trees required for refilling will be charged at catalogue rates.
(7) The marketing of all areas established with free trees will be subject to advice and approval of the department.
(8) Issue of trees will be from a departmental nursery and subject to availability. A charge will be made for lifting and any packing, etc.

This policy has not been varied.

LEGAL ASSISTANCE

Mr. LAWN: Has the Attorney-General a reply to the question I asked some time ago about the dispute between a constituent of mine and the South Australian Law Society?

The Hon. ROBIN MILLHOUSE: The position is (and I think I told the honourable member this when he last asked a question on this matter) that the Law Society asked a member of the society council to go through the papers and to say what course should be followed. This has taken a long time because 600 pages of evidence had to be read. The practitioner is in private practice and this was a burden he undertook willingly in the interests of the lady and of the society. That is the reason for the considerable delay. He now states that there are no grounds to proceed with the action for divorce at present and that the proper course to take is to wait five years

and then take proceedings on the ground of separation. He also considers that there are several matters concerning property which, I imagine, is in the joint names of the lady and her husband and, that being so, the Law Society has now assigned to her another solicitor to handle these matters. I am sure that the honourable member joins with me in expressing the hope that the practitioner now assigned will succeed in this task.

WALLAROO HOSPITAL

Mr. HUGHES: As a Government nominee on the Wallaroo Hospital Advisory Committee, I do not know what are the duties of the new acting Medical Superintendent. Will the Premier obtain details of these from the Chief Secretary?

The Hon. R. S. HALL: Yes.

Mr. HUGHES: Will the Premier ask the Chief Secretary whether the Kadina doctor who has accepted the position of acting Medical Superintendent at the Wallaroo Hospital will receive the same salary as that received by the former incumbent of the position, or whether an increase has been granted and, if it has, what is the new salary?

The Hon. R. S. HALL: I will get a reply.

Mr. HUGHES: In a letter dated July 2 about the delay in the installation of consumers' mains and main switchboard at the Wallaroo Hospital, the Minister of Works stated:

I wish to advise that a contract for this work was awarded to Buxton Electrical Company Limited on March 11, 1969, with a completion time of 12 weeks. The work should, therefore, have been completed by this time. However, the contractor advised of difficulty experienced in obtaining manpower but has undertaken to complete the work in six weeks from this date.

Work has not been completed yet and, as it is now two months since the Minister wrote to me, will he take the matter up with a view to having the work completed, because until it is completed the air-conditioning cannot operate?

The Hon. J. W. H. COUMBE: The honourable member draws attention to a problem that we have consequent on the upsurge of industrial activity in this State: there are shortages of skilled tradesmen in many industries and trades. However, I will inquire about this case and see whether I can personally expedite it.

SUGARLOAF TANK

Mr. NANKIVELL: Will the Minister of Works say whether a tender has been let for the construction of the 1,000,000-gallon storage tank on Sugarloaf, north of Keith and, if it has, when is the work expected to commence?

The Hon. J. W. H. COUMBE: I know that tenders have closed. I will obtain the necessary detail and give it to the honourable member, probably tomorrow.

ANIMAL DESTRUCTION

Mrs. BYRNE: Has the Attorney-General, representing the Minister of Local Government, a reply to my question of August 21 about the destruction of dogs?

The Hon. ROBIN MILLHOUSE: The Registration of Dogs Act does not lay down a specified method for destruction of stray or diseased dogs. In the metropolitan area many councils send dogs to the Dogs Rescue Home which, when necessary to destroy them, does so by shooting. Some councils send dogs to veterinary surgeons for destruction by injection, but most councils shoot dogs when it is necessary to destroy them. It is understood that shooting, when executed efficiently, is a quick and humane method. No complaints have been received by Government officers that destruction of dogs has been carried out in an inefficient manner.

APAMURRA SIDING

Mr. WARDLE: Has the Attorney-General obtained a reply from the Minister of Roads and Transport to my question of August 12 about facilities at the Apamurra railway siding?

The Hon. ROBIN MILLHOUSE: It is possible to load equivalent to 10 waggons from No. 1 silo or 15 waggons from No. 2 silo at Apamurra. The South Australian Railways are in the hands of South Australian Co-operative Bulk Handling Limited in so far as movement of grain is concerned from any silo, and since 1961 the department has met all the co-operative's requirements at Apamurra. There have been odd occasions when a second movement has been made between Monarto South and Apamurra but, under the circumstances, this has proved satisfactory. The Railways Department has no plans, at this juncture, for extensions to the siding.

BRIGHTON HIGH SCHOOL

Mr. HUDSON: On July 30, when I asked the Minister of Works a question about the construction of an assembly hall at the Brighton High School, I asked him whether he

would investigate the whole matter and expedite as much as possible the stage when tenders could be called for this work. I also asked whether he could say what action the Government intended to take in relation to the amount of subsidy that would be made available. As I understand that the Minister now has a reply, I should be pleased if he would give it to the House.

The Hon. J. W. H. COUMBE: The planning of the assembly hall for the Brighton High School is being undertaken by a firm of private architects engaged by the Public Buildings Department. The architects have recently completed the detailed working drawings and have also submitted details of the current estimate of cost. A submission is now to be made to the Education Department for consideration of the proposal and negotiation with the high school council regarding the apportionment of costs. On receipt of advice that the high school council is in a position to meet its share of the cost, the total cost of the project would be considered and, subject to approval, arrangements woud be made to call tenders for the project. I do not have before me that likely apportionment of costs for this project, but as soon as the information is available I will let the honourable member know.

BURRA COURTHOUSE

Mr. ALLEN: Has the Minister of Works a reply to my question of August 20 about the Burra courthouse?

The Hon. J. W. H. COUMBE: The new police premises at Burra will include a combined residence, sergeant's office, general police office, and separate cell block. It is proposed that the general police office will be used for certain minor court actions, but the existing courthouse at Burra North will be retained for general court purposes. The improvements to the acoustics in the existing courthouse are being treated as a separate matter and planning is proceeding to enable tenders to be called for this work at an early date.

DENTAL CLINICS

Mr. FREEBAIRN: During the Loan Estimates debate I asked a question about dental clinics to be built this financial year. As I understand that the Minister of Works now has a reply, I should be pleased if he would give it to the House.

The Hon. J. W. H. COUMBE: The programme for the establishment of dental clinics provides for the erection of 14 clinics at nine country centres. Eight clinics have already been provided: namely, at Whyalla (two), Port Augusta, Port Pirie (two), Peterborough, Renmark and Murray Bridge. A further six clinics are to be erected this financial year: namely, at Whyalla, Port Augusta, Port Pirie, Kingscote, Millicent North and Loxton. The sum of $220,000 provided in this year's Estimates includes a financial carry-over from 1968-69 for the clinics already provided.

TEACHER ACCOMMODATION

Mr. CASEY: For some time I have been concerned about the inability of some teachers in country schools to obtain suitable accommodation. I think the Minister of Education will agree that young teachers coming into country towns often know nothing about the town and, left to their own resources, they find it difficult to find suitable accommodation. I know of several instances in my district in which schoolteachers have been forced to board at hotels, and this places a tremendous financial strain on them. Has the Minister received any complaints or suggestions from teachers who have been forced into this predicament? If she has, will she say what action she has taken?

If she has not received any such approaches, will the Minister try to see what can be done, particularly for the young single teachers concerned? Most of the married teachers who go into country areas live in accommodation provided by the Education Department, whereas many of the single teachers going to the country know nothing about the respective towns. Only last week it was brought to my attention that two young female teachers were finding it difficult to find suitable accommodation in a town in my district. Will the Minister examine this matter?

The Hon. JOYCE STEELE: I believe that this is a difficulty faced by many young people going into country towns, whether they are bankers or teachers, or follow some other occupation. The difficulty is not restricted to teachers who go into country towns and who sometimes are unable to obtain the right kind of accommodation. Different approaches are made for providing accommodation for teachers in country districts. I know that in certain places groups of teachers live in hostels, and in other places, houses are shared by teachers. The department buys houses where it can be established that a number of teachers will take advantage of the accommodation so provided. I believe action of this type was taken at Burra, where a house property came on to the market and where we were able

to establish, by referring to the headmaster, that several schoolteachers would be prepared to accept this kind of accommodation.

In some of the more remote areas of the State (I am thinking mainly of Coober Pedy and Amata, two places that I visited during a flying trip around the State) pairs of units are supplied and are availed of by male and female teachers alike. These units, provided by both the Sigal and the Worldwide Camps organizations, are attractive, and the teachers are happy with them. I will try to obtain for the honourable member a report on the extent to which the department intends to make more of this kind of accommodation available. I assure him that we are alive to the problems of young teachers in country districts in securing accommodation.

RAILWAY COTTAGES

Mr. WARDLE: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my recent question about improvements to railway cottages at Tailem Bend?

The Hon. ROBIN MILLHOUSE: Between July 1, 1968, and August 20, 1969, 997 work orders for repairs to cottages at Tailem Bend were completed. During the same period 105 projects, involving improvements to cottages, were carried out.

FORT GLANVILLE

Mr. HURST: Has the Minister of Works, in the temporary absence of the Minister of Immigration and Tourism, a reply to the question I recently asked about Fort Glanville?

The Hon. J. W. H. COUMBE: I understand the honourable member asked a question about the Fort Glanville caravan park and about the number of occupants at the park over a certain specified period. The information sought is as follows:

FORT GLANVILLE CARAVAN PARK OCCUPANCY

	Caravans	Average number to a van	Total number of persons
November, 1968 .	859	2.8	2,406
December, 1968 .	1,907	4.5	8,582
January, 1969 ..	4,094	5.0	20,470
February, 1969 .	1,401	4.0	5,604
March, 1969 . ..	1,147	2.8	3,212

"Caravans" means "caravan nights": for example, if one caravan stays five nights, it is counted as five.

"Total number of persons" means "person nights": for example, if one person stays five nights, it is counted as five.

KAPUNDA HIGH SCHOOL

Mr. FREEBAIRN: While at Kapunda on Sunday, I was asked by a senior member of the high school council what prospect there was of the Kapunda High School's having an art centre. As I understand that most country high schools have art centres, will the Minister of Education say whether the department plans to provide such a centre at Kapunda?

The Hon. JOYCE STEELE: While the honourable member has been asking the question, I have been trying to recall whether this was one of the matters put to me when I visited the high school recently. I presume the honourable member is referring to an art room at the high school. In the circumstances I will refer this matter for a report. However, I believe that, if the council required a centre to be provided at the Kapunda High School, it would be advantageous if it made a request to the department along these lines. I will find out what the department intends in this regard, and I will let the honourable member know.

GAWLER HOUSING

Mr. CLARK: Has the Minister of Housing a reply to my recent question about the siting of the new Housing Trust houses to be built at Gawler in the next 12 months?

The Hon. G. G. PEARSON: In the Loan Estimates explanation I said that the Housing Trust intended to build about 25 houses in Gawler, and the honourable member asked me to ascertain on what land those houses were to be built. The trust has called tenders regarding 17 of the houses, and I have here for the honourable member's inspection a plan of the area, showing the land on which they are to be built, which I will make available to him.

HARDWOODS

Mr. GILES: In the Adelaide Hills many fine areas of radiata pine have been planted. In fact, throughout South Australia over 200,000 acres of radiata pine has been planted by the Woods and Forests Department. Will the Minister of Lands ask the Minister of Forests to consider having a small area in a high rainfall district such as the Adelaide Hills planted with some selected hardwood such as karri, which grows in Western Australia?

The Hon. D. N. BROOKMAN: I will ask my colleague for a report, but I can say without doubt that several hardwoods have been planted in Kuitpo Forest and in other forests in the State, as the report will show. Although

I am not sure whether karri has been planted, I think the report will show that all other reasonable possibilities have been tried.

WEED SPRAYS

The Hon. D. A. DUNSTAN: Has the Premier a reply to the question I asked recently about legislation to control weed spraying?

The Hon. R. S. HALL: The Minister of Agriculture states:

I am aware of the difficulties being experienced by market gardeners in the Murray area as a consequence of the use of hormone weedkiller sprays. I understand that much of the trouble is caused by drift from ground spraying. Measures to control agricultural chemical spraying have been under consideration for a number of years, and approval was given by Cabinet in April this year for the preparation of appropriate legislation. The matter is now in the hands of the Parliamentary Draftsman. However, the framing of suitable and effective laws to control spraying is not easy, and there are many problems to be overcome before a Bill of this nature can be introduced. Not the least of these is the question of insurance and compensation.

I am sure the Leader would be aware of these difficulties because, as Attorney-General in the previous Government, he was involved in negotiations then being conducted in connection with uniform State legislation on this subject. Incidentally, I note from the records that in February, 1967, the then Minister of Agriculture suggested that, in view of difficulties experienced by other States with legislation, South Australia should proceed with extreme caution in this matter. I do not recall the undertaking alleged to have been given that legislation would be operating by August this year. This State will be represented at a meeting of appropriate State and Commonwealth officers to be held in Melbourne early in October to discuss certain aspects of aerial spraying control legislation. It is confidently hoped that these discussions will be of considerable assistance in the drafting of the Bill, which I assure the House I am anxious to introduce as soon as problems associated with its more complex provisions have been solved.

