

HOUSE OF ASSEMBLY

Tuesday, October 27, 1970

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

QUESTIONS

METROPOLITAN WATER SUPPLY

Mr. HALL: Can the Minister of Works say where South Australia now stands regarding its water supplies? Earlier this year on several occasions the Minister gave accounts to the House of the reservoir holdings in South Australia and gave also an optimistic report at a time when rainfall in the State was plentiful. However, as since that time the season has become drier, I am wondering just what are the reservoir holdings and I should like to know how much pumping will be necessary to maintain supplies at a safe level throughout the summer months. I should be obliged if the Minister could include in his reply a reference to the amount of pumping that he thinks will be necessary.

The Hon. J. D. CORCORAN: The total capacity of the metropolitan Adelaide water supply system (I think the Leader confined his question to that system) is 41,438,000,000 gallons, and at 8 o'clock this morning 37,685,700,000 gallons was held. This, of course, still reflects a healthy situation, and pumping will be reduced to about half the average rate that would normally be necessary. As I am not certain when this will commence or whether pumping is now being carried out in off-peak periods, I will check for the Leader. However, I assure him that the situation will be closely watched to ensure that the present favourable position will not disappear. The Leader may rest assured also that every step will be taken to see that the situation concerning the Adelaide water supply is catered for in the future. I will obtain a detailed report and bring it down as soon as possible. If the Leader wishes to know the individual reservoir holdings, these figures are available.

DIRTY WATER

Mr. CLARK: Will the Minister of Works have inquiries made into the reason for the discoloured water being supplied in Saxon Street, Smithfield Plains, over the last fortnight? Last Friday evening I was visited by two ladies representing several people in this street. Both of these ladies, who have young babies, brought with them samples of the water

they had been obtaining and it was, indeed, very discoloured water, having a dirty appearance. They pointed out to me that, as this was the only supply they had, it was difficult for them to wash napkins, bathe their babies and use the water for other purposes, as it was so discoloured. For these reasons, I seek this information from the Minister, trusting that this difficulty can be overcome.

The Hon. J. D. CORCORAN: I shall have the matter investigated urgently and bring down a report for the honourable member as soon as possible. In parts of the metropolitan area that receive their water supply from the Kangaroo Creek reservoir, discolouration has occurred owing to the new formation of the reservoir and to the fact that this is the first time that it has filled. As this has caused a problem in other areas, it may be related to the problem in the area referred to by the honourable member.

FIREWORKS

Mr. MILLHOUSE: I desire to ask a question of the Minister of Works, who represents the Minister of Agriculture in this House, although I expect that he will be able to answer the question straight away. My question concerns the change that has been made in the period during which fireworks may be sold in this State. I understand that Executive Council—

The SPEAKER: Order! What is the question?

Mr. MILLHOUSE: My question is: what interests, if any, were consulted by the Government before the change was made? I understand that last Thursday, at Executive Council, regulations governing the sale of fireworks were altered to allow a period of only one week for the sale of fireworks prior to the Queen's official birthday, instead of the fortnight that had previously been allowed prior to May 24. I recall that the restriction on the sale of fireworks was imposed during the term of office of the previous Labor Government, between 1965 and 1968. Previously, in accordance with tradition, this day had always been celebrated as part of Guy Fawkes' day on November 5. At that time the Government said that it considered that it should be held in connection with empire day, as it had been in New South Wales, although at the time the change was made empire day itself had altered, so the date had no significance. In a column in Saturday's *Advertiser*, I notice that the sales manager of Globe Fireworks Proprietary Limited, a fireworks seller, comments that the change stinks.

The Hon. J. D. Corcoran: You agree with that comment do you?

Mr. MILLHOUSE: In explaining my question, it is not necessary to agree or disagree; indeed, it would be out of order for me to express such an opinion.

The SPEAKER: The honourable member should not take notice of an interjection.

Mr. MILLHOUSE: I point out to the Minister that the sale of fireworks is a business carried out on a commercial basis in South Australia. It is a business of significant volume, and apparently—

The Hon. G. R. Broomhill: It provides good business for hospitals, too.

Mr. MILLHOUSE: Apparently the Minister of Labour and Industry is opposed to fireworks altogether.

The SPEAKER: The honourable member may not comment.

Mr. MILLHOUSE: I am sorry, Sir. Apparently the change has adversely affected certain business interests in South Australia, apart from any other considerations.

The Hon. J. D. CORCORAN: The honourable member said that, during the term of the previous Labor Government, the date was changed from November 5 to May 24.

Mr. Clark: He didn't tell us why.

The Hon. J. D. CORCORAN: The main reason for that change was that the bush fire danger was greater in November than it was in May. The time in which fireworks could be sold was reduced at that time to a fortnight before the day in question. The reason for the reduction was that invariably a spate of accidents had occurred in the period during which fireworks were being purchased, for whatever reason they might have been purchased, and it was considered that reduction of the period of purchase from a fortnight to a week was necessary and that the change of date was necessary because on the former date the children were on school holidays. It was considered better that the former time should not apply, because at that time children had more time to buy fireworks and play around with them. We thought that it would assist parents if we changed not only the time for letting off fireworks but also the period during which fireworks could be purchased by reducing the period to a week. I cannot say what interests the Minister of Agriculture contacted before the decision was made but I shall be pleased to obtain that information for the honourable member and, if there are other reasons for the change, I shall be pleased to give those to the honourable member also.

GEPPS CROSS INTERSECTION

Mr. JENNINGS: Will the Minister of Roads and Transport have an investigation made into the positioning of the traffic lights at the intersection of Main North Road, the main road to Yorke Peninsula, and Grand Junction Road? The Minister will need a compass to follow the early part of my explanation of the question. On the western side of this intersection, the traffic lights on the south side of it are, from the north side, completely obscured from pedestrian traffic by a stobie pole immediately in front of the lights. When I say "completely obscured", I mean just that. Although this position has obtained for a long time, I am ashamed to admit that it is only recently that my attention has been drawn to it. I have probably been through this intersection thousands of times without noticing that the lights are obscured: although they can be seen from a motor car a pedestrian cannot see them. I noticed this only when I visited the Gepps Cross Girls Technical High School last Friday, when the Chairman of the school council pointed out the position to me and told me that students at the school were having much difficulty in crossing this intersection, because they could not see whether the red light or the green light was on. The Enfield High School is on the other side of the road and a post office, to which people from the populous area to the south would have to go to do postal business, is on the northern part of Grand Junction Road. I think I have explained the matter properly, provided the Minister understands the directions.

The Hon. G. T. VIRGO: I think I understand the directions, and I shall certainly have this matter investigated with a view to rectifying the position.

PETROL STATIONS

Mr. COUMBE: Can the Premier tell me what action has been taken recently regarding the rationalization of petrol stations? During the recent State election campaign and since, the Premier has made statements in regard to his desire to rationalize petrol selling outlets and I understand that there have been communications with the South Australian Automobile Chamber of Commerce and the petrol retailers section of the chamber. At one time a figure of 40 per cent was bandied around as the percentage by which we were oversupplied with petrol reselling outlets. As a few months has passed since the Government came to office, would the Premier explain

what action his Government has taken or intends to take in this matter?