The member for Murray and, I think, the member for Burra have also been concerned about this matter, having at various times this session and last session brought it before the House. As the matter is obviously causing considerable concern, the Government will give it proper attention, discussing it, as indicated in the report, at the forthcoming conference.

Mr. WARDLE: Can the Minister of Lands, representing the Minister of Agriculture, say whether there is any metering device known by which the atmosphere in the vicinity of a paddock or an area where an agriculturist is spraying can be measured to detect the amount of hormone spray present?

The Hon. D. N. BROOKMAN: I will ask my colleague. I do not know of anything in this respect that could be called a meter. There is an extraordinary difficulty about controlling the use of hormone sprays because they can be applied not only from aircraft but also from ground spraying equipment. Because of wind conditions, a situation that is safe one minute may change in a short time. Many problems are involved, but I will refer the matter to the Minister of Agriculture.

MATRICULATION CLASS

Mr. ARNOLD: Last year and early this year I asked the Minister of Education to consider providing a Matriculation class at the Renmark High School, but my request was declined on the ground that insufficient students would attend the class. However, as I have been told that at least 40 students will want to attend a Matriculation class next year, will the Minister consider establishing a Matriculation class at that school next year?

The Hon. JOYCE STEELE: The position as now outlined by the honourable member is certainly more favourable than it was when he last addressed a question to me on the matter. The question of which schools merit the establishment of a Matriculation class is usually dealt with, I think, either late in September or early in October. I have no doubt that the number of students wishing to attend a Matriculation class at Renmark will be considered when a decision is made about the schools at which these classes will be provided. I believe the honourable member will not have long to wait before the matter is decided one way or the other.

AIRCRAFT NOISE

Mr. BROOMHILL: Recently, in the absence of the Premier, I asked the Treasurer to consider press statements issued by the Commonwealth Parliament in relation to aircraft noise. Has the Treasurer a reply?

The Hon. G. G. PEARSON: Further to my reply to the honourable member on August 21 last, I am now informed by the Premier's Department that no correspondence has been received from the Commonwealth on this matter. As the honourable member will be aware, the Commonwealth appointed a Select Committee of the House of Representatives to inquire into the problem, and the committee heard evidence in Adelaide.

CITRUS

Mr. BURDON: Has the Minister of Lands a reply from the Minister of Agriculture to my question about South Australian Citrus Sales Committee?

The Hon. D. N. BROOKMAN: The Minister of Agriculture states:

I thought I had made it perfectly clear in my reply to the honourable member's previous inquiry that I did not consider I had statutory power under the Citrus Industry Organization Act to disband South Australian Citrus Sales Proprietary Limited, which was not a committee (as he suggests) but a limited company legitimately set up by the Citrus Organization Committee in accordance with its powers under the Act. The answer to the question, therefore, is still "No".

SCHOOL CROSSINGS

Mrs. BYRNE: When speaking in the Loan Estimates debate on August 20 (page 1109 of *Hansard*), I referred to suggestions by a constituent about school crossings and asked the Minister of Education whether she would have these suggestions examined, although it might be necessary to consult the Minister of Roads and Transport. Has the Minister any information on the matter?

The Hon. JOYCE STEELE: The usual practice is for the department to dissect speeches made in the Loan Estimates debate and to investigate matters that affect the department. I imagine that this would have been done regarding the matter to which the honourable member refers. On the other hand, the matter may have been referred to the Minister of Roads and Transport. I will check and let the honourable member know.

PARINGA PARK SCHOOL

Mr. HUDSON: Has the Minister of Education a reply to my question of August 21 in which I asked when the department intended to carry out the major planning and design work on the Paringa Park Primary School building?

The Hon. JOYCE STEELE: At present, all available funds for the building of new schools or the replacement of existing schools have been committed in the programme that has been drawn up. This programme was decided after most careful consideration of the needs of the particular schools that were placed on the list. Paringa Park, both primary and infants sections, is made up of buildings that have been maintained in very good condition. Though the infants school is entirely housed in timber frame buildings, these do not detract from the effective working of the school. Paringa Park has been included on a list of schools which it is proposed to replace as soon as circumstances permit, but at present it is not considered to be as urgent as other projects included on the list.

KULPARA SCHOOL

Mr. HUGHES: Has the Minister of Education a reply to my recent question about replacement of the Kulpara Primary School?

The Hon. JOYCE STEELE: Tenders have been received for the demolition of the old school and attached residence at Kulpara and a contract is expected to be let very soon. The Public Buildings Department plans to begin the erection of new classrooms as soon as the old building has been demolished. An order has been placed with the Housing Trust for the erection of a new residence on a block of land that has been transferred to the Education Department for this purpose.

WEST LAKES DEVELOPMENT BILL

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

The Hon. R. S. HALL (Premier) obtained leave and introduced a Bill for an Act to approve, ratify and give effect to an indenture made between the State of South Australia, the Minister of Marine and Development Finance Corporation Limited relating to the development of a portion of the State to be known as West Lakes and for matters relating thereto, and for other purposes. Read a first time.

The Hon. R. S. HALL: I move:

That this Bill be now read a second time.

It seeks to approve, ratify, and give effect to an indenture made between the State of South Australia, the Minister of Marine, and a company known as Development Finance Corporation Limited relating to the development of a portion of the State, which will be known as West Lakes, and deals with matters relating thereto. I shall first summarize the contents of the indenture that was made on June 23, 1969, was deposited in the General Registry Office, and bears G.R.O. number 647 of 1969. The indenture to be ratified by the Bill rescinds a previous indenture dated April 11, 1968.

The parties to the present indenture are the Premier, acting for and on behalf of the State, the Minister of Marine, and Development

Finance Corporation Limited. The recitals to the indenture provide for the rescinding of the previous indenture and the purchase from the Minister of Marine by the corporation of certain land described in the First Schedule which, together with certain other lands which the Minister will either acquire or have vested in him for sale to the corporation, are collectively referred to in the indenture as "the said lands". The recitals refer to the scheme for development of the said lands within West Lakes and the provision of "the major works", which are referred to in the Fourth Schedule to the indenture.

Provision is also made for the incorporation of a new company to become the developer, but until that company has been formed, approved by the Minister, and registered in South Australia as a foreign company, the term "the corporation" in the indenture is to be taken to refer to Development Finance Corporation Limited, and upon the registration of the new company as a foreign company and it being approved by the Minister and upon it agreeing to be bound by the indenture, "the corporation" is to be the new company. The indenture provides that its provisions other than clauses 5, 13, 21, and 22 are not to come into operation until this Bill (which is referred to in the indenture as "the Special Act") becomes law.

Clause 3 of the indenture provides that the Minister is to purchase or acquire from the South Australian Housing Trust and the Electricity Trust of South Australia, as part of the said lands, the lands referred to in the Second Schedule to the indenture. Clause 4 of the indenture provides that the Minister is to sell to the corporation the said lands free from all mortgages, encumbrances, liens and leases for the sum of $1,061,000, except that a contribution, not in excess of $100,000, is to be made by the corporation towards the acquisition of certain existing mineral leases referred to in the Third Schedule. Clause 5 of the indenture contains the matters for which provision is to be made in this Bill. I shall deal with these provisions when explaining the clauses of the Bill.

Clause 6 of the indenture provides that within two months of the Bill becoming law the corporation is to deposit with the Minister the sum of $106,100. Thereafter when any of the said lands is about to become the subject of a deposited plan of subdivision or a filed plan of re-subdivision or is about to be sold by the corporation with the Minister's consent, or is part of an already existing allotment of less than half an acre in extent, the Minister will transfer that land to the corporation for a sum representing a rate of $750 an acre. When the whole of the purchase price is paid, if there is any land left over, then, whenever such a plan is approved or filed or land is intended to be sold from the balance of the remaining land, the Minister will transfer the appropriate portions of the balance of such remaining land to the corporation. Twelve years after this Bill becomes law the Minister may, after giving not less than six months' notice, demand payment of the balance, if any, of the consideration remaining unpaid and, upon payment thereof, the Minister will execute a transfer of the remainder of the said lands to the corporation.

Clause 7 of the indenture provides that within one year of this Bill becoming law, the corporation is to produce to the Minister a general arrangement design and drawings for the scheme. Provision exists for the Minister to approve or disapprove the same, and for negotiations to take place if there is disapproval, and, failing agreement being reached by such negotiations, for the matter to be referred to arbitration. Clause 8 of the indenture provides that the corporation is to pay interest at the prevailing Government long-term borrowing rate from the date of payment of the deposit upon so much of the balance of the consideration as from time to time remains owing.

Clause 9 of the indenture provides that, except with the approval of the Treasurer, the Minister is not obliged to transfer any land to the corporation until the corporation has produced to the Treasurer evidence satisfying the Treasurer that the corporation has paid out, in carrying out or binding itself to carry out, all or any portion of the major works referred to in the Fourth Schedule and in paying its consultants and advisers and the Minister of Works for certain water and sewerage works not less than $4,000,000.

Clause 10 of the indenture provides that within six months of the Bill becoming law, the corporation is to commence the major works referred to in the Fourth Schedule to the indenture. But the Minister may, if he considers that the major works are not proceeding with reasonable expedition, after giving the corporation three months' notice, determine the indenture and thereupon every portion of "the said lands" vested in the corporation, upon which no completed building of $3,000 or more is erected, shall become revested in

the Minister without consideration. Provision is made for arbitration on the question whether the major works are proceeding with all reasonable expedition.

Clause 11 of the indenture provides that if the corporation requires further land (not falling within the definition of "the said lands", but within West Lakes) which is reasonably necessary for the construction or operation of works required for the scheme, the Minister is to acquire such further land and vest it in the corporation. This is to be done at the expense of the corporation. Provision is made for the question whether the corporation has made a reasonable request to the Minister to be determined by arbitration.

Clause 12 of the indenture provides that the corporation agrees to transfer to the Minister of Education such lands within West Lakes for departmental schools and playgrounds for those schools as may be required. The consideration for such lands is to be the total of (1) the proportion of the consideration paid by the corporation for the said lands as a whole which bears the same ratio as the area of the land required for schools and playgrounds bears to the area of the said lands as a whole; and (2) such sums (excluding the consideration for the purchase of the said lands) as the corporation may have expended in respect of the land required as is calculated by the consulting engineer and approved by the Treasurer. Here, too, there is provision for recourse to arbitration in the event of any dispute.

Clause 13 of the indenture provides for the Premier and the corporation, at any time before or after the passing of this Bill, but subject to the provisions of this Bill and the law generally, to vary, by writing, any provisions of the indenture in order to facilitate the carrying out of the scheme. Clause 14 of the indenture empowers the Minister, upon giving reasonable notice, to enter the said lands to inspect any work being carried out thereon and to perform reasonable tests. The corporation is also required to permit the Minister, his servants and agents to inspect plans, specifications, etc., relating to any work carried out or to be carried out by the corporation on the said lands.

Clause 15 of the indenture provides, *inter alia*, that if prior to the corporation commencing the construction of the major works or if prior to its entering upon the said lands for the purpose of the scheme (except for the purpose of carrying out preliminary surveys or tests) the corporation were to propose to the Premier any reasonable amendment to the indenture for the purpose of more particularly defining the scheme, and the same were not to be accepted by the Premier within three months, then the corporation may decline to proceed with the scheme, whereupon any of the consideration moneys paid (other than interest) shall be repaid to the corporation and the parties shall be freed from the provisions of the indenture. Clause 16 of the indenture defines "West Lakes" by reference to the map in the First Schedule to the Fifth Schedule of the indenture. Clause 17 of the indenture provides that arbitration under the indenture is to be by an arbitrator appointed by the council of the Institution of Engineers Australia (South Australian Division).

Clause 18 of the indenture provides that the indenture is to be construed according to the law of South Australia. Clause 19 of the indenture provides that the marginal notes to the indenture are not to be used for construing any of its provisions. Clause 20 of the indenture provides that only land vested in the Crown or held for or on behalf of it or held by a local government authority within "West Lakes" is to form part of the said lands. It also provides that if any portion of the lands described in the First or Second Schedule is not held by or on behalf of the Crown or by a local government authority it shall be deemed to be excluded from the appropriate schedule.

Clause 21 of the indenture provides for the consolidation of the indenture if it has been amended by agreement between the parties before this Bill becomes law. As the indenture has not been amended this clause is inoperative. Clause 22 of the indenture provides that where any Act or section of an Act referred to in the indenture is amended, any reference in the indenture to that Act or section is to be a reference to that Act or section as so amended.

The First Schedule to the indenture describes the land vested in the Minister of Marine which, together with other lands which the Minister will either acquire or have vested in him, is referred to in the indenture as "the said lands". The Second Schedule to the indenture sets out the lands which the Minister will acquire from the Housing Trust and the Electricity Trust and sell to the corporation as part of the said lands. The Third Schedule to the indenture describes certain mineral leases which are to be acquired, compulsorily or by agreement, by

the Minister, subject to the payment by the corporation of certain moneys not exceeding $100,000 to the Crown. The Fourth Schedule to the indenture sets out matters for which provision is to be made in this Bill. These will be dealt with more fully in discussing the clauses of the Bill.

The Fifth Schedule to the indenture contains the regulations which, subject to the provisions of this Bill, are deemed to be regulations made under the Planning and Development Act for the control and use of land and buildings within West Lakes. They have appended to them a number of schedules of their own.

Plan 1: This plan shows the bed of the Old Port Reach, which is to be vested in the Minister for an estate in fee simple and brought under the provisions of the Real Property Act and become part of the said lands. It also defines land on the sea coast which, in so far as the corporation owns it, is to become a reserve.

Plan 2: This plan depicts the area in general and shows the various streets, roads and areas referred to in various portions of the indenture for the purposes of the major works and the civil engineering works associated with them.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 (1) contains the definitions for the purposes of the Bill. Clause 2 (2) provides for all amendments to the indenture to be linked up with the indenture so that a search in the General Registry Office will readily disclose all amendments to the indenture. Clause 2 (3) provides that expressions used in the Bill have the same meanings as in the indenture. Clause 3 approves, ratifies and gives effect to the indenture and rescinds the previous indenture. Clause 4 confers on the Minister power to acquire or take land for the purposes of the indenture and invokes the appropriate provisions of the Compulsory Acquisition of Land Act for the purposes of any compulsory acquisition of land for those purposes. Clause 5 deals with the cancellation of mineral leases in force immediately before the Bill becomes law and the extinction of rights thereunder. The clause provides for the right to compensation, and the payment and calculations of compensation, for the cancellation of the leases or the extinction of all rights thereunder.

Clause 6 vests in the Minister for an estate in fee simple the bed of the Old Port Reach. This vesting gives effect to paragraph (*c*) of clause 5 of the indenture. Clause 7 vests in the Minister without the payment of compensation or consideration certain lands and reserves for the purpose of giving effect to paragraph (*d*) of clause 5 of the indenture. Clause 8 (1) and (2) provides for the closure of any roads that are not required as such for the implementation of the scheme, and for the vesting of those roads in the Minister for an estate in fee simple freed from all encumbrances. Clause 8 (3) provides that, when the Bill becomes law, all lands referred to in paragraph (*e*) of clause 5 of the indenture, excluding land referred to in subclause (2) of clause 8 and lands specifically excepted by that paragraph and excluding also land that is the subject of a licence to obtain, take away, and stack sand granted under the Crown Lands Act, shall be vested in the Minister for an estate in fee simple free from all encumbrances, if any, and where any of such land was vested before the Bill becomes law in the Corporation of the City of Woodville, such vesting shall be without the payment of any compensation or consideration by the Minister or the corporation, as defined in the indenture.

Clause 8 (4) provides that the Minister of Lands may, by notice published in the *Gazette*, declare that any licence referred to in clause 8 (3) has expired or has been cancelled and, upon the publication of the notice in the *Gazette*, the land which was the subject of that licence shall become vested in the Minister of Marine for an estate in fee simple freed from all encumbrances. Clause 8 (5) provides for the registration under the Real Property Act of land vested in the Minister by virtue of clause 8. Clause 9 provides for bringing under the Real Property Act any land which is not under that Act but which becomes vested in the Minister.

Clause 10 provides for the cases where land that has been transferred by the Minister to the corporation will revest in the Minister. This clause gives effect to paragraph (*h*) of clause 5 of the indenture, and provides for recourse to arbitration if there is any matter in dispute. Clause 11 provides for the revesting in the Minister of land which has been transferred to the corporation by the Minister under the indenture but which has not been disposed of by the corporation, where the corporation is in process of liquidation, except for the purpose of amalgamation or reconstruction with the

Minister's approval. Clause 12 provides for the adjustment of titles to the lands referred to in paragraph (*j*) of clause 5 of the indenture as "the abutting lands" which, prior to the making of the indenture, had any boundary extending to the bank or ordinary high water mark or the middle of the stream or partly extending to one or more of them, of the Upper Port Reach of the Port River. The clause also precludes the corporation from doing anything, within three months of the Bill becoming law, to alter or vary any bank or the bed of the stream of the Upper Port Reach or the Port River, and also provides that the adjustment of titles is to be carried out at the expense of the Minister.

Clause 13 provides that, subject to clause 12, the corporation may, without being made liable for payment of compensation or damages arising therefrom, divert, change, alter, rechannel and vary the water courses and banks and the course of the flow of water, or vary or alter the bounds thereof within West Lakes known as Port Reach. Clause 14 contains a power to add parcels of land to West Lakes. Clause 15 incorporates in the Bill the provisions of the Fourth Schedule to the indenture. The clause also amplifies the provisions of the Fourth Schedule to render them workable and to give them full legal effect. Clause 16 (1) and (2) identifies the regulations contained in the Fifth Schedule to the indenture as regulations made under the Bill which will take effect when the Bill becomes law, and which are capable of being revoked or varied, as provided in the Bill.

Clause 16 (3) provides that the Bill is to have effect, notwithstanding anything to the contrary in the Planning and Development Act or in the Metropolitan Development Plan and in the event of any inconsistency between any regulation made under the Bill and the Metropolitan Development Plan or a planning regulation, the regulation under the Bill is to prevail. Clause 16 (4) to (9) provides for the taking effect of regulations made under the Bill varying or revoking the regulations in the Fifth Schedule. Power is conferred on the Minister or the corporation to have recourse to arbitration in appropriate cases. Clause 17 confers on the State and on the Minister or the Minister of Works power to sue and be sued, to submit any matter to arbitration and be a party to arbitration. Provision also exists for any award, order or judgment for the payment of money made or given against the State to be satisfied out of money provided by Parliament for the purpose. Clause 18 contains a provision requiring certain accounts in the Treasury to be debited and credited for the purposes of the legislation. Clause 19 lays down the liability of the corporation where, pursuant to clause 7 of the indenture, the corporation declines to proceed with the scheme as provided in that clause. Pursuant to clause 5 of the indenture a copy of the Bill has been referred to the corporation through its solicitor and the corporation has signified its concurrence with the provisions of the Bill.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 19. Page 1022.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I support the Bill, which really has two purposes. The first purpose is that certain drafting statutory amendments be made to the old Real Property Act which were long overdue and which were required, and no-one can take exception to these amendments. The other purpose is to alter the provisions of the strata titles administration. In the original provision for strata titles there was involvement in the administration of both the Commissioner of Land Tax, concerning the valuation of properties under strata titles, and the Registrar of Companies, since he was the normal repository of corporation documents.

The amendments to the Act provide for simplification of procedure by eliminating the administrative procedures involving these two authorities, and it seems, from practice so far under the Real Property Act strata titles provision, that that simplification can be made without any difficulty; in fact, it will be a service to those who are seeking to register strata titles. As I see nothing in the Bill to which to take exception, I support it.

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

HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 19. Page 1022.)

Mr. BROOMHILL (West Torrens): I support the Bill which, as the Attorney-General has pointed out, rescinds an agreement made between the three councils concerned with the Anzac Highway and the Commissioner of Highways in relation to the construction and maintenance of the Anzac Highway. As

we have been informed, this work has been completed and there is no need for the agreement to continue any longer. As a result, the Commissioner has informed the councils that their responsibility has been completed. It was pointed out to us that, as a result of the wording of the agreement, there was some doubt whether or not this could be done simply by notification of the Commissioner or whether it would be necessary for Parliament to act on the matter.

I understand that this agreement means that the councils will no longer be responsible for work along the roadway of the Anzac Highway, but I have some doubt about the position regarding the sides of the roadway, from which the bicycle track has been removed. I am a little concerned that, as three different councils are involved, a different attitude towards the track may be adopted in one area compared with that adopted in another. Perhaps the track will be asphalted in some areas and planted to lawn in others, depending on the attitude of the council concerned. I should appreciate any information the Attorney-General may have concerning the future use of the track and whether the department will have any responsibility in the matter. I support the intention of the Bill, recognizing that it renders valid actions of the Commissioner that may have been taken before its passage.

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

BRANDS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 28. Page 1314.)

Mr. CASEY (Frome): I support the Bill. Looking through the original Act, I could see what the Minister meant in his second reading explanation, namely, that the word "longitude" should read "latitude". This appears correctly in the Eleventh Schedule, but the Twelfth Schedule is incorrect and should be changed. Clause 3 repeals section 7. This will mean that no longer will people be able to use the black brand.

Mr. Freebairn: Not before time.

Mr. CASEY: I do not entirely agree with the honourable member. The Commonwealth Scientific and Industrial Research Organization put out a soluble black brand. However, the problem is that, if the soluble black brand is permitted, many other black brands that are not soluble will also be used. Steps were taken in December, 1955, to correct the problem associated with the black brand. I do not know whether members opposite have ever seen what cloth affected in this way looks like, but black specks appear in the fabric, and this means it is no use to the industry generally, and a tremendous amount of wastage is caused. That is why for many clips brands were taken out specifically to indicate that the whole fleece was free of brands. Now that people will not be able to use black brands, this problem will not occur in future. I support the Bill.

Mr. HURST (Semaphore): I support this short Bill. Clause 2 is a logical amendment that is supported by members on this side. Clause 3 repeals section 7, thereby facing up to the progress made in branding wool. Every member who has had any experience in this matter knows the difficulty experienced in the sale of wool because the price obtained for fleece was affected by the fact that the hard black paint could not be removed without ruining the fleece or having some other adverse effect. Because of modern developments, soluble brands are adequate and do not do the harm previously done by black paint. The measure deserves the support of all members.

Mr. FREEBAIRN (Light): It is gratifying to Government members to have the unqualified support of Opposition members. As the member for Frome (Mr. Casey) has said, it will mean a big step forward for the wool industry to do away with the old black brand. Whilst the paint made an extremely legible mark on fleece, it had a deleterious effect on our export sales.

I am rather surprised that the error of using the word "longitude" was made when we considered the legislation in 1966. I do not blame the then Minister of Agriculture for introducing legislation that had in it a fault as serious as the fault of confusing latitude with longitude. In all charity to the present Opposition members, who were then in Government, I admit that perhaps the blame for not noticing the error is as much with us as with them. I commend members opposite for their attitude to the measure and their broad outlook. I support the second reading.

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

RAILWAYS STANDARDIZATION AGREEMENT (COCKBURN TO BROKEN HILL) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 28. Page 1315.)

Mr. VIRGO (Edwardstown): I support the second reading but indicate that in Committee I will move to amend clause 2 by inserting the words "the same rates of salary or wages not being less than" before the words in the Bill, "the same rates of salary or wages applicable in the State." Perhaps the Bill could be described aptly as an enabling Bill, because it will enable the South Australian Railways to operate the trains from Cockburn to Broken Hill. It is a milestone in the history of this State to be part of the greatest railway network in Australia and, I understand, in the southern hemisphere. We will be able to travel by train direct from Sydney to Perth without any change of train.

We can be proud of this, but perhaps while we are preening ourselves we ought to remember some of the things that have been said in this House last week, because the completion of this line will further highlight the most unsatisfactory state of affairs that will exist for most of South Australia, certainly for Adelaide. We will be effectively isolated from the major market to the east and the only market to the west. I suggest that probably it will be cheaper (certainly, it will be more convenient) to rail freight between Sydney and Perth than to rail it between Sydney and Adelaide or between Perth and Adelaide. We will lose our market, yet the Government seems relatively unmoved by this disturbing situation.

Yesterday the Premier rightly congratulated Chrysler Australia Limited on bringing out more models of its car. However, that company will be involved in transhipping costs for vehicles sent to Perth, one of our major markets, and to Sydney, because if the vehicles are sent through Melbourne they will have to be transhipped there before going on to Sydney or Brisbane. We will be cut off from some of our secondary markets, and I hope that Government members will give more consideration to the alarming effect of that on our economy.

Let us get right out of our heads that we are living on the back of the sheep, because we are not. Although I am the first to admit that wool and grain produced in this State play an important part in our economy, we are no longer mainly a rural-producing State. We rely heavily on secondary industries for economic survival. The success of our secondary industries depends entirely on our products being able to reach markets quickly, efficiently, and (more importantly) economically. For this to happen we must have rail transport. Contrary to the views of one Government member, I believe that the day on which we give effect to his desires to cut out the railways and revert to all-road transport operated by private enterprise will be a day on which South Australia will crash, and we will never recover from that experience.

Mr. Hurst: We would be a ghost State then.

Mr. VIRGO: Of course, and we will be if we are left isolated from the rail system. The connection between Broken Hill and Cockburn will be the final seal that will isolate South Australia, and in particular Adelaide, from our eastern and western markets. I turn now to the question of the maintenance of our railways. We are still building the new standard gauge line from Port Pirie to Broken Hill, which I understand is to be opened for traffic some time early in the New Year.

Mr. McKee: You hope.