The Hon. D. A. DUNSTAN: As I explained to the House in reply to questions early in this session, the Government considered that it was essential for it to rationalize petrol selling outlets, because several quite uneconomic marketing practices had grown up in petrol reselling, and the oil companies had asked that the Prices Commissioner consider this matter when fixing oil prices. The consumer was being asked to pay for what were, admittedly, uneconomic practices. The oil companies were invited to meet with the Prices Commissioner and representatives of the Automobile Chamber of Commerce. Although this meeting could not be arranged initially, it was eventually held. At that meeting, which was presided over by the Prices Commissioner, lengthy talks took place between representatives of the Automobile Chamber of Commerce and the oil companies. The latter agreed (indeed, this was a proposition they put forward) that the retail outlets in the metropolitan area should not be increased beyond the existing number plus a certain number of specified outlets which were then being built or which had reached a stage in planning or development that would have involved a considerable loss of investment had they not been proceeded with. Apart from those minor exceptions to the total number of outlets within the metropolitan area, however, it was agreed that there should be no further increases in the number of petrol reselling outlets unless a new outlet replaced an existing outlet.

Although this does not immediately reduce the number of outlets, and although the Prices Commissioner has said that we have 40 per cent too many outlets, the number of outlets in relation to our population will eventually be adjusted much more economically. In addition, the oil companies considered certain activities in relation to industrial pumps, country depot sales, and so on to be uneconomic. They pointed out that they had previously agreed in 1969 on how to deal with this problem but that the agreement was not proceeded with because they asked the then Government to request them to proceed with the agreement in order to ensure that they would not be dealt with pursuant to restrictive trade practices legislation. For the purposes of formally getting them out of any difficulty in this respect, I agreed that the Government should ask them to take action to reduce uneconomic marketing activity but that the precise form in which they

would do so should be left to them to decide and supervised by a joint committee consisting of representatives of the oil companies and the Automobile Chamber of Commerce and presided over by the Prices Commissioner.

I emphasized then to the companies that in allowing existing businesses to be built up no action should be taken that would automatically cut off an existing investment or business that had been allowed to grow because of action in setting up outlets that were running contrary to their policy and that the rationalization would have to proceed in an ordinary manner so as not to disrupt existing businesses, particularly in country areas. I believe that that rationalization is steadily proceeding by agreement between the oil companies and the reselling industry. The agreement relating to petrol reselling outlets in the metropolitan area is being enforced.

ABORTIONS

Mr. PAYNE: Will the Attorney-General say whether the Government believes that the Criminal Law Consolidation Act, 1935-1969, is functioning as intended? The Chief Secretary recently released figures relating to abortion for the State to the end of October. The most common ground listed is specified psychiatric disorders. This category constitutes 82.1 per cent of the total of 788 terminations. Will the Attorney-General comment on this matter?

The Hon. L. J. KING: I personally find the figures to which the honourable member refers extremely disturbing. They make me wonder how many unborn children have been denied a right to life for reasons that would have surprised some members of this House who voted for the Bill. I can only commend to the consideration of members the figures that have been released by the Chief Secretary and I suggest that members of this House and the general public consider whether a state of affairs should continue in which abortions are being carried out under the altered law at a rate of over 100 a month of which as many as 82.1 per cent are categorized as specified psychiatric disorders. Beyond that I cannot comment at this stage.

Mr. MILLHOUSE: My question is to the Attorney-General, both as Attorney-General and as the Minister representing the Chief Secretary.

The Hon. Hugh Hudson: What's the question?

Mr. MILLHOUSE: The question concerns the reply the Attorney gave to the member for

Mitchell a short time ago about the statistics released on abortions since the House last met.

The Hon. Hugh Hudson: What's the question?

Mr. MILLHOUSE: I ask the Attorney-General whether he or his colleague has received a report from the committee appointed to oversee the working of the new legislation on this matter. One of the difficulties that we felt when the new Act came into operation (and this was widely discussed in the House) was that before the new law was put into Statute form, there was in this State no provision for keeping statistics on this matter and, in the nature of things, no-one knew how many operations were being carried out, either legally or illegally. We realized, therefore, that it was not possible to make any comparison between the figures that would be reported when the new Act came into operation and the figures in respect of previous practices. For that reason the previous Government, not long before going out of office, appointed a committee, of which I think Dr. Shea was Chairman, to report on the working of the legislation and to make recommendations on any action, either legislative or otherwise, that should be taken in regard to the legislation. I listened with interest to the Attorney's reply, and I expected that he would refer to that committee. I therefore now ask whether the Attorney or his colleague has received a report from the committee to which I have referred and, if they have, what are its contents.

The Hon. L. J. KING: I will refer the matter to my colleague and let the honourable member have a reply.

WOOL TARIFF

Mr. McANANEY: Has the Minister of Works a reply from the Minister of Agriculture to my recent question concerning the Labor Party's pre-election promise of a reduction in the tariff on wool in the United States of America?

The Hon. J. D. CORCORAN: The member for Rocky River asked an identical question and I take it that this reply will meet his needs as well. The Minister of Agriculture took up this matter at a recent meeting of the Australian Agricultural Council and was informed that it had not been discussed during the Kennedy Round talks. As a matter of fact, on the last occasion when he raised the subject the Minister was told that the talks were "bogged-down" on the question of tobacco

and that this was the reason why the tariff of 25½c on export wool was not discussed. The Minister is hopeful that negotiations on this matter can be conducted when Kennedy Round talks are held in the future.

NURSES' SALARIES

Mrs. BYRNE: Will the Attorney-General, representing the Chief Secretary, say what is the position regarding wage increases for the nursing profession? An article that appears in this morning's *Advertiser* under the heading "New Pay Delay Irks Nurses" states:

A letter signed by 300 nurses from the Royal Adelaide Hospital and the Queen Elizabeth Hospital has been sent to State Cabinet members asking why rises under a new award for Government general hospital nurses on September 3 has not been paid. The letter says the increases have apparently been prevented by a writ issued by the Public Service Association seeking to declare invalid the award made by Mr. Commissioner Johns.

The Hon. L. J. KING: The Chief Secretary states:

There is no intention to delay payments of salary increases to nurses. Owing to an error in the construction of the award published in the *Government Gazette* in late September, there were some difficulties in the legal application of the award. When this was brought to the Government's attention, it was decided that payments to nurses would be made on the basis of the agreement made for increased salaries. The Hospitals Department was verbally advised of this decision on October 16, and written instructions from the Minister of Labour and Industry followed on October 21. All Government hospitals are being advised of the procedures to be followed to implement the conditions of the award and nurses at the Queen Elizabeth Hospital and Royal Adelaide Hospital will have their pay adjusted with effect back to September 3, 1970, for the pay period ending November 14, 1970. The actual payment of all back-pay will be made to nurses in these two hospitals on November 20. Country Government hospitals will be adjusted in the following week.

GRAIN CHARGES

Mr. FERGUSON: Has the Minister of Works obtained from the Minister of Agriculture a reply to the question I asked recently about differential charges existing at Port Giles during the 1969-70 season?