Mr. VIRGO: I am worried because we are encountering tremendous difficulties in maintaining our present lines, yet we are now upgrading the line from Peterborough to Cockburn from the slow old 3ft. 6in. gauge to a high-speed standard gauge track, which has to be maintained properly. In addition, we are adding a further 30 miles of line to the system, and this, too, will require maintenance. Saying that, because it is a new track, it will be all right for a few years is adopting an ostrich-like attitude.

Mr. Hurst: The track will have to settle down to take the loadings.

Mr. VIRGO: Of course. It must have regular and proper maintenance at all times from the outset. I regret to say that efforts have not been made to reduce the incidence of maintenance to a greater degree than has occurred. One of the most forward steps taken by the South Australian Railways Department for many years was the installation of the butt-welding plant at Mile End. All members who accepted the invitation of the Railways Commissioner to inspect the railway workshops a few weeks ago saw this equipment. I do not know whether members took sufficient notice of what happened there, but this plant is restricted now to welding rails into 240ft. lengths: it can weld only six 40ft. rails. If members studied this matter they would realize that most of the damage that had

occurred to a track occurred at the joint, so that if the number of joints could be lessened the maintenance would be automatically reduced.

I should like to think that the railways plant could be extended so that it could weld lengths of up to 1,200ft., as is done in Britain. The only reason this has not been done is that this Government has not provided the finance to up-date the plant and equipment. Furthermore, additional equipment should be provided so that when these welded rails were taken into the field they could be joined to provide 30 miles and more of rails without joints. This method is feasible and practicable and is operating now, and if these steps were taken the reduction in maintenance would be tremendous, to say nothing of the comfort that would be afforded to people who travelled on trains.

Unfortunately, the most maligned persons in the railways are the most poorly paid persons, namely, the fettlers and the gangers. I hope that members realize (and perhaps the unfortunate incident yesterday may impress them) that the work done by these men is dangerous. One of them, by taking a step the wrong way, is no longer able to support his wife and family. These men have been grossly neglected by the Government, and I think that they are not being properly used. Far too much of their time is occupied in pulling up weeds instead of maintaining the track, which is the job for which they were engaged.

On the new section of the rail line there should be a complete reappraisal of the attitude towards maintenance generally. Our railway system must become mechanized. The day when a man is given a beater and told to pack stones under the sleeper (or hide them under the sleepers, as the old saying has it) is gone. We cannot get men to do that today, particularly when they are paid the lousy wage that is offered to them, and we should not expect them to do it. We are supposed to be a civilized State: we can put a man on the moon but we expect a person to go out with a beater and pick and hide stones under a sleeper. That does not make sense. I support the second reading, but in Committee I will move the amendment I have indicated.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Operation, control and management of the railway."

Mr. VIRGO: I move:

In new section 4a (2) (*d*) after "(ii)" to insert "rates of salary or wages not being less than".

An important principle is involved here. The Bill, if carried as it now stands, will be mandatory and will take over the role normally fulfilled by arbitration and conciliation machinery. I hope I am correct in assuming that the Government does not desire legislation to take over that role. I do not think it is the right of Parliament to have on the Statute Book a provision that it will determine the rate of pay of any group of people. Are we to expect South Australian employees in Broken Hill to work for a lesser rate of pay than that of their counterparts in the New South Wales Railways who are working there? I refer not just to train crews: many more people than merely the driver, the fireman and the guard go to make up the railway system.

Is justice being served if, say, members of a maintenance gang stuck out at Cockburn are paid at the same rate as that of the ganger who may be on the West Coast, on a comparable grade, while fellow employees in Broken Hill with whom they often associate are getting a lead bonus or a higher rate of pay because they are members of the New South Wales Railways? There are many anomalies in having such a rigid restriction placed in the legislation. It is the job of the commercial agent to obtain business for the South Australian Railways, and he is a sort of salesman. If we wish to get business, surely we must provide plenty of scope within which such an officer may carry out his duties at Broken Hill. However, under the terms of the Bill that officer will receive the same rate of pay as that received by the man stationed in Adelaide. The amendment allows the necessary latitude in this regard, in that it provides for arbitration and conciliation, and I hope that the Minister will accept it.

Mr. HURST: I support the amendment. Indeed, I am surprised to see introduced into this Chamber a measure containing a provision such as the one now being considered, for it is contrary to the principles of industrial relations. Even the Government periodically appeals to employees to refer their disputes to the bodies set up to deal with those disputes. What is the use of having industrial courts and arbitration commissions if they cannot do the job they are supposed to be doing? The Government is apparently prepared to bring down a measure that will hamper this important machinery.

This provision is contrary to the beliefs of the Australian people, and it will restrict the Commissioner in dealing with his employees. This will make it extremely difficult for the Commissioner to be able to hold staff of the calibre he needs to maintain utmost efficiency. I hope the Attorney-General will appreciate that the clause is most restrictive and undesirable, and that he will accept the amendment so that wage justice can be provided in accordance with the principles that have been laid down.

The Hon. ROBIN MILLHOUSE (Attorney-General): I very much regret that the Government cannot accept the amendment. As members know, the matter has been well thrashed out in another place, although I will not, because I am not allowed to, refer to that debate.

Mr. Lawn: What was the vote the other day?

The Hon. ROBIN MILLHOUSE: That is irrelevant. There are two reasons why the Government cannot accept the amendment. First, there is the constitutional reason that, in this Bill, we are in fact legislating for what will happen outside the confines of the State, and members will be aware that this is something that we, as a Parliament, are not competent to do unless we are given that competence by the Sovereign Parliament of that other area. In other words, in this legislation we can go no further in our view than we are enabled to go by the legislation of New South Wales. New South Wales has passed the Broken Hill to South Australian Border Railway Agreement Act of 1968-1969, the relative section of that Act being section 8 (6) which, I am informed, provides:

Notwithstanding anything contained in any Act, award or industrial agreement—

(*a*) The same terms and conditions of employment, including claims and the settlement thereof under any legislation of the State of South Australia relating to workers' compensation; and

(*b*) The same rates of salaries or wages shall be applicable and paid to officers and employees employed by the commissioner in or in connection with the operation, control and management of the railway as are applicable and paid to officers and employees employed by the commissioner in or in connection with the operation, control and management of railways vested in him in the State of South Australia.

That clearly curtails our ability to legislate to the same terms and conditions and the same rates of salary, and not to any greater salaries or, as this amendment would make it, "to rates of salaries and wages not being less than". This is going beyond the gift the New South Wales Parliament has given us by virtue of this Act, and it is desirable, unless we are to run the risk of having our legislation declared *ultra vires,* that we should not attempt in this Parliament to go beyond that gift. That is the first argument I put to members. Perhaps it is of a legal nature, but I do not think it is so technical that it will escape the understanding of members.

The Hon. D. A. Dunstan: Who would challenge us?

The Hon. ROBIN MILLHOUSE: The Leader knows these matters can be challenged from any quarter, and at this stage it is almost impossible to say who would challenge us. Whether or not this is so, I hope the Leader is not suggesting (and his question implies that he is suggesting) that we should go beyond what are obviously the constitutional limits of our power here given by virtue of the New South Wales Act.

The Hon. D. A. Dunstan: You should legislate for the peace, order and good management of the State.

The Hon. ROBIN MILLHOUSE: We are here doing more than that: we are legislating for matters outside the boundaries of the State.

The Hon. D. A. Dunstan: We also legislated for many things offshore.

The Hon. ROBIN MILLHOUSE: As the Leader knows perfectly well that the situation here is not the same as that which applies regarding offshore matters, I think it is wrong of him, as a senior member of the legal profession, to try to confuse the issues in this place, where we are debating not as lawyers but as members of Parliament. That is one argument I have put, and I stand by it. The Leader can say what he likes about it later, and I hope he will do so.

The other ground on which we cannot accept the amendment is an arbitral ground. The fact is that 95 per cent, I am instructed, of the employees of the South Australian Railways is subject to awards and orders of the Commonwealth Conciliation and Arbitration Act, because they are members of the Australian Railways Union. Obviously, those members

are not affected at all by State boundaries and there is no need to put anything in the Act. I remind members that section 65 of the Commonwealth Act provides:

Where a State law or an order, award, decision or determination of a State industrial authority is inconsistent with or deals with a matter dealt with in an award, the latter prevails and the former, to the extent of the inconsistency or in relation to the matter dealt with, is invalid.

Obviously this is a proper exercise of Commonwealth power pursuant to section 109 of the Commonwealth Constitution but, where there is inconsistency between State and Commonwealth legislation in a field in which the Commonwealth has power to legislate, the Commonwealth legislation prevails. At most, we are arguing about 5 per cent of railway employees, those who are likely to belong to the Australian Workers Union. The Railways Commissioner has assured the Government that no A.W.U. member will be required to reside in New South Wales, and on that basis it is quite unlikely that the jurisdiction of any industrial committee under our Industrial Code will be challenged. However, the Commissioner has given a firm undertaking that, if any question as to jurisdiction of the committee arises, those members will not be employed in circumstances in which their industrial rights will be prejudiced. I suggest that the circumstances that the member for Edwardstown and the member for Semaphore have outlined will not arise, because the Commissioner has undertaken not to let them arise.

Mr. Casey: Did the Commissioner give this undertaking to A.W.U. members?

The Hon. ROBIN MILLHOUSE: No, to the Government. The employees who could be affected would not be A.R.U. members, because they are covered by Commonwealth awards and State boundaries do not matter. Those who could be affected would be members of the A.W.U. The Railways Commissioner has said that he will not ask A.W.U. members to reside outside South Australia and, therefore, the jurisdiction of industrial committees under our Industrial Code is most unlikely to be challenged. The Commissioner will ensure that those people are not required to work outside South Australia, to avoid any question of this occurring.

Mr. Casey: How can he do that? They will have to work outside South Australia.

The Hon. ROBIN MILLHOUSE: No, he will get other people to do the work. He has given that assurance.

Mr. McKee: South Australian employees will not cross the border?

The Hon. ROBIN MILLHOUSE: No, and this will avoid the problem that has prompted members opposite to move the amendment. We cannot accept the amendment for two reasons. The first is the constitutional reason that it would be beyond our powers to legislate in these terms. The second is that we do not want to do it because the situation will not arise except for few employees and, if there is any chance of its arising, the Commissioner will avoid the circumstances that would give rise to the difficulty.

Mr. CASEY: I am amazed at the Attorney's statement. The crux of the problem outlined by the Attorney is, first, that South Australian A.W.U. members will be stationed at Cockburn and required to maintain the track between there and Broken Hill and that, if the wage structure becomes such that those employees would be entitled to more pay in New South Wales than in South Australia, they will be removed from the job and replaced by labour from Broken Hill. This is idiotic. The Bill gives the South Australian Government the right to maintain the track between Cockburn and Broken Hill at all times. Not only members of the A.R.U. are involved: members of the Australian Federated Union of Locomotive Enginemen are also involved.

Why employ people to maintain the track, station them in South Australia, right on the border, and then, because wages in New South Wales are increased, not grant the increase to the South Australian employees? Parliament ought to protect these men but we do not protect them by saying that, if New South Wales wages are increased, South Australian employees will be replaced by New South Wales employees.

Similar circumstances apply to the line between Queanbeyan and Canberra and between the Victorian border and Mount Gambier. Victorian members of the A.R.U. and the A.F.U.L.E. bring trains to Mount Gambier. Members opposite claim to be interested in the employees and their welfare, but they are not showing it. They are allowing the Railways Commissioner to not give to South Australian employees any increase in wages granted in New South Wales. The town of Cockburn is on the outskirts of an extremely hot and difficult area, without the amenities of many other towns in the State. Merely because members in another place did not

approve of this amendment does not mean anything. Those members were not elected by the people as we were.

A decision on wages will not affect many men, because the track is only about 30 miles long and it would be maintained from Cockburn. I am sure that the wage structure in New South Wales will not increase to such a high level as to embarrass the South Australian Railways Commissioner. It is imperative that these people should not be paid less than the amount paid to similar workers in New South Wales, and I hope that the Attorney-General will seriously consider this matter in order to give our employees the benefits that are rightly theirs in these circumstances. I support the amendment.

Mr. McKEE: This is a lousy attitude of the Government. If it is our responsibility to maintain this line we should employ men and pay them at least the same rates as apply in other States. Perhaps not more than a dozen men are involved, and I appeal to the Attorney to reconsider this matter.

The Hon. D. A. DUNSTAN: Whoever prepared the legal opinion given by the Attorney should have given more thought to the matter than he did. This permissive paragraph allows the payment out by the Commissioner of certain moneys. It is entirely within the competence of the South Australian Parliament to specify whether persons employed are employed by the State outside South Australia or within it, because their employment is employment by this State. The amount paid to the Agent-General, to the employees of the Tourist Bureau in other States, and to other officers employed outside South Australia does not require the passing of extra-territorial legislation. In relation to a South Australian enterprise and South Australian employment we may pass a law, even though the people we employ are, for some period of that employment, employed outside the boundaries of the State. We can specify what we choose to pay to our operatives when they are working outside South Australia. Evidently, there has been an agreement with the New South Wales Government that the basis of payment will be the terms and conditions of employment in this State. The Attorney-General has suggested that our only charter for passing legislation in relation to these people is an Act of the Parliament of New South Wales, and that we have no other charter. I do not think that is true, particularly when we consider the New South Wales Statute, which provides:

> Notwithstanding anything contained in any Act, award or industrial agreement—
> (*a*) the same terms and conditions of employment, including claims and the settlement thereof under any legislation of the State of South Australia relating to workers' compensation; and
> (*b*) the same rates of salaries or wages,
> shall be applicable and paid to officers and employees employed by the Commissioner in or in connection with the operation, control and management of the Railway

That is not what is stated in the Bill: it is not a mandatory provision for the payment of the same amount. It is a permissive section that he may pay them that or may pay them something else.

The Hon. Robin Millhouse: That is a matter of interpretation.

The Hon. D. A. DUNSTAN: If the Attorney-General considers the other paragraphs he will realize that they are specific and mandatory, and use "shall". The amendment is specifying that he shall not pay less: in other words, it is giving protection sought to be given by the New South Wales provision, although at present it is not given. The Attorney-General said that it was challengable (although I think incorrectly) in the courts on constitutional grounds by someone who would take a case. Who would take a case? As the Attorney knows, it is not open at large. To bring a case in this matter a person would have to show interest, unless he brought a case *ex relatione* the Attorney-General. I do not suppose he is likely to grant a writ of that rare kind. I do not know whether he has granted any since he has been in office.

The Hon. Robin Millhouse: One.

The Hon. D. A. DUNSTAN: It is only rarely done, and it is hardly likely to arise in these circumstances. If he brings a writ to say that it is unconstitutional for the Commissioner to pay an amount that we have allowed in our Act, the only question that would arise would be from the Auditor-General. However, as the amendment would be a specific authority to the Commissioner, I am sure the Auditor-General would not question it.

Mr. VIRGO: The Leader has put the case very strongly. To give the Attorney-General time to consider, I move:

That progress be reported.

The Hon. ROBIN MILLHOUSE: As I was about to reply, I hope the honourable member does not persist with his motion.

The CHAIRMAN: Order! The motion cannot be debated.

Motion negatived.

The Hon. ROBIN MILLHOUSE: I cannot accept what the honourable member has said about jurisdiction. There is a clear distinction between the position of, say, the Agent-General or State officers working out of South Australia and being paid as public servants of this State, because in those cases there is no conflicting legislation: we are legislating on a matter which the Parliaments of those other countries or States do not touch. Here, however, we would be legislating not to mirror the New South Wales Act but to go beyond it: to do something which is contrary to the New South Wales Act and which is to apply in New South Wales.

That is the vital distinction between the position of the Agent-General and other public servants outside South Australia. Other jurisdictions are not interested in what we pay our employees, even though they are outside South Australia, but here the New South Wales Parliament has already expressed its interest and has laid down the law that will apply in New South Wales in these matters. That is why the New South Wales Act was passed. That is why what is suggested cannot be done, and that is why I cannot accept the Leader's arguments. I heard someone say this morning that, when at the university, the Leader was an excellent actor. He has not lost that skill. He is very persuasive. I say that in all friendship to the Leader. I have always admired his abilities, and I wish I had them myself. When one analyses the arguments he has put, one finds that the flaw is the distinction between the position here and the position in the matters he has mentioned. I cannot accept the Leader's argument.

It is rather significant that when the member for Edwardstown moved this amendment he talked about all railway employees, and the member for Semaphore followed this tack. However, since I pointed out that this would apply not to all railway employees but only to a small number of them, that form of argument has been abandoned by members opposite. I think it is accepted by members on both sides now that we are talking about only a small proportion of employees. No member of the A.W.U. will be required to work in New South Wales in such circumstances as would prejudice his right to go to arbitration in this State. When I said that this was a question of arbitration, the member for Frome said, "Why go to all this trouble?" I hope this does not reflect the outlook of all members opposite, because we on this side believe in arbitration, which is how we believe that wages should be fixed.

Mr. Casey: I didn't say we didn't believe in it.

The Hon. ROBIN MILLHOUSE: The honourable member gave me that impression. I ask honourable members to bear in mind that whether these men are A.W.U. members or A.R.U. members we will see that their right to go to arbitration is preserved. For the great bulk of railway workers who are members of the A.R.U., this just does not matter. For members of the A.W.U. we will make sure that nothing is done to interfere with their right to go to arbitration and to have the industrial committee fix the terms and conditions under which they work.

Mr. LAWN: In reply to the member for Edwardstown, the Attorney-General said, "The Government is not able to accept the amendment for the reason that we are legislating for something which will happen outside the confines of this State." Later, he said, "The Railways Commissioner has given the Government an undertaking that certain circumstances will not arise." He then said that if something unforeseen arose steps would be taken by the Government to overcome the situation. This amendment, however, will overcome any of the unforeseen circumstances that may arise. The Attorney-General concluded by saying that only a small section of employees was concerned, in any case, yet at election time the Party opposite always boasts about representing all sections of the community. The amendment does not seek to provide anything more than arbitration: it seeks to provide that the Commissioner will not pay rates of salaries or wages less than those applying in South Australia.

Mr. Virgo: The Attorney-General says the same rates may be paid, but they may be less. The amendment makes it mandatory.

Mr. LAWN: The amendment merely seeks that the salaries and wages shall not be less. It seeks to overcome a situation which may arise and which may cause the Commissioner to alter his undertaking to the Government. I think the legal position has been aptly put to the Committee: that we provide for the rates of salary for people working outside South Australia in connection with, say, the Tourist Bureau.

Mr. HURST: The Attorney-General tried to say that if the amendment were carried it would be contrary to the New South Wales provision. We are dealing with a clause which, without the amendment, clearly seeks to restrict and control the wages and conditions of the employees concerned. Can the Attorney-General say how it would be possible for the New South Wales Government to legislate in any way other than that stated by the Leader?

Concerning the control of wages and conditions of South Australian employees, how would the authority under the relevant provision stand up if challenged in a court of law? People of South Australia are not prepared to continue to act as rubber stamps in respect of other States, and it is wrong to let one State legislate to control the conditions of employees of another State. Are not the respective tribunals functioning in this State and the officers to whom the appropriate duties are delegated sufficiently competent to correct any anomaly that exists? Surely we will not, through enacting foolish legislation, force Government employees into a situation where they must resign. If the Commissioner wanted to send an officer to Broken Hill, where conditions are slightly different from those applying in South Australia, unless this amendment were accepted he would not be able to send members of the A.W.U. or higher ranking officers and the existing provision is entirely wrong. We should not be restrictive, and we should acknowledge the competence of the bodies that have the authority to deal with these problems.

Mr. VIRGO: I regret that the Attorney-General did not agree to report progress. I appreciate his difficulty, for I imagine that, as he is the conveyor of the Bill, he has not the same latitude as he would have if he were its custodian. We know what has happened in another place and we tried to give the Attorney a way of escaping embarrassment, because his legal argument has been rebutted by the Leader. If progress had been reported, he could have told his colleague that a mistake had been made and we would have given him credit for acknowledging that mistakes could be made.

The Hon. Robin Millhouse: We don't admit to making a mistake, though.

Mr. VIRGO: Recently we paid Queen's Counsel a large sum to argue before the electoral commission that the word "may" in the Electoral Districts (Redivision) Act should be interpreted as meaning "shall". We do not know whether he was successful in his argument.

The ACTING CHAIRMAN (Mr. Nankivell): I ask the honourable member to get back on the rails.

Mr. VIRGO: The word "may" is permissive and the effect of the amendment is that the Railways Commissioner must pay the existing rates as a minimum, but may pay something else. Although I think the number of employees who would be affected by this provision is nearer 15 per cent than the 5 per cent mentioned by the Attorney-General, I do not care whether only one employee would be affected, because a principle is involved. Are we saying that these employees are not worth worrying about? When the amendment is voted on we will find out how sincere the Attorney is in his claim that the Government believes in arbitration. If he does not accept the amendment, he will prove that he has been completely hypocritical in that claim.

If a small number of employees is involved (and the Commissioner has given an assurance that A.W.U. members will not be deprived of arbitration and that no-one will be adversely affected), why is the Attorney putting up such a fight in opposition to the amendment? There is more in this than the Attorney admits. He has not said that the amendment would have an adverse effect, and he cannot truthfully say that, so, if his opposition is not based on pigheadedness in not wanting his Bill amended, I assume that he has some ulterior motive and wants to use the permissiveness of the clause to ensure that the employees will not receive the proper rates of pay.

Mr. CASEY: The Attorney claimed that what I said conveyed to him that I did not favour arbitration. That is not true: I believe in arbitration completely. I said that, if the amendment were accepted, the employees would not have to go to arbitration to get something to which they were entitled and which Parliament could give them. I think the Attorney knew what I said, but he is prone to try to twist things. Apparently, in terms of clause 2, the South Australian Railways Commissioner must do what the New South Wales Act states but, in the case of the wages, our Commissioner does not have to do what is done in New South Wales. The situation can become complicated, and it seems that the Attorney has not grasped the true significance of this clause. If the Attorney acted in the

best interest of the people concerned he would refer the matter to the Minister of Roads and Transport so that some sanity could be introduced into this legislation.

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

Mr. CASEY: Mr. Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Mr. CASEY: This matter should be referred back to the Minister of Roads and Transport in another place so that he can consider the points raised here, because this matter is important to my constituents, who should be given their rights. Over the years employees have always been subject to this kind of treatment by Liberal Governments, because this State has always been regarded as a low-wage State. The Labor Government, however, sought to remedy this state of affairs. It is time we got away from the old idea that the living wage in this State should be only a percentage of the New South Wales living wage. Apparently it is the policy of the Liberal Government to keep down wages in this State in order to attract industry. There is a principle involved here. I hope that the Government sees the wisdom of the amendment and that the Minister will refer this matter to his colleague in another place so that it can be carefully looked at.

The Hon. J. W. H. COUMBE (Minister of Labour and Industry): Some members who have spoken in this debate were prominent members of their unions before coming to this place and had considerable experience in court advocacy, and as such I would have expected that they understood the basic principles of industrial law and practice. However, those members have departed from their previous advocacy in this regard. The member for Edwardstown (Mr. Virgo) accused the Government, and particularly the Minister in charge of the Bill, of having some ulterior motive. I have been trying to discern the ulterior motive of the mover of the amendment and his supporters.

Mr. Virgo: The Attorney was going to explain what it was.

The Hon. J. W. H. COUMBE: The principle is that, because this line extends into New South Wales, the Bill provides that everyone working within South Australia and on that extension into New South Wales will, as this is a South Australian line, be paid the same rate of pay in their classification or category as if they were physically working in South Australia. It was put forward by one or two members that because the word "may" is used the Commissioner may not be obliged to pay the whole of the rate of pay that everyone else gets. Members know as well as I do that the South Australian Railways Commissioner cannot pay less than the rates prescribed by the award or the industrial agreement under which he operates. He is a party to any award or the industrial agreement covering the employees or officers working in the South Australian Railways. Therefore, it is so much poppycock to suggest that the Commissioner could take the opportunity of paying less in certain circumstances.

The Hon. D. A. Dunstan: The Attorney's argument was that the legislation of South Australia had no extra-territoriality. If that is so, then the award has no extra-territoriality either.

The Hon. Robin Millhouse: No, that's not so.

The Hon. J. W. H. COUMBE: I listened to the Leader making this point, and I think he is misinterpreting this. Those employees within the Railways Department who are members of the Australian Railways Union come under the jurisdiction of a Commonwealth award; those who work under the Australian Workers Union or any other similar union are under the jurisdiction of the State Industrial Court. We are saying that the Commissioner is bound by the relevant industrial agreement or award and cannot pay less, and certainly this Government would not be a party to such a thing.

Several members dealt with the point about the use of the word "may", and the Leader made some play on this. New section 4a (1) (*b*) provides that the Commissioner "may for or on behalf of the State of South Australia operate, control and manage the railway . . .". It provides not that, if the Commissioner wishes to operate the railway on behalf of the State, he shall do so but that he may do so. The mover of the amendment is apparently happy that workmen may have the same terms and conditions regarding workmen's compensation, but he is insisting on a variation regarding the rates of salaries and wages.

In my opinion the Bill clearly provides that, relating to wages paid, employees of the Railways Department, in whatever category they may be, will enjoy the same conditions as though they were operating in South Australia. The fear expressed that the Commissioner,

under the present wording, may be able to erode or reduce the rates of pay of his employees working in certain circumstances is completely fallacious, because members know that the Commissioner is bound and cannot depart from this. I say quite seriously that the fears expressed are groundless and that the Bill gives effect to what I believe both sides want.