The Hon. J. D. CORCORAN: The 2.5c levy on grain handled at Port Giles never came into effect and was not imposed. Indeed, I thought this was the situation when the honourable member asked the question last week. As regards the differential deductions, this is purely a matter between the growers and the

respective grain boards. No doubt the growers concerned can take up the matter with the grain boards.

SUBDIVISION CHARGE

Mr. McRAE: Has the Attorney-General a reply to the question I recently asked about subdivisional charges affecting certain people in Salisbury East?

The Hon. L. J. KING: Although it was indicated that about 60 householders had received notices requiring payment, the Town Clerk has stated that only 20 ratepayers were forwarded letters advising the outstanding amounts. Because of a misunderstanding, the letter was forwarded by collection agents, whereas it should have been under the signature of the Town Clerk who, in fact, did not approve the letter sent by the collection agents before it was forwarded. The Town Clerk has stated that a letter will be forwarded to the 20 ratepayers explaining the situation in more detail and offering an apology for the letter forwarded from the collection agents. The council will now inform a further 80 ratepayers who are involved of the outstanding amounts associated with the subdivision costs, and they will be told that the council is prepared to consider a reasonable arrangement for the payment.

Mr. McRAE: Will the Attorney-General, through his department, request the Salisbury council to desist from enforcing payment by the 100 ratepayers of \$60 each, pending an investigation by his department? I understand that the subdivisional firm, L. H. Gardiner Proprietary Limited, and the builders, H. C. Goretzki Limited, are in liquidation and that, although each of the 100 persons has paid \$60 to these companies, the companies have not paid the money to the council. This means that 100 families will have to pay twice for the same matter, and I request that the Companies Branch of the Attorney-General's Department be asked to examine the activities of both these companies and find out what behaviour led to the situation that has arisen. I also ask that, in the meantime, the council be requested to refrain from taking action. I also point out that a part of my question of August 27 has not been replied to and I ask the Attorney to refer this matter to his colleague. In that part of my question, I asked the Attorney whether he would consider introducing an amendment to the Local Government Act to allow the council to refrain from requiring a second payment if the present

provisions obliged the council to require this payment.

The Hon. L. J. KING: I will confer with the Minister of Local Government about the matter and also consider seriously whether my department should investigate these matters and whether, in the meantime, the council should be requested to withhold action. I shall also take up with the Minister the matter of amending the Local Government Act.

BRIGHTON ROAD

Mr. MATHWIN: Has the Minister of Roads and Transport a reply to the question I asked on October 20 about Brighton Road?

The Hon. G. T. VIRGO: The reconstruction of Brighton Road from Dunrobin Road northward is being delayed pending land acquisition and major service alterations. It is intended to resume work on this section as soon as practicable but this seems unlikely until about June, 1971.

GIN TRAPS

Mr. LANGLEY: Has the Attorney-General obtained from the Chief Secretary a reply to my recent question about gin traps and about pets being caught when straying on to property?

The Hon. L. J. KING: The Minister of Agriculture states that gin traps have been an accepted part of rural life for a long time, but have never been accepted by urban dwellers for misuse in trapping pets. Their use in built-up areas can hardly be justified; however, they do appear to be warranted for country use.

MOTOR CYCLES

Mr. CARNIE: Will the Minister of Roads and Transport say what action he intends to take regarding ape-hanger handlebars on motor cycles? Having asked a question about this matter on August 18 last, I cannot help thinking that the Minister thought I was being facetious, but I assure him I was not. I said at the time that the New South Wales Government was taking steps to ban this particularly dangerous piece of equipment and I have since read that it has acted in the matter. For the information of the Minister, I point out that an ape-hanger handlebar is the high handlebar (often as high as the rider's head) that one often sees on motor cycles. In his earlier reply, the Minister said:

I think the safest thing to do would be to seek information from the New South Wales Government . . .

but I have heard no further statement. Has the Minister sought any information on this

matter from the New South Wales Government and, if he has, will he say what action he intends to take?

The Hon. G. T. VIRGO: Although I do not readily recall the details, I recall having sent a letter to New South Wales, but I do not remember receiving a reply. As it is difficult to give an accurate reply off the cuff, I will certainly have the matter examined to see what stage has been reached.

COROMANDEL VALLEY SCHOOL

Mr. EVANS: Has the Minister of Education a reply to the question I asked recently about the Coromandel Valley Primary School?

The Hon. HUGH HUDSON: Recently, the Education Department acquired a property at Coromandel Valley South for the eventual building of a school there to serve development taking place in that district, but there is no intention to abandon the present site at Coromandel Valley. Coromandel Valley is at present included on the schools design programme. It is intended that sketches for the new building will be prepared soon and that tenders will be called, if the present programme is maintained, during the second part of 1972. It is realized that facilities at Coromandel Valley fall below a desirable standard but every effort has been made, in close liaison with the Headmaster and the Chairman of the school committee, to maintain the facilities there in the best possible condition. The co-operation that has been received from the Chairman of the school committee and the Headmaster and the work and supervision of the Public Buildings Department are much appreciated. There are adequate playing fields, the toilet position has recently been upgraded, the paved area at the school has been resealed, and an additional classroom was provided early in 1970, so the school has been kept under close vigilance, and every effort has been made to obtain an acceptable standard until it is possible to replace the accommodation completely. In the future, Coromandel Valley and Coromandel Valley South will have two modern schools to serve the population of the area.

URANIUM

Mr. GUNN: Has the Premier obtained a reply to the question I asked last week about finds of uranium in my district?

The Hon. D. A. DUNSTAN: I assume that the honourable member is referring to a report of a find on Eyre Peninsula by a Japanese company. That is the only knowledge we have of a reported find. A press statement

was made in Japan concerning a uranium find. In fact, the only matter that has been reported to us is a minor discovery of low-grade ore of an uneconomic nature, and there is therefore no foundation for reports that a uranium find of significant character has been made on Eyre Peninsula.

SCHOOL ATTENDANCES

Dr. TONKIN: Has the Minister of Education a reply to the question I asked recently about projected school attendances?

The Hon. HUGH HUDSON: For many years now, the Education Department has predicted enrolments into the future. The present estimates go as far as 1986 and they are adjusted annually following a student census. This adjustment is at present taking place, and should be completed shortly, following which I shall be pleased to supply the honourable member and other members with a copy.

NURIOOTPA BY-PASS

Mr. GOLDSWORTHY: Has the Minister of Roads and Transport a reply to the question I asked on October 20 about the commencement date for work on the Nuriootpa by-pass road?

The Hon. G. T. VIRGO: Planning investigations have been undertaken into proposals to up-grade the route of national route 20 between Gawler and Truro. Several schemes have been investigated, the most favourable of which includes by-passes of the townships of Greenock and Nuriootpa. This scheme has been referred to the District Councils of Angaston and Freeling for their concurrence. When agreement is reached, final designs for the new facility will be prepared. The work has been tentatively programmed for implementation in 1972-73, when funds are expected to be available.