Mr. VIRGO: I was pleased to hear the Minister of Labour and Industry at least say at one stage that he was serious, because for much of the time I thought he was joking. I do not think he raised his status by making the side-sweep attacks, apparently on the member for Adelaide and the member for Semaphore, when he talked about people who had had extensive training and experience in the trade union movement. If the Minister has in his mind the views that he has expressed, then all I can say is that he has a despicable attitude, as far as I am concerned. If the Minister pits himself against either of those members before an industrial tribunal, he will be done like a dinner. Perhaps the Minister is to be commended for at least speaking but I do not think our workers have much future if he is putting into effect the views he has just expressed. He cannot convince any sane person that "may" means "shall". The Attorney was going to do that before dinner, but he has not done it. Instead, he has put up his hatchet man. The Minister has said that employees will be paid the same rates of pay: he forgot to read the word "may" in the Bill. I agree with his statement that the Bill maintains a principle, because it maintains the principle of the Liberal Party of getting on top of the worker by not agreeing to conciliation. The member for Light can say what he likes, because *Hansard* records his statement that he would close the railways and sack all the workers.

Mr. Freebairn: How do you pit your bird brain against the Attorney-General?

Mr. VIRGO: I do not try, but this afternoon my Leader showed the fallacy of the Attorney's case, and the member for Light should have been here when the Leader spoke. The Minister of Labour and Industry has relied on the fact that the remainder of the Bill uses "may" in relation to the Commissioner's powers and I suggest that, before he makes an idiot of himself again, he read the principal Act. Section 4 provides that the Commissioner is authorized and obliged to do certain things and section 5 provides that the Treasurer "shall", not "may". Section 6 provides that the Governor may make regulations, and similar terminology will be added to the Act if this Bill receives assent, unless the Government sees the foolishness of its ways. If the Government continues to use the permissive "may", the railways workers, both salaried staff and wages staff, will know that the Liberal Government is giving only lip service to its cry of believing in arbitration. This is the acid test and on this I think the Government will be found wanting.

Mr. HURST: I fail to understand the attitude of the Attorney-General and the Minister of Labour and Industry on this. The Attorney-General has not answered our Leader, and that is not good enough for us. Because of his inability to give a satisfactory explanation to the Committee, he even called on the Minister of Labour and Industry to justify his own (not the Minister's) foolish statements. Ministers should not refuse to answer legitimate questions. Members have a right to know the true meaning of clauses. It is not right that legislation should be pushed through as shoddily as this.

The Hon. ROBIN MILLHOUSE: I can no longer ignore the challenge of the member for Semaphore. I will not, however, traverse the ground I have already covered and simply repeat it. I entirely endorse all that has been said by the Minister of Labour and Industry on this matter. I noticed particularly that the member for Edwardstown did not take up the point that the Minister made: that, because he is bound by awards, the Railways Commissioner could not possibly pay less than the amount stated. That, of course, is the significant point.

Mr. Virgo: Are all employees bound by awards?

The Hon. ROBIN MILLHOUSE: I believe that all members of the A.R.U. and of the A.W.U. are covered, and those are the ones we are talking about. I suggest that that is the position, that every member of the A.R.U. employed by the S.A.R.—

Mr. Virgo: Are you sure of that?

The Hon. ROBIN MILLHOUSE: I do not know whether the honourable member is scowling or is having trouble with his glasses.

The Hon. D. A. Dunstan: Just because you are talking rot you indulge in personal remarks.

The Hon. ROBIN MILLHOUSE: I apologize; I should not have said that.

Mr. Virgo: Guttersnipe.

The Hon. ROBIN MILLHOUSE: I am sorry: I should not have said that.

The CHAIRMAN: I ask the Attorney-General to address the Chair.

The Hon. ROBIN MILLHOUSE: I am making the point that I was asked to make at the specific request of the member for Semaphore. The first point is that we have now been debating this matter for some time and, frankly, I say, with due respect to all members, that no new points have emerged that did not emerge in another place.

The CHAIRMAN: The Attorney-General canot refer to a debate in another place.

The Hon. ROBIN MILLHOUSE: I was not going to, but I was going to say that the Government during the last few days thought over carefully all the arguments that have been advanced today, because they were brought to the Government's notice. I am not taking instructions from the Minister of Roads and Transport, nor has anything new come up that the Minister does not know about. We have considered these arguments and are satisfied that the clause is in a proper form and, therefore, no good purpose can be served by referring the matter to the Minister of Roads and Transport, or by thinking about it again.

Mr. Virgo: Tommy rot.

The Hon. ROBIN MILLHOUSE: Opposition members may think that we are wrong in our consideration, but we have given this matter much thought and come to our conclusions. My second point is that the member for Semaphore thinks that I have not replied to the arguments put by his learned leader on the constitutional issues.

Mr. Virgo: Nor have you.

The Hon. ROBIN MILLHOUSE: I think I have. However, if Opposition members are not satisfied with the careful and logical explanation I gave perhaps I can put it in another way. Let us consider section 8 (6) of the New South Wales Act, which I quoted this afternoon and which I will quote again.

Mr. Virgo: With Mr. Askin's authority.

The Hon. ROBIN MILLHOUSE: With the authority of the Parliament of New South Wales. I do not know whether the Opposition there opposed this clause, but it is the law in New South Wales. The section provides:

Notwithstanding anything contained in any Act, award or industrial agreement—

(*a*) the same terms and conditions of employment, including claims and the settlement thereof under any legislation of the State of South Australia relating to workers' compensation; and

(*b*) the same rates of salaries or wages,

and I ask members to note the next words—

shall be applicable—

that is the imperative, and I hope the member for Edwardstown and others have noted that—

and paid to officers and employees employed by the Commissioner in or in connection with the operation, control and management of the Railway as are applicable and paid to officers and employees employed by the Commissioner in or in connection with the operation, control and management of railways vested in him in the State of South Australia.

That is the New South Wales law.

Mr. Virgo: It does not cover us.

The Hon. ROBIN MILLHOUSE: Apparently, the member for Edwardstown is the Opposition member in charge of this Bill. If he believes it does not cover us, he has not read the clause properly.

Mr. Virgo: I have read the clause.

The Hon. ROBIN MILLHOUSE: Then let the honourable member explain what is meant by the phrase at the beginning of subclause (2), ". . . subject to any law in force in New South Wales . . .". Any law, and this is a law. Therefore, this clause is subject to that provision in express terms. The honourable member says that there is no subjection of our law to the other one. Obviously he has not read or appreciated the force of that clause. New section 4a (2) starts off by saying:

Notwithstanding anything to the contrary in the South Australian Railways Commissioner's Act, 1936-1965, but subject to any law in force in New South Wales, the South Australian Railways Commissioner in or in relation to the operation, control and management of the railway . . . (*d*) may, in relation to any officers or employees, etc.

Mr. Virgo: Would you explain the use of the word "may" there?

The Hon. ROBIN MILLHOUSE: I do not believe that the honourable member is so lacking in intelligence, knowledge and experience as not to be able to see the link between the imperative word in the New South Wales law and the phrase "subject to any law in force in New South Wales". That is the answer, if the honourable member wants it in another form, to the points made by members opposite, and it is, if I may say so with due respect, another way of answering the arguments put up by the Leader. Members of the Opposition have not moved to delete that phrase. Why? They realize, if they have done their homework, that it is a proper provision

to make. It links our provision with the provision already in force in New South Wales, and that provision is mandatory in relation to employees of the South Australian Railways. This is simply another way of making the arguments I made this afternoon. It is an argument based on the Statute itself: we make our clauses subject to New South Wales law.

Mr. LAWN: I was surprised to hear the Attorney-General say that this Bill was phrased in the way it is so that it would be the same as the New South Wales Act. For years I asked the Playford Government to introduce legislation regarding workmen's compensation and long service leave similar to that operating in New South Wales, and Tom Playford refused point blank. He said that never while he was alive would he introduce workmen's compensation to a man going to and coming from his place of employment. The present Attorney-General agreed with every word Tom Playford said. Where is his consistency? He tries to justify what happens in another State when it suits him. However, this Government will not give the workers in South Australia the benefit of things that are operating in other States. It took the Labor Government to give the workers a Workmen's Compensation Act as good as the one in New South Wales, and that Government was the first one in South Australia to give people long service leave. All the Playford Government finally did was give an extra week's annual leave after seven years of service.

The Minister of Labour and Industry said that the Opposition feared that the Railways Commissioner might pay less than the award rate. When I spoke earlier I made it clear—and I think the member for Edwardstown also made it clear—that people working close to Broken Hill might receive some locality allowance or similar allowance higher than that applicable in South Australia. I think we have made it clear that salaries and wages may be higher in the Broken Hill area than those operating at, say, Two Wells or Murray Bridge. Because of their distance from the capital city, these men working on the line from Cockburn to Broken Hill may normally be entitled to an additional salary or wage, and I am concerned that this Bill will indicate that the Government does not want the court to award anything additional. I do not wish to prescribe any higher rate: members on this side merely ask that the Government provide that the Commissioner may not pay less than the wage applicable at, say, Two Wells or Murray Bridge. It should be left to the conciliation and arbitration machinery if someone wants to justify a rate higher than that normally payable in South Australia.

Mr. Freebairn: Do you think the Commissioner should pay a lead bonus?

Mr. LAWN: It would be wrong for the member for Light or me to judge anything of that nature. I believe in conciliation and arbitration, and if parties have a dispute they should get together and try to settle it: if they cannot, they should have recourse to arbitration without interference from members of Parliament. If they cannot settle, they should then go to arbitration.

The Committee divided on the amendment:

Ayes (16)—Messrs. Broomhill and Burdon, Mrs. Byrne, Messrs. Casey, Clark, Corcoran, Dunstan, Hudson, Hughes, Hurst, Hutchens, Langley, Lawn, McKee, Ryan, and Virgo (teller).

Noes (16)—Messrs. Allen, Arnold, Brookman, Coumbe, Edwards, Evans, Ferguson, Freebairn, Hall, Millhouse (teller), Nankivell, Pearson, and Rodda, Mrs. Steele, Messrs. Stott and Venning.

Pairs—Ayes—Messrs. Jennings, Loveday, and Riches. Noes—Messrs. Giles, McAnaney, and Wardle.

The CHAIRMAN: There are 16 Ayes and 16 Noes. There being an equality of votes, I give my vote in favour of the Noes.

Amendment thus negatived.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

LICENSING ACT AMENDMENT BILL (No. 4)

In Committee.

(Continued from February 20. Page 3801.)

Clauses 2 to 5 passed.

Clause 6—"Special licences."

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

In new subsection (2a) to strike out all words after "supply" and insert "wine produced by members of the association for consumption by members of the public with meals in a dining room specified by the court, or wine and brandy produced by members of the association, unaccompanied by food, at a wine and brandy tasting conducted in a place specified by the court, upon the grounds whereon the annual Royal Show of the Royal Agricultural and Horticultural Society of South Australia Incorporated is held, at any time during which that annual Royal Show is open to the public."

The effect of my amendment is to allow members of the Wine and Brandy Producers Association of South Australia to sell and supply liquor, including brandy, at the show.

The Hon. D. A. DUNSTAN (Leader of the Opposition): This amendment achieves what I was seeking to achieve by the amendment I had on file, and I therefore support it.

Amendment carried; clause as amended passed.

Clause 7—"Publican's licence."

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

In new subsection (1*a*) (*a*) to strike out "or takes liquor from licensed premises" and insert the following new paragraph:

(*aa*) he takes liquor from licensed premises within the hours during which liquor may be sold or supplied under the licence in accordance with paragraph (*a*) or (*b*) of subsection (1) of this section, or within a period of thirty minutes thereafter;

If there is to be a tolerance for consumption there must be a tolerance for taking away the liquor. If liquor is bought before the closing hour but is not consumed, it is reasonable to expect the purchaser to be able to take the bottle away during the time that he may be allowed to consume liquor.

The Hon. ROBIN MILLHOUSE: Originally, the Australian Hotels Association asked for 15 minutes, but on reconsideration it decided that 30 minutes would be more appropriate. The Government supports the amendment.

Amendment carried; clause as amended passed.

Clause 8—"Wholesale storekeeper's licence."

The Hon. ROBIN MILLHOUSE: I move:

To strike out new subsection (2) and insert the following new subsections:

(2) Subject to subsection (3) of this section, a wholesale storekeeper's licence granted before the commencement of the Licensing Act Amendment Act, 1969, shall not be renewed unless the court is satisfied that the predominant proportion of the whole of the trade conducted in pursuance of the licence consists of the sale and disposal of liquor to persons licensed under this Act or to persons authorized under the law of any other State or Territory of the Commonwealth to sell liquor.

(3) If, upon the application, next ensuing after the commencement of the Licensing Act Amendment Act, 1969, for the renewal of a wholesale storekeeper's licence, the holder of the licence satisfies the court that, by reason of subsection (2) of this section, the trade conducted by him in pursuance of the licence up to the date of the application could not continue undiminished, the court shall exempt that person from the provisions of that subsection and shall, subject to the provisions of this Act, renew, and continue from time to time to renew, the licence notwithstanding the provisions of that subsection.

(4) A wholesale storekeeper's licence shall not be granted after the commencement of the Licensing Act Amendment Act, 1969, and a licence granted after that date shall not be renewed, unless the court is satisfied that a proportion of not less than ninety per centum of the moneys paid or to be paid to the holder of the licence in respect of the sale and disposal of liquor pursuant to the licence is, or will be, so paid in respect of the sale and disposal of liquor to persons licensed under this Act, or to persons authorized under the law of any other State or Territory of the Commonwealth to sell liquor.

This clause has caused some trouble and doubt, but I think this amendment is acceptable to all interests. It was necessary to amend section 21 of the Licensing Act because of the judgment of the Full Court in the D'Oro case.

The CHAIRMAN: There are two amendments, one being in the name of the Attorney-General and the other in the name of the Leader. I think that, in order to safeguard the Attorney-General's amendment, the Leader's amendment should come first.

The Hon. D. A. DUNSTAN: I do not now intend to move the amendment standing in my name. I understand that the Attorney's amendment represents an agreement between the Australian Hotels Association, the wine and spirit merchants and the Wine and Brandy Producers Association.

The CHAIRMAN: In that case, the Attorney-General is in order in proceeding with his amendment.

The Hon. ROBIN MILLHOUSE: I had understood that the Leader did not intend to proceed with his amendment, Mr. Chairman. The necessity to amend section 21 arose out of the D'Oro case in which the Full Court laid down that the meaning of "wholesale" related to the amounts sold and not to the person to whom the sale was made. Our predecessors in the last Parliament in 1967 assumed that the import of "wholesale" was the person to whom the liquor was sold. However, the Full Court having decided to the contrary, it was necessary to recast the section. This proved to be difficult, because so many interests were affected. However, as the Leader has said, we now have succeeded, I think, in reconciling all the interests and we hope that we now have a workable provision.

Amendment carried: clause as amended passed.

Clause 9—"Retail storekeeper's licence."

The Hon. D. A. DUNSTAN: I do not intend to move the amendment in my name. I understand that the Attorney now opposes the whole clause. The reason for that, I understand, is that all but one of those who could have applied for retail storekeeper's licences, being the holders of storekeeper's Australian wine licences, have applied and been granted a licence. In consequence, the situation that this clause was designed to cover no longer arises. The one person who has a storekeeper's Australian wine licence and who has not got a new retail storekeeper's licence is not, I understand, willing to apply for a licence. In those circumstances, there is no point in introducing legislation for something that has already been covered by a decision of the courts.

The Hon. ROBIN MILLHOUSE: That is the position, so there is no point in having this clause. I suggest that the Committee should vote against it.

Clause negatived.

Clause 10—"Vigneron's licence."

The Hon. D. A. DUNSTAN: I do not intend to move the amendments standing in my name. I understand that the Attorney's amendments again represent an agreement between the Australian Hotels Association, the Wine and Brandy Producers' Association and the wine and spirit merchants.

The Hon. ROBIN MILLHOUSE moved:

To strike out paragraph (*b*) and insert the following paragragh:

(*b*) by inserting after the word "perry" in paragraph (iii) of the proviso the passage "or, in the case of a sale to a person or organization licensed to sell liquor, is sold and delivered at that place or at the licensed premises of that person or organization".

Amendment carried.

The Hon. ROBIN MILLHOUSE moved:

To strike out new subsection (2).

Amendment carried.

The Hon. ROBIN MILLHOUSE moved:

In new subsection (3) to strike out "hundred" and insert "thousand".

Amendment carried; clause as amended passed.

Clause 11 passed.

Clause 12—"Restaurant licence."

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

In new subsection (4) after "and" third occurring to insert "where the applicant carries on business predominantly as a restaurateur and the premises to be licensed do not form part of, or access to them is not obtained through, the premises of general merchants".

I think it is clear that there is every reason to provide that some people who have present restaurant permits should be granted conditional restaurant licences, as it is difficult for some people with restaurant permits at present to satisfy the full requirements of the court regarding restaurant licences; and it would place a grave hardship on some of them to be required to comply with the full conditions of a restaurant licence particularly in relation to hours of trading where there is no specific demand for it. I do not think it is enough to say that there should be special conditions, because the court, in dealing with special conditions, generally requires that something quite exceptional be proved, and these are not always exceptional conditions which apply in such circumstances. I believe we should leave the provision as flexible as possible, and it was the original intention of the Act that the court be empowered to meet conditions flexibly, to be able to judge what was reasonable in particular circumstances, and not to lay down too hard and fast rules.

With great respect to His Honour the Licensing Court Judge, I think he has in some cases been rather more restrictive in his interpretations of exceptions to normal conditions laid down in the Act than was originally the intention of the Legislature (certainly more restrictive than was the intention of the Royal Commission). I think the term "special conditions" would be interpreted pretty narrowly given the interpretations of these words in those circumstances, judicially. I do not think that, in providing flexibility in the licensing provisions, we should allow large retail organizations of general merchants to take advantage of the fact that they can get fewer hours than those required of full publicans to compete in the large-scale dining-room trade.

If they are going to get a large-scale dining-room trade with a large staff, they ought to be competing on the same terms as are required of holders of full-scale restaurant licences or full-scale publican's licences, but I fear that, if the provision goes through as it stands, general merchants may seek the permission of the court simply to open their large-scale dining-rooms that are competing with the dining-rooms of hotels and the full-scale restaurant licence holders in the city of Adelaide and elsewhere and will not have the same costs as the others, because they will restrict their trade and, in

consequence, will not have to provide the staff or service to the public required of the other licence holders.

This objection has been raised specifically by the Australian Hotels Association, which says, with justification, "We are required to provide a service over a consistent period. We are required to keep open, as are the holders of restaurant licences. In these circumstances, people granted a full restaurant licence and a full publican's licence have costs to which they are committed and no-one should be allowed to compete with them by reducing overhead costs and costs for restaurant services with the sale of liquor."

We are trying to provide for the small-scale man who cannot meet the normal demands of a full-scale restaurant licence, but this cannot be said of general merchants who have their dining-rooms open as an adjunct and attraction to retail stores. My amendment restricts the granting of a permit to the kind of case which I think was put to the Attorney originally and which prevents the court from granting such a restriction in conditions to the dining-rooms of large-scale merchants.

The Hon. ROBIN MILLHOUSE: I support the amendment and do not think it necessary for me to add to what the Leader has said, but I take it that my amendment will be safeguarded and will be considered immediately following this one.

The CHAIRMAN: Both the Leader's amendment and the Attorney-General's amendment add words between "and" and "limiting". I am concerned about where the Attorney-General's amendment fits in, assuming the Leader's amendment is carried.

The Hon. ROBIN MILLHOUSE: I do not know and I defer to you on that, Mr. Chairman, as long as my amendment is safeguarded. I do not think it is any more controversial than the Leader's amendment. The matter is simply one of fitting in the amendments.

The Hon. D. A. Dunstan: I think it would make better sense if your amendment came first.

The CHAIRMAN: If the Leader of the Opposition withdraws his amendment, he can move it again after the Attorney-General's amendment.

The Hon. D. A. DUNSTAN: I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. ROBIN MILLHOUSE: I thank the Leader for his co-operation. I move:

In new subsection (4) after "and" third occurring to insert "where the court is of the opinion that there are special circumstances justifying it in so doing,".

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In new subsection (4) after "and" third occurring to insert "where the applicant carries on business predominantly as a restaurateur and the premises to be licensed do not form part of, or access to them is not obtained through, the premises of general merchants".

Amendment carried.

The Hon. ROBIN MILLHOUSE moved:

In new subsection (6) after "licence" first occurring to insert "which shall be unconditional or"; after "subject" to insert "only"; to strike out "ensure" and insert "permit"; and to strike out "that the trading rights enjoyed under the restaurant licence will be substantially the same as, but not inferior to" and insert "the enjoyment of trading rights that are not inferior to".

Amendments carried; clause as amended passed.

Clauses 13 to 22 passed.

Clause 23—"Reception house permits."

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

In new section 66a (2) (*a*) after "licences" second occurring to insert "whose licensed premises are situated in the vicinity of the premises in respect of which the permit is in force".

This will provide a similar protection to publicans as is provided under the other permit sections. The Attorney-General's proposal at present is that the liquor be purchased from the holders of full publican's licences or retail storekeeper's licences but, in other provisions where we have required the purchase from publicans or retail storekeepers, they have been publicans or retail storekeepers in the vicinity, and I believe this protection should be repeated here.

The Hon. ROBIN MILLHOUSE: I do not oppose the amendment.

Amendment carried; clause as amended passed.

Clauses 24 to 29 passed.

Clause 30—"Conditions of licence."

The Hon. T. C. STOTT: I move:

After "approve" to insert:

and

(*b*) by inserting after subsection (1) the following subsection:

(2) The court may make a decision under section 42 of this Act in relation to a club notwithstanding that the erection of the premises of the club has not

been completed if it is satisfied that the conditions referred to in subsection (1) of this section will exist with respect to the club when the erection of the premises is completed.

Applications from the Lyrup and Glossop clubs for a licence under the Act have been placed before the court, but they have been rejected on the ground that the premises have not been erected. I think members were under the impression that section 41 of the principal Act gave the court discretion to grant clubs such as this a temporary licence until the premises were erected. As the Leader of the Opposition has pointed out with very great respect to the presiding judge of the Licensing Court, that judge has taken rather a rigid view of this provision. The court took the view that it was unable to comply with the request under that section. Glossop is only a small town about 20 miles from Renmark and 18 miles from Loxton. A bowling club is situated in the town, but local residents have been anxious for some years to have a club licensed. Arrangements have been made with a bank and a financial institution, but the bank has stated that it will lend the money only if the club obtains the licence. However, a licence cannot be granted until the club is built. In order to clear up this matter so that Glossop and Lyrup may have the advantages of a club this amendment spells out the details to the Licensing Court so that the court may make a decision. The amendment provides that the club must comply with the general conditions under which a club permit can be granted. The local people know of many clubs in the Upper Murray district where privileges are enjoyed, and it is right and proper that towns such as Glossop and Lyrup should be granted permission to have this type of club.

The Hon. ROBIN MILLHOUSE: The honourable member was kind enough to discuss the amendment with me beforehand, and having been able to consider its implications, I support it. If anything, it adds to the court's discretion rather than subtracting from it, and it means that clubs will be in a position comparable to that of persons desiring to erect a hotel. The hotel does not have to be erected before a licence is requested; the plans are lodged with the court, they are approved, and the building is erected in conformity with the plans. By this amendment the court, in its discretion, may allow a club to do the same thing.

The Hon. D. A. Dunstan: That can be done under section 42.

The Hon. ROBIN MILLHOUSE: In one case the court declined to do that, and it is that refusal of the court that caused this amendment to be considered.

Mr. Corcoran: Is this the exception?

The Hon. ROBIN MILLHOUSE: Yes, it was in the case at Lyrup, where people applied to the court but the court declined, as there were no premises, and the application failed.

The Hon. D. A. Dunstan: The court could not have declined because there were no premises, because those specific provisions are provided in section 42 (1) (*b*). It must have been on the ground that they were applying for a licence in respect of premises that were not ultimately to be used as club premises.

The Hon. ROBIN MILLHOUSE: That is not the case. I assure the Leader that I have seen a letter from the firm of Alderman Clark setting out the facts. I suggest that in many cases, and perhaps in the cases of Lyrup and Glossop (I am careful not to make any judgment on this because that is a matter for the court) the court should at least be enabled to consider an application in these circumstances. Therefore, I suggest that the amendment is worthy of support, and I intend to give it mine.

The Hon. D. A. DUNSTAN: I fail to follow what this amendment does because, on the face of it, it seems to me largely to repeat section 42 (1), which provides:

Any person who has complied with the requirements of section 41 (that is the necessary application and the depositing of plans and the like) may apply to the court for a licence in respect of the premises specified in the plans, and the court may thereupon . . . (*b*) if the premises have not then been erected or completed, decide whether a licence will be granted for such premises when erected or completed in accordance with such deposited plans to the satisfaction of and within a reasonable time to be then fixed by the court or such other time as the court may subsequently allow.

So it clearly provides that an application in respect of premises to be erected is contemplated. Section 88 (1) (*c*) talks about the club being established upon premises. It states:

The club must be established upon premises of which the said association, body, or company is the *bona fide* occupier.

I understand that in the case of Lyrup there was an application in respect of club premises of which they were not the *bona fide* occupiers; it was the intention to erect premises later.

With great respect, that application is not cleared up in relation to establishment of the club on premises of which they are not at the moment the *bona fide* occupiers pending their application for the premises in respect of which a licence will ultimately be granted under this amendment.

The Hon. Robin Millhouse: It means that the court can give them what has been called a judicial promise of the licence.

The Hon. D. A. DUNSTAN: I am not certain that it can, because it still does not clear up the fact that the club that is making the application should be established on premises of which it is the *bona fide* occupier. I would like to help the honourable member but, with great respect to him, I do not think he clears up the trouble with this amendment. I would think that we have to put in something that makes an exception in relation to section 88 (1) (*c*). In that case, of course, section 42 (1) (*b*) would operate. I would like to be helpful but, with great respect, I do not think that by putting this in we will get the decision out of the court that the honourable member is after.