MARGINAL LANDS INQUIRY

Mr. NANKIVELL: Will the Minister of Works ask the Minister of Lands to have a full inquiry undertaken on funds that may be needed to re-implement the Marginal Lands Act? The Minister will know that for some time now I have drawn attention to the fact that, in 1939, the Marginal Lands Act was passed by this House (and it is still on the Statute Book) to provide for the reconstruction of what were then wheatgrowing lands in marginal areas of the State. I submit that a similar situation has now been reached whereby we need to look again at the reconstruction of farmlands in those areas. Although it may be said that this is a Commonwealth responsibility, the matter could come before this

House because there is this Act (which has operated), there are funds presently standing to the credit of the Act, and the Premier has made representations to the Prime Minister about the matter. To enable us to make further submissions, I put forward my question for consideration.

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

JUSTICES OF THE PEACE

Dr. EASTICK: Can the Attorney-General say whether he is aware of the reasons for decision of Mr. K. T. O'Loughlin, S.M., constituting a court of summary jurisdiction at Elizabeth, that were delivered on September 23, 1970, the case number being 1712 of 1970? The magistrate found that a town clerk's purported complaint and summons under the Justices Act, 1921-1960, with regard to a defendant's alleged failure to comply with the requirements of a notice served under the appropriate section 85 of the Building Act, 1923-1965, and a current council by-law, was void on the reasoning of the New South Wales Board of Appeal, which was more particularly described as "the New South Wales Court of Appeal in *ex parte Qantas Airways Limited v Horsington and another*, 1969, 90 W.N. (N.S.W. 55.)". If he is aware, has the Attorney taken any steps to have all justices of the peace informed of the significant features of these decisions in this State and another State so that the justices are better able to exercise their responsibilities, as justices, in the future? If the Attorney is not conversant with the decision, will he undertake to investigate all the circumstances surrounding this matter with the view to reporting on it to the House and/or to justices of the peace who are the persons most interested and most likely to become involved? In this case, a council took action against a person for an infringement under the Building Act. The town clerk took out the complaint. The justice of the peace who was called on to sign the summons happened to be a male clerk employed at the same council. The point taken in the case was that, as the member of the council staff could be held to be biased, he was therefore not in a position to issue a summons without possibly exercising some degree of bias. The importance of this to the local council and to other councils is that much time can be lost with regard to summonses that may be of considerable importance in the conduct of the city or council

business; also, much cost is involved. As justices of the peace are generally called on to sign papers the contents of which they are not always totally conversant with, apparently there is a case here for discussion on the matter or for information to be provided to justices before they find themselves in a similar position to that of the justice in the case to which I have just referred.

The Hon. L. J. KING: As I am not familiar with the special magistrate's decision to which the honourable member refers, I will obtain a copy of it, read it and consider what action, if any, should be taken.

Mr. MILLHOUSE: My question is addressed to the Attorney-General, and with your permission, Sir, and the concurrence of the House, I should like briefly to explain it.

The Hon. Hugh Hudson: What's the question?

Mr. MILLHOUSE: I have not had an opportunity to get it out of my mouth yet.

Members interjecting:

The SPEAKER: Order! If honourable members would speak up and address the Chair, I could know whether they had asked their questions.

Mr. MILLHOUSE: Actually, I thought you were otherwise occupied, Mr. Speaker.

The Hon. Hugh Hudson: What's the matter—

Mr. MILLHOUSE: The Speaker was talking to Mr. Langley.

The SPEAKER: Order! The honourable member is out of order talking to other members. What is the question?

Mr. MILLHOUSE: My question concerns when more justices of the peace are to be appointed. It is now nearly five months since the present Government came into office.

The Hon. G. R. Broomhill: Were you sorry—

Mr. MILLHOUSE: The Minister—

The SPEAKER: The honourable member must not listen to interjections. They are out of order.

Mr. MILLHOUSE: Thank you, Mr. Speaker. When I left office as Attorney-General five months ago, I had most of the nominations for appointment and I tried, as in any other matter, to leave a clean desk in case I did not come back, which was in fact the sad situation. Since then, there have been only a few departmental appointments where the person was appointed a justice for purposes connected with a Government department or some other exceptional case. I ask the Attorney-General

whether he can say when he intends to recommend further appointments and whether he intends to alter the system of nomination and appointment. I was in the habit of discussing annually (and usually more frequently) with all members nominations they had put in before I made recommendations. This had its drawbacks but I think it was as workable a system as any other.

The SPEAKER: The honourable member is commenting now.

Mr. MILLHOUSE: I ask the Attorney-General my question.

The Hon. L. J. KING: I am considering some past practices that require consideration. As one of his last acts as Attorney-General, the member for Mitcham appointed some justices and, as a result of those appointments made in the dying moments of his holding office, I have been relieved of the embarrassment of being confronted with the necessity of making urgent appointments and that has given me the chance to give full time to considering the many problems associated with the appointment of justices. Appointments of justices of the peace will be made soon, but I am now reviewing the practices that have grown up around these appointments, and I expect some changes to be made in that regard.

FROST DAMAGE

Mr. WARDLE: Will the Minister of Local Government consider making additional Government grants available to eastern district councils in whose areas severe frosts have occurred, affecting primary producers' incomes? No doubt the Minister is aware that about a fortnight ago severe frosts occurred, in the eastern area of the Murray River in particular, which will mean the curtailing of many farmers' incomes, up to 90 per cent in some cases. I consider that this will create great hardship for probably up to 300 farmers in that area and it could mean that, in the absence of available employment locally, many of them would have to move away for some months for employment.

The Hon. G. T. VIRGO: If additional finance is to be made available other than, perhaps, through the Highways Department grants, it would be necessary to refer this matter to the Treasurer, as the custodian of the purse of South Australia. However, I will have the matter examined from the Highways Department point of view and, if necessary, refer it to the Treasurer for his comments.

Mr. NANKIVELL: Has the Minister of Works obtained from the Minister of Lands

a reply to the question I recently asked about frost damage?

The Hon. J. D. CORCORAN: My colleague states that investigations into the extent of the frost damage in up-river areas are proceeding. These investigations were commenced on Friday, October 16, and, when a complete assessment has been made, a report will be prepared and the legislation examined to see whether this is an emergency as expressed in the Act and whether anything can be done under the Act's provisions.

GAUGE STANDARDIZATION

Mr. VENNING: The Minister of Roads and Transport, in reply to my question last Thursday about what stage had been reached regarding further gauge standardization in South Australia, said that, when the Premier had consulted the Prime Minister in Canberra recently, the Prime Minister indicated that it would be a good thing for our Minister to get in touch with the Commonwealth Minister for Shipping and Transport so that further talks might take place. When the sitting ended on Thursday, the Minister of Roads and Transport was good enough to tell me that he had just received a telephone call from the Commonwealth Minister, inviting him to meet that Minister in Canberra fairly soon. One would almost think that mental telepathy had been taking place between the Commonwealth Minister and the member for Rocky River.

The SPEAKER: The honourable member is not allowed to comment.

Mr. VENNING: As I understand that the Minister of Roads and Transport has been to Canberra since the House last met and has conferred with Mr. Sinclair (Commonwealth Minister for Shipping and Transport), I should be pleased if he would say what transpired at that meeting.

The Hon. G. T. VIRGO: True, since replying to the question asked by the member for Rocky River, I have discussed this matter with the Commonwealth Minister for Shipping and Transport. One thing upon which both the Commonwealth Government and the State Government are in complete agreement is the high degree of urgency of this matter and we have agreed that it is in the best interests of both the Commonwealth Government and the State Government to resolve it as soon as possible. Our discussions yesterday were amicable. Further examinations will be made as a result of the discussions and, when those examinations have been completed, I expect that the Commonwealth Minister and I will again meet to pursue this matter.