The Hon. T. C. STOTT: We have had considerable difficulty over this. In the opinion of the people who have drafted my amendment, it will solve the problem the Leader has raised. I should lke to quote from a letter which was sent to me and whch I sent on to the Chairman of the Lyrup Community Club. This letter, from a firm of solicitors, states:

On May 2, 1969, the Licensing Court informed us that its inspectors had attended Lyrup to inspect the premises and, of course, found none erected. The court raised with us the basic objection to the application, namely, that the club is not established on premises of which it is the *bona fide* occupier and as that objection strikes at the root of an application of this nature, the application must fail. This is the clearest indication from the Licensing Court of what we have previously advised you of, namely, that it is not possible under the Licensing Act for a club to proceed part way with an application for a licence leaving the application stand adjourned at the stage that provided the club erects premises in accordance with plans lodged at the court for the purpose of the hearing, a licence will be granted to the club upon the completion of the erection of the premises.

The court has suggested (as we did at the outset) that your committee may consider renovating the existing premises which it uses to a condition sufficient for it to apply for and be granted a permit to sell liquor in the premises and then having established the club as a viable club in these premises, erect the new premises and transfer its activities to those new premises.

I think the Leader will see the difficulty we are trying to overcome. If the Leader thinks he can improve the wording by inserting something regarding the *bona fide* occupation of the premises, I am quite happy about that. However, I am assured that the amendment will meet the requirements of the Lyrup and Glossop clubs.

The Hon. ROBIN MILLHOUSE: I think it is all right, if one remembers that the amendment of the member for Ridley is to section 88. The court must be satisfied that when the premises are completed the club will be a *bona fide* occupier, and that is the effect of the amendment. Members of the club will have to satisfy the court that the club itself will be the *bona fide* occupier of the premises once they are erected.

Mr. Corcoran: What if they are never erected?

The Hon. ROBIN MILLHOUSE: Then the court would have been misled. The same could be said of a hotel or motel.

Mr. Corcoran: But a hotel is not given the right to operate in other premises until its premises are built.

The Hon. ROBIN MILLHOUSE: Section 42 means not that the court will give a licence at that stage but that it will deal with the application and grant a licence that will come into operation when the premises are erected.

Mr. Corcoran: In such a case as this?

The Hon. ROBIN MILLHOUSE: Yes.

Mr. Corcoran: This provision says that the court can grant a licence in the meantime.

The Hon. ROBIN MILLHOUSE: With great respect, it does not. I do not think we need worry about the court, especially in view of what the Leader has said about the court's not being reckless or easily satisfied.

The Hon. D. A. DUNSTAN: I appreciate the Attorney's help but, accepting what he suggests, what is the reason for the difference between the wording of this proposed new subsection and the wording of section 42 (1) (*b*)? Two situations are contemplated, one where there has been no erection of premises and the other where the premises are in course of erection but not completed. I believe the first of these situations applies to Lyrup and Glossop. However, because of the provisions of section 42, if a building has not been started, and given the kind of interpretation that the court is now putting on the section, it seems that we could run into difficulty.

The Hon. ROBIN MILLHOUSE: Perhaps we could leave the position as it stands.

Mr. Lawn: No.

The Hon. ROBIN MILLHOUSE: I suggest that the Committee let the amendment stand as moved and that we consider it. I will certainly suggest to my colleague in another place an appropriate amendment if it should be found necessary. I think the amendment is all right as it stands.

Mr. HUGHES: The member for Ridley has explained that these people cannot proceed unless they are granted a licence, because otherwise they cannot raise the money, but I do not think we should set up the court as a referee just so that people can get finance to obtain a licence.

Mr. ARNOLD: I support the amendment.

Mr. Lawn: Why didn't you move it?

Mr. ARNOLD: This problem arises largely with small clubs like those at Lyrup and Glossop. The member for Adelaide wanted to know why I did not move the amendment. As two electoral districts are represented in this case, the member for either could have moved it. Larger clubs do not have as big a financial problem as the smaller ones have. The object of this amendment is to enable a small club to submit plans to the court and, subject to the building being completed to the satisfaction of that court, the court will then grant a licence. There is no reference to wanting to operate as a club prior to the completion of the building, but for a small body to try to raise funds from its limited membership with no guarantee of a licence on the completion of its premises would put it in an impossible situation.

The Hon. ROBIN MILLHOUSE: I think we have now all but worked out the technicalities of the matter. I respect the views of the member for Wallaroo. I do not think that what he suggests is likely to happen, any more than it would happen with the erection of a hotel. I am sure he appreciates the difficulty of people in a small community such as we have been discussing wanting, for genuine and proper purposes, to start a club. They cannot get sufficient interest in the community unless there are premises, and they cannot get premises at present unless they have a licence, so they are caught in a vicious circle. I do not think the evils that the honourable member has mentioned are likely to occur. The court has shown itself, even in the two years it has been in operation, vigilant enough to make certain that there are no abuses of this nature. It is the court that must be satisfied, so I think the amendment is all right.

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

In new subsection (2) to strike out "erection of the"; to strike out "has" and insert "have"; and after "been" to insert "erected or".

These amendments mirror the wording of section 42 (1) (*b*), which is the section under which the court must make the decision; they allow the court to contemplate the situation where the erection of the premises has not yet been begun.

The Hon. T. C. STOTT: The Leader's amendments spell out this matter a little more clearly, and I thank him for them.

Amendments carried; Hon. T. C. Stott's amendment as amended carried.

Clause as amended passed.

Clause 31 passed.

Clause 32—"Entertainment permits."

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

After "amended" to insert:

(*a*) by striking out subsection (2) thereof; and

(*b*)

The provision relating to entertainment permits contains a restriction preventing entertainment permits in respect of Sundays, Good Friday and Christmas Day. Permits for other purposes are granted in respect of those days yet entertainment other than by "canned" music cannot take place at those times. Members of some South Australian religious communities, particularly the Greek community, normally have wedding celebrations on Sundays, but they cannot have their wedding receptions on licensed premises with entertainment. This provision seems to be quite unnecessary. Many people would not want this kind of entertainment on these days, but others do want it. I do not see why we should impose our views regarding the way things should be done on these days on other people who do not hold such views and who would not be interfering with us if they had this kind of entertainment on these days.

The Hon. ROBIN MILLHOUSE: I support the amendment, which means that the court will have discretion as to whether a permit is to be granted. I think we can be confident that the court will exercise its discretion wisely.

Amendment carried; clause as amended passed.

Clause 33 passed.

Clause 34—"Times when premises may not be open nor liquor sold."

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

To strike out "or a limited publican's licence".

The *bona fide* traveller's provision only properly applies to the kind of facilities provided by a full public house, where a person may obtain liquor in the lounge or be served from the bar outside the normal trading hours. The limited publican's licence, normally a motel licence, does not provide this kind of facility, and it usually permits the sale in the dining-room and by room service. In these circumstances I do not think the *bona fide* traveller's provision properly applies to licences of this kind.

Amendment carried; clause as amended passed.

Clauses 35 and 36 passed.

Clause 37—"Liquor not to be carried from premises during prohibited hours."

The Hon. ROBIN MILLHOUSE: I move:

To strike out "from" and "the word 'subsection' and inserting in lieu thereof the word 'section' "; and after "(5)" to insert "and inserting in lieu thereof the following subsection:

(5) This section shall not be construed as preventing—

(*a*) the licensee of the premises, or a *bona fide* lodger or traveller from carrying away at any time of a day from premises in respect of which a full publican's licence is in force liquor that is reasonably required for the consumption of that person on that day;

or

(*b*) the licensee of the premises or a *bona fide* lodger from carrying away at any time of a day from premises in respect of which a limited publican's licence is in force liquor that is reasonably required for the consumption of that person on that day, being, in the case of a *bona fide* lodger, the last day of his residence at the premises".

These are consequential amendments.

Amendments carried; clause as amended passed.

Clauses 38 to 40 passed.

New clause 16a—"Application to transfer."

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

16a. Section 51 of the principal Act is amended—

(*a*) by striking out paragraphs (*a*) and (*b*) of subsection (1) and inserting in lieu thereof the passage "has given notice of his entry upon licensed premises under section 55 of this Act"; and

(*b*) by striking out from subsection (1) the passage "the subject of the certificate or".

This is an amendment to section 51 relating to an application to transfer lodged by a person who is holding a certificate under section 55 or who has entered the premises. Section 55 is the provision for the transmission of licences. This new clause simplifies the provision. Unfortunately, we did not clear this up satisfactorily when the Licensing Act was originally passed.

New clause inserted.

New clause 16b—"Transfer on sale."

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

16b. Section 52 of the principal Act is amended—

(*a*) by striking out paragraph (*b*) of subsection (1) and inserting in lieu thereof the following paragraph:—

(*b*) a person who has given notice of his entry upon licensed premises under section 55 of this Act;

and

(*b*) by striking out paragraph (*c*) and the word "or" immediately preceding that paragraph.

New clause inserted.

New clause 29a—"Licensing of clubs."

Mr. RODDA: I move to insert the following new clause:

29a. Section 87 of the principal Act is amended by inserting after subsection (7) the following subsection:—

(7a) Notwithstanding any provision of this Act, a licensed club that, in the opinion of the court, devotes the whole of its profits to the welfare of the community in which it is situated may be granted a certificate under section 65 of this Act or a permit under section 66 of this Act and such a club may sell and dispose of liquor to any other club whose premises are situated in the vicinity of the club notwithstanding any condition of a permit or licence held by that other club.

This new clause seeks to enable a community club to obtain a booth licence at an agricultural show. The hotels, which provide a service, at present have an absolute function, perhaps rightly so. However, I know of an instance involving the Naracoorte Community Club, which is unable under the Act to apply for a booth licence. I believe the hotel that finally came to the rescue and gave a service at the local show last year—

Mr. Corcoran: Freddie Basheer!

Mr. RODDA: No, not on this occasion. The amendment is designed not to bring

the hotels into line but perhaps to emphasize that they have a duty to give a service in the community.

The Hon. ROBIN MILLHOUSE: I regret that I cannot accept this amendment. I think it would be a radical departure from the present arrangements under the Act whereby this type of business is reserved for the holders of full publicans' licences (hoteliers, in other words). The honourable member desires to enable clubs, albeit those which devote all of their profits to charitable purposes, to engage in trading of a nature in which they have not engaged before. While I sympathize with him in regard to the local situation to which he has referred, I think this could severely cut into the business of hotels, and I do not think we would be justified in allowing that to occur.

When the Government undertook to introduce amendments to the Licensing Act, we said that, as the Act had been in operation then only for about 12 months (and now it is nearly two years), we thought it was too soon to make any radical departures on matters of policy that had been thrashed out pretty fully in this Chamber and in another place in 1967. This would be a significant departure on a matter of policy, apart from the other considerations with which I have dealt. While I sympathize with the honourable member in his situation, I think it would be undesirable to agree to the amendment.

Mr. FREEBAIRN: I am sorry that the Attorney-General has taken that line, because I believe he is in this instance perhaps not entirely aware of all the considerations involved. I commend the member for Victoria for moving the amendment. A licensed club at Cadell is peculiarly situated, in that the nearest licensed premises in one direction are at Waikerie, about 20 miles away, and in the other direction at Morgan, about 10 miles away, across the river. A few weeks ago, when an organization at Cadell arranged a fund-raising gymkhana to help finance the Cadell Oval, I understand that it had difficulty in obtaining a hotelier to conduct a booth.

Mr. Broomhill: But you don't know. If you know what you're talking about, it helps.

Mr. Corcoran: Find out whether they had difficulty, and come back and tell us.

Mr. FREEBAIRN: Whether or not they had difficulty does not matter. Members opposite ought to consider the amendment carefully, because it would improve the Act.

Mr. RODDA: As the amendment has not received the Attorney-General's blessing, I imagine that it will be defeated. However, this is a "pub Bill" and the hotels should give the service that the Act intended, not squib it. If an agricultural show advertises for a publican's booth, it should be able to expect support from hotels, and the amendment highlights a deficiency in my district.

New clause negatived.

New clause 33a—"Persons to be employed in bar-room."

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

33a. Section 154 of the principal Act is amended by striking out from subsection (1) the word "twenty" and inserting in lieu thereof the word "eighteen".

This new clause refers to section 154 of the principal Act, which deals with the age of persons to be employed in bar-rooms. The age in the Act is 20. Under the old Licensing Act it was 18. The work of apprentices and improvers is being prevented because they cannot be employed in the area in which they are supposedly being trained. Both the Australian Hotels Association and the union have asked that this provision be altered to allow the necessary training of the people who need to be on these premises.

The Hon. ROBIN MILLHOUSE: I support this new clause, which clears up what was an anomalous position.

New clause inserted.

Title passed.

Bill reported with amendments. Committee's report adopted.

ADJOURNMENT

At 9.42 p.m. the House adjourned until Wednesday, September 3, at 2 p.m.