FARMERS' ASSISTANCE

Mr. HALL: Is the Premier aware that at June 30 last there was, in the Farmers' Assistance Fund, \$609,712, of which \$363,352 was State funds and \$246,360 Commonwealth funds? Is he also aware that the interest charged during the last drought on Commonwealth funds lent to primary producers was 3 per cent per annum? If he is aware that this was the interest rate, why has the Government set an interest rate of 6½ per cent per annum on money to be lent to farmers to enable them to carry on?

The Hon. D. A. DUNSTAN: I am aware of the facts that the Leader has set out. I think the best thing to do would be to get him a full statement about the basis on which interest charges will be made in relation to drought relief and other matters that are now being paid for in special assistance to farmers. I will do that and let the Leader have the report tomorrow.

MAIN NORTH ROAD

Mr. JENNINGS: Has the Minister of Roads and Transport a reply to the question I asked last week regarding the widening of the western side of the Main North Road near Regency Road?

The Hon. G. T. VIRGO: It is intended to widen the western side of the Main North Road at this location in conjunction with the reconstruction of the intersection at Regency Road. Delays in the planning of this project have been experienced largely because of difficulties associated with land acquisition. It appears that these difficulties will be overcome in the near future and planning can therefore proceed. Subject to funds being available at the time, it is expected that construction could commence in 1972.

TORRENS RIVER PUMPING

Mr. COUMBE: Has the Minister of Works a reply to the question I asked last week regarding the future pumping rights of residents whose properties are situated along the Torrens River?

The Hon. J. D. CORCORAN: For over 20 years water has been released in the summertime over the Torrens Gorge weir for the benefit of market gardeners in the Paradise area. Sufficient water is released to fill pools in the river bed as far down as the Paradise bridge; this is done when asked for by the Secretary of the South Australian Fruit-growers and Market Gardeners Association. There are a number of riparian owners who

pump water from the Torrens River, and as it is not the intention of the Bill to eliminate this, clause 7 has been included so that those at present diverting water can continue to do so if they so desire. There are several other persons diverting water and the *status quo* as regards these would remain, but any future applications would have to be considered on their merits.

MODBURY FOOTPATHS

Mrs. BYRNE: Can the Minister of Roads and Transport say whether the Highways Department will consider constructing temporary footpaths in Smart Road, Modbury? Because of the erection of the Myer Tea Tree Plaza shopping centre, it has been found necessary to widen certain roads in the immediate vicinity to solve future traffic problems. One such road to be widened is Smart Road. It is intended to widen this road 20ft. on the southern side and 17ft. on the northern side, where such widening has not already occurred as a result of subdivision. This work has not been carried out yet, although the volume of traffic using the road has increased considerably. One of my constituents who owns a house facing this road has expressed concern to me that a tragedy may occur as there are no footpaths the public can use.

The Hon. G. T. VIRGO: I will discuss this matter with the relevant departmental officers. The normal procedure is that the local council is responsible for footpaths and the Highways Department for the roads. However, as there are peculiar circumstances in this case, and because of the danger aspect, I will certainly take action to try to solve the problem.

MEDICAL HONORARIES

Dr. TONKIN: Has the Attorney-General received from the Chief Secretary a reply to the question I asked recently regarding medical honoraries?

The Hon. L. J. KING: My colleague reports that it is intended that visiting medical specialists (formerly honorary medical officers) be paid from January 1971 in the following teaching hospitals: Royal Adelaide Hospital, Queen Elizabeth Hospital, Adelaide Childrens Hospital and Queen Victoria Hospital.

INSTITUTE DEGREES

Mr. PAYNE: Will the Minister of Education amplify the statement he made last week regarding the Institute of Technology being able to award degrees under the aegis of a State accreditation agency? I understood that a

Commonwealth body was being set up for this purpose.

The Hon. HUGH HUDSON: The position is somewhat confused at present because discussions concerning the establishment of a national council for the accreditation of degrees are still proceeding between the various State Education Ministers and the Commonwealth Minister for Education and Science. There is no unanimity on the final form of a national body although it is fair to say that the opinions range from those who believe that a national body should function only as a register for the various awards accredited by the State agencies to those who believe that such a body should have sufficient powers to ensure some degree of consistency between the awards of the various State agencies. I hope these matters will be resolved in some way fairly shortly. It may well be that a State can, instead of setting up its own accreditation agency, use the national agency for that purpose. For this reason, I cannot give final details of what will be proposed for South Australia, although I hope that the necessary legislation can be introduced next year.

However, South Australia will not agree to the proposition that the Institute of Technology should be able to award a degree for a specific course when the awarding of that degree means a withdrawal of Commonwealth financial support. If those who are involved in the field wish to have a State accreditation agency rather than a national body, and at the same time the Commonwealth Government insists on the establishment of the latter to determine whether a certain award is of sufficient merit to warrant the type of degree or diploma concerned, each State is likely to end up with its own accreditation agency under the general supervision of a national body designed to achieve some consistency of treatment amongst the various States. It is in the interests of the smaller States to have national accreditation of their awards, simply because this will ensure greater status for institutions in the smaller States than they could hope to achieve in any other way.

Mr. Nankivell: Is not the Institute of Professional Engineers required by the Arbitration Court, pursuant to the Professional Engineers Award, to ensure that the award applies to a continuing standard of academic achievement?

The Hon. HUGH HUDSON: Possibly, although the awards of universities and other tertiary bodies are accepted by the Institute of Engineers and are thereby accredited. What the honourable member has said may apply to

certain other matters, but there is no legislation that makes the institute responsible. Ultimately, the State and national bodies will take over this function.

BARLEY

Mr. GUNN: Will the Minister of Works ask the Minister of Agriculture to obtain from the Australian Barley Board a decision regarding shipments of barley through Thevenard? This morning I received a deputation of members of the United Farmers and Graziers Association in the Far West who are concerned because barley cannot be shipped through Thevenard and no indication has been given whether it will be possible to do so next year. Farmers in this area are experiencing drought conditions this year and, as wool prices are so low they have to diversify their production. One way to diversify would be to grow barley but this would be uneconomic because of the freight differentials producers must pay to ship their barley through Port Lincoln.

The Hon. J. D. CORCORAN: I will take the matter up with my colleague and bring down a reply.

RECREATION FACILITIES

Mr. EVANS: Has the Minister of Works a reply to my recent question on the provision of a pathway for schoolchildren through property at Blackwood held by the Botanic Garden?

The Hon. J. D. CORCORAN: It is Education Department practice that where school grounds are not required for use for the school at week-ends, outside bodies may use them subject to the discretion of the head of the school and the school committee. The honourable member's suggestion that a pathway be provided for schoolchildren through a property at Blackwood donated by Mr. Ashby to the Botanic Garden has been considered by the Botanic Garden Board and a report on the proposal has been submitted to the Minister of Lands. I shall take this matter up with my colleague and advise the honourable member of the decision when it is made.

EYRE PENINSULA TOURISM

Mr. CARNIE: Has the Premier a reply to my recent question concerning tourism on Eyre Peninsula?

The Hon. D. A. DUNSTAN: Apparently the section of the Public Works Standing Committee's report referred to by the honourable member is an extract from the architects' statement on the proposed new building for

the Tourist Bureau. The services shown for inclusion on the ground floor are not a complete list. There is now a special section of the information and booking office dealing with inquiries for Eyre Peninsula, and this special section will be included in the main inquiry area for the new building.

O'HALLORAN HILL SCHOOL

Mr. HOPGOOD: Can the Minister of Education say when a school will be built in the O'Halloran Hill and Braeview area? There is a large under-five population in this area and people at nearby Reynella are concerned lest this population explosion swamp their own school, which is mainly of weatherboard construction.

The Hon. HUGH HUDSON: I will have the matter examined and bring down a report as soon as possible.

CONCESSION FARES

Mr. MATHWIN: Will the Minister of Roads and Transport consider making available free travel or concession fare passes for schoolchildren over the age of 15 years? Children are now staying at school much longer and, as many of them are in the higher grades, they have to travel by public transport to the State Library and other places associated with their studies. Any help at all, particularly in the case of large families, would be welcomed. If the passes were signed by the headmaster and the student this would help detect any misuse of the passes.

The Hon. G. T. VIRGO: In the policy speech the Premier, as Leader of the Opposition, made before the last election, he said that the Labor Government would give full and proper consideration to the possibility of making available concession excursion fares. We are pursuing the implementation of this policy and at the appropriate time I will tell the House what we can do.

BIRDWOOD MATRICULATION CLASS

Mr. GOLDSWORTHY: I ask the Minister of Education if he would be kind enough to pass on decisions in reply to questions when the decisions are made. On July 29, as a result of representations from parents of school bodies, I asked a question on the establishment of a Matriculation class at Birdwood. I believe a decision has been made but the only notification I have had about this is a report that appeared in the local press. The Minister said he would look at the matter and see whether a class could be established. In the

circumstances it would be appreciated if the information could be given to members first.

The Hon. HUGH HUDSON: I do not think I indicated in answer to the honourable member on July 29 that I would inform him of the decision.

Mr. Goldsworthy: No, but it would be appreciated.

The Hon. HUGH HUDSON: The honourable member will understand that the decision in relation to Birdwood school was taken some weeks ago and it was announced at the time. The honourable member will appreciate that it is not always possible to remember every person or every single expression of interest in respect of a specific matter and, having remembered all those expressions of interest, provide the necessary information.

Mr. Goldsworthy: This was more than an expression of interest.

The Hon. HUGH HUDSON: The honourable member asked a question about it. If he had asked me to inform him immediately the decision was taken, I would have done so. Wherever possible I try to make information available to members, but occasionally there is a slip-up, because of the amount of work that goes on in my office, in informing members. Nevertheless, I have done the best I can, and I will do the best I can in relation to this kind of thing.

SCHOOL EQUIPMENT

Dr. EASTICK: Has the Minister of Education a reply to my recent question concerning school equipment?

The Hon. HUGH HUDSON: This is related to a matter brought up by the honourable member during the discussions on the Estimates relating to the purchase of office machines and equipment in the Education Department. Particulars of the machines and equipment proposed to be purchased for the head office of the Education Department under this line are as follows:

	\$
(a) Provision for purchase of extra Flexo-writer required to process teacher appointments	8,000
(b) Provision for extra equipment for head office printing section including addressograph and collating machine	4,600
(c) Extra equipment required for School Libraries Section needed to update services available to schools	2,400
(d) Provision of equipment necessary for newly established Research and Development Section	6,000

(e) Provision for purchase of equipment necessary to update methods of handling and storage of correspondence in the Registry Section of the department	26,000
	\$47,000

The honourable member's suggestion to add an identifying number to equipment provided for schools has been examined, but it is considered that as the normal manufacturer's serial numbers are recorded any other form of identification would not inhibit thefts to any extent. Schools are supplied by order placed direct on manufacturers, and deliveries are made direct to the schools in unbroken manufacturer's cartons. It is not thought desirable to change this system involving some kind of identification mark or serial number being placed on the machine at head office and then transshipping it to the school involved.

MURRAY RIVER LEVELS

Mr. WARDLE: Has the Minister of Works a reply to the question I asked last week about Murray River levels?

The Hon. J. D. CORCORAN: I have obtained details of the latest predictions of estimated maximum river heights. The predictions as of today are as follows: In regard to the Renmark town gauge, it is estimated that the maximum reading will be 21ft. 3in. on November 4, 1970, (probable date), the gauge height on October 26, 1970, being 19ft. 10in. It was previously predicted that this gauge reading would be 24ft. 6in. in the fourth week in October: as can be seen, the level is considerably lower than this. The present estimated maximum reading on the Morgan town gauge is 20ft. on November 12, 1970 (probable date), the present gauge height being 16ft. 5in. It was previously predicted that this gauge reading would be 24ft. 3in. in the first week in November. The present estimated maximum reading on the Blanchetown (lock No. 1) gauge is 13ft. 9in. on November 14, 1970 (probable date), the present gauge height being 10ft. 11½in. It was previously predicted that the gauge reading would be 17ft. 6in. in the first week in November.

The present estimated maximum reading on the Mannum gauge is 11ft. 3in. on November 18, 1970 (probable date), the present gauge reading being 110ft. 5in. It was previously predicted that the reading on this gauge would be 113ft. 9in. in the second week in November. The present estimated maximum reading on the Murray Bridge gauge is 110ft. 3in. on

November 20, 1970 (probable date), the present gauge height being 110ft. It was previously estimated that this gauge reading would be 112ft. 3in. in the second week in November. It is expected that the peak levels referred to will be maintained for eight to ten days. The key reading to establish a prediction of peak flows is taken at Wakool Junction in the south-western New South Wales Riverina. The peak occurred at Wakool Junction on October 9, and it is expected that the predictions will not vary substantially.

SCHOOL CLOSURE

Mr. VENNING: Has the Minister of Education a reply to my question about information given to school committees and staff on the closing of schools?

The Hon. HUGH HUDSON: I regret that the school committees concerned were not given prior information on the decision to close the schools, but this information will be given in the future.

MODBURY DEATH

Mrs. BYRNE: In view of the City Coroner's report concerning the death of a young girl at Modbury North last month, will the Premier have his officers examine whether the Building Act and any safety regulations that may exist are adequate as they apply to the heater used in this instance and as they apply also to ventilation? A report in today's newspaper states:

The City Coroner found that the girl died from carbon monoxide poisoning resulting from the combustion of gas, inadequate ventilation of the room and the combination of several minor defects in the gas appliance.

Referring to the house in which the tragedy occurred, the report states:

Dr. C. H. Manock (Director of Forensic Pathology at the Institute of Medical and Veterinary Science) said the girl had died from carbon monoxide poisoning. He had been particularly interested in the ventilators in the room. He had checked vents with a cigarette and there was no sign of ventilation. The ventilators entered the cavity but there was no exit for warm air at the top of the cavity, because the external brickwork abutted closely with the ceiling board. The design of the ventilation system was such that air exchange was unlikely to occur in any circumstances.

In reply to the question, "In fact, whoever built the house was at fault?" Dr. Manock said:

I would go further than this. They gave the impression there was ventilation there, but there was none.

The builder concerned, who was asked to comment, said:

We are confident the house has been constructed—

The SPEAKER: Order! The honourable member cannot comment.

Mrs. BYRNE: I am not commenting: this is what the builder said.

The SPEAKER: The honourable member cannot refer to those comments at this stage.

Mrs. BYRNE: The builders said that they were confident that the house—

The SPEAKER: Order! The honourable member must link up her remarks to the question.

Mrs. BYRNE: I am coming to the point, Mr. Speaker. This is the main point: the builder said:

This, of course, does not necessarily mean that the Act or safety regulations on the heater are adequate.

The General Manager of the South Australian Gas Company is then reported as saying that if consumers—

The SPEAKER: Order! The honourable member cannot continue to refer to the article.

Mrs. BYRNE: I think it is regrettable that I cannot continue to quote from it, because I consider this is one of the most important questions I have ever asked. I draw the Premier's attention to this article, and I am sure that he views these comments with the gravest concern, as I do. Will he have all aspects of this matter investigated immediately?

The Hon. D. A. DUNSTAN: Following the inquest, I received a report on this matter from the South Australian Gas Company. A combination of circumstances contributed to this distressing accident, and the company has expressed great concern about the matter. It seems that the heater was purchased second-hand and was not installed by a registered gas fitter. The gas regulator had been imperceptibly cracked at some time, and this slightly affected the gas rate. A radiant had been broken, and the broken piece had restricted a section of the burner. This possibly happened on the night of the occurrence. An accumulation of lint and fluff from carpet had restricted burner ports and injector. According to evidence at the inquest, wall ventilators were vented only to the wall cavities, and not to the outside air.

The heater was tested at the "full-on" position before any adjustments were made, and the tests revealed a concentration of .07 per cent of carbon monoxide in the combustion products. After adjustments had been made, this concentration was reduced to .002 per cent.

The acceptable limit, according to the Director of Forensic Pathology, is .01 per cent. In evidence, he stated that, with normal ventilation, a concentration of .07 per cent of carbon monoxide would have caused no more than severe headache and giddiness. By their very nature, all forms of energy can give rise to hazardous conditions, but the safety record of gas is at least as good as, and generally better than, that of other fuels. However, circumstances that lead to unsafe conditions can arise. The fact that natural gas was being used had no bearing on the accident. In March, 1970, the British Government commissioned an inquiry into the safety of natural gas as a fuel, and I can provide the honourable member with details of the conclusions of that inquiry. It is evident that the unfortunate tragedy occurred because the heater had been installed in the way I have mentioned, because it was defective, and because the ventilation of the building was not to the outside air but only to the wall cavities.

SICK AGED

Mr. MILLHOUSE: I wish to ask a question of the Attorney-General, and I seek leave to explain it.

The Hon. J. D. Corcoran: What's the question?

Mr. MILLHOUSE: Has the Attorney-General a reply to one of the questions I asked him last Thursday? Now, if I may get on with my explanation: In the Attorney's absence, when he was in Perth at the meeting of Attorneys-General, on October 15 I asked the Premier, who was acting on his behalf, whether he would seek a report from the Chief Secretary on the question of the sick aged. This arose from an address given by the Rev. Mr. Vogt at the Maughan Methodist Church. The Premier was kind enough to say that he would take up the matter with the Chief Secretary. Last Thursday, not having had a reply but having seen in the newspaper comments on the topic by the Chief Secretary, I asked the Attorney-General particularly whether he would furnish me with a reply today. Although he has not notified me that he has a reply, as he undertook to take up the matter I hope that he has a reply for me. I must say that I have been perturbed in the last few weeks by the slowness of replies, particularly from the Chief Secretary. Every time one asks the Attorney for a reply one comes up against the blank wall by his saying that he will refer the matter to his colleague. This is not good enough. I ask the Attorney whether

he has a reply and, if he has not, whether he has in fact taken any steps to obtain one.

The Hon. L. J. KING: Following the honourable member's question of Thursday, I referred the matter to my colleague's department, requesting that a reply be prepared for me to give to the honourable member. The reply is not yet to hand, but I will give it to the honourable member as soon as it comes to hand.

QUORN SCHOOL RESIDENCE

Mr. ALLEN: Can the Minister of Education say how many teachers' residences are to be erected in the Quorn township? In replying to a question asked by the member for Rocky River, the Minister said recently that 24 houses "are to be erected" for teachers in country areas. In Quorn my attention was recently drawn to the fact that a teacher's residence had been completed there before the Minister made this statement. People in Quorn now believe that a second residence could be built there. As two residences are necessary, and as the people hope that their belief is correct, can the Minister say whether it is?

The Hon. HUGH HUDSON: I think the correct information is that there are 34 teachers' houses on the current programme, and one is provided for the Quorn area, namely, to replace the present headmaster's residence attached to the primary school; that would only be a replacement house and would not provide sufficient housing for the teachers at the Quorn Area School. In view of the honourable member's question, I will take up the matter and, in relation to other priorities we have in this area, see what can be done to provide another house for Quorn.

JURY FEES

Mr. BECKER: My question follows that asked recently by the member for Mitcham about fees for jurors. Will the Attorney-General undertake to review not only the sum paid to jurors but also the method of payment? I understand that at the end of their service jurors are paid \$8 a day, less tax, plus travelling expenses. Recently a constituent of mine served as a juror for three weeks during which time he suffered some financial embarrassment because of his reduced earnings and because he was not paid weekly.

The Hon. L. J. KING: I shall take up this matter with the Sheriff. I have known of special arrangements being made in long trials for jurors to be paid weekly or fortnightly (I cannot recall which). For as long as I can

remember, it has certainly been the practice in the ordinary criminal sessions for jurors to be paid at the end of their period of jury service—at the end of the month. I can understand that a juror who spent most of a month on jury service and therefore suffered considerable loss of wages could be financially embarrassed. As I think this matter is well worth considering I will refer it to the Sheriff to find out whether there are any practical difficulties associated with providing some remuneration for jurors, at least half-way through the monthly period of service.

MEAT EXPORTS

Dr. EASTICK: Can the Premier say whether, as a result of his personal representations to the American Consulate, or for any other reason, an early announcement with regard to export licensing of the Gepps Cross abattoirs for mutton slaughtering is likely? On October 22, a rural newspaper stated that there was a feeling abroad that the abattoir might soon regain its United States licence. That statement, which was made by Mr. Martin, of the lamb carcass committee, is the basis of my question.

The Hon. D. A. DUNSTAN: During the last 10 days I have not had a report on the position in relation to the licence for Gepps Cross. Although I do not have anything more recent than that at present, I will inquire of the Minister of Agriculture what is the precise stage of proceedings to obtain the requisite licence from the United States authorities.

RAILWAY TIME TABLES

Mr. EVANS: Can the Minister of Roads and Transport say whether at stations that do not have regular stationmasters, railway time tables regarding services on public holidays can be put up earlier than they have been put up on some occasions in the past? I believe that the practice at Glenalta has been to put up holiday time tables on the afternoon before the holiday. The excuse given for leaving it so late is that the notices tend to be destroyed by vandals. Although that does not happen to regular time tables, which are there at all times, I do not dispute that it has happened in the past. Will the Minister look into the matter to see whether holiday time tables can be put up a week or a fortnight before the holiday so that people wishing to travel by train on the holiday can make their arrangements?

The Hon. G. T. VIRGO: I shall be pleased to inquire and bring down the information.

SMALL BOATS

Mr. CUMBE: Will the Minister of Marine say whether he is preparing legislation with regard to power boats? Earlier this session the member for Murray asked the Minister a question about this matter and the answer was "No". As the Minister has now been in office for about five months, he will have had an opportunity to look at this matter, on which some preparatory work was done by the previous Government. Has the Minister had an opportunity to consider this matter with a view to introducing legislation? I emphasize, as part of my explanation, that I regard this matter not only as one involving uniformity with the other States but also as one of vital importance to persons using power craft, a practice that is growing rapidly in this State.

The Hon. J. D. CORCORAN: I share the honourable member's concern. I do not think I told the member for Murray that I was not preparing legislation. I think that at that time I said that I had investigated or considered the matter and that I doubted that we could prepare legislation in time to have it in operation this summer. That is the present position. I have had lengthy discussions with persons interested in power organizations and as recently as last week I discussed the matter with the Director of Marine and Harbors. It is not a simple matter, as the honourable member knows. I think it would be impossible to introduce legislation that would be uniform in every respect with legislation in other States. Policy decisions must be made in respect of the legislation but I think I can say that the matter is under active consideration. However, I still doubt that I can have the legislation prepared, introduced, and brought into operation before this summer, although I will try to do that.

RAILWAY HOUSES

Mr. McANANEY: Will the Minister of Roads and Transport ascertain how many houses owned by the Railways Department are vacant at present? The last two or three Auditor-General's Reports state that, in the interests of South Australia, more of these houses should be disposed of.

The Hon. G. T. VIRGO: I will take the matter up and get the information for the honourable member.

MURRAY BRIDGE MAIN

Mr. WARDLE: Has the Minister of Works a reply to my question about the laying of the Murray Bridge East main?

The Hon. J. D. CORCORAN: It has been decided to lay an 8in. main on the footpath of the bridge at Murray Bridge, instead of the 6in. main previously approved. Brackets to support the pipes on the bridge have been manufactured, pipes supplied, and only two further pipe specials are yet to be fabricated before work can be commenced on the site. At this stage it is expected that work will be commenced by about the second week in November and should be completed before the closedown for Christmas.

DRUGS

Dr. TONKIN: Has the Attorney-General a reply to the question I asked recently about drug slogans?

The Hon. L. J. KING: Inquiries have been made in the city area in relation to articles displaying drug slogans which are being offered for sale in the form of posters or car stickers by various card and stationery stores. Of the nine shops visited, three held a small stock of drug display signs, namely, "Taking a trip? Go L.S.D. the happy way to fly, see your travel agent", and a small car transfer bearing, "So wot this floats on L.S.D." These are believed to be manufactured and distributed to the card shops by a Sydney company. It was found that one shop held a quantity of a larger poster giving instructions on how to grow and cultivate *cannabis sativa*. This was printed in New York and the planting instructions apply to the northern hemisphere, and would not be applicable in South Australia. Although these posters have been available for sale in this State for about two years, several of the shop proprietors stated that they had received recent adverse publicity concerning them and, as a result, sales have been negligible. Owing to this publicity, several have indicated that they have now ceased to stock such posters. Various catalogues showing numerous posters available by the distributors to the card shops have been inspected, but no evidence was found of any article giving details how to manufacture L.S.D. There is no legislation to control the display or sale of such matter.

PLANNING REGULATIONS

Mr. MATHWIN: Will the Minister of Local Government say what is the Government's policy regarding powers of councils under the Planning and Development Act to draft planning regulations that do not necessarily follow the provisions of the model regulations, because the model provisions relating to zoning are

not in the best interests of a political council? I refer the Minister to *News Review* of October 14, which contains a report headed "Council calls for a special committee". This report refers to the Kensington and Norwood council but that is in the Premier's district and I will not deal with a district other than mine. However, this matter is causing concern to many metropolitan councils and is causing alarm and frustration to two councils in my district. Will the Minister comment on the matter?

The Hon. G. T. VIRGO: I am at a loss to know what a political council is.

Mr. Mathwin: I meant a "particular" council.

The SPEAKER: I think the honourable member for Glenelg meant a "particular" council.

The Hon. G. T. VIRGO: Thank you for your interpretation of the honourable member's question, Mr. Speaker. I understand that the provisions of the Planning and Development Act and the zoning provisions that are available to councils are, in all cases, acting in the best interests of the whole society. We will always reach a stage where a person, because of his vested interests, disagrees with the provision because he wants to build a factory in a residential area or to build a block of flats in an area zoned as R.1 in terms of the planning and development provisions so that he can acquire the income from the flats. There is adequate provision for a council to apply to the Director of Planning so that the areas can be zoned and I consider that, if there is any weakness at present, it is because far too few councils have availed themselves of what I consider to be one of the best pieces of legislation placed on the Statute Book of South Australia for a long time. If the Planning and Development Act had been passed much earlier, we would be in much less trouble today. The sooner councils adopt the regulations under that Act, the better, and the good faith of the Government in this matter is displayed adequately by the fact that two councils in the south and south-western area have applied for the zoning by-laws. Objections have been lodged and the Government, rather than see the councils left high and dry with no authority in the interim period, has given temporary powers to these two councils, pending determination of the matter in the manner laid down in the Act. The Government is therefore reasonably happy with the legislation. Any legislation is always capable of amendment, although the Govern-

ment does not foresee any amendments in relation to the field of planning and development. Although there is other legislation that could be amended, no amendments such as the one to which the honourable member referred will be introduced as the Government considers the existing provisions to be more than adequate.

BOARDING ALLOWANCE

Mr. VENNING: My question concerns the boarding allowance for country children attending secondary schools in the city. The parents of such children are concerned about the lack of teaching facilities for their children in the advanced stage of secondary education, as a result of which they have to be sent to the city. The parents have complained that private board, which cost about \$9 in 1965, now costs about \$13, and that hostel board is even more expensive. In spite of this, the boarding allowance has not been increased from \$200 a year since 1965, or possibly longer. Will the Minister of Education therefore see whether something cannot be done to help these parents, who have many problems apart from the problem of educating their children to a reasonable standard?

The Hon. HUGH HUDSON: I will examine the matter and see what change, if any, can be made.

HIGHBURY SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to my recent question regarding the Highbury Primary School?

The Hon. HUGH HUDSON: A contract for the building of the Highbury Primary School was let on July 6, 1970, and the contractor expects to complete the school by the end of October, 1971.

OCCUPATIONAL THERAPY

Mr. MILLHOUSE: Some time in July I asked the Minister of Education about plans to establish a school of occupational therapy in South Australia. To the best of my recollection (and I have checked up) I did not receive a reply to that question. I notice that on August 20 the member for Davenport also raised the matter with the Minister.

The SPEAKER: What is the honourable member's question?

Mr. MILLHOUSE: It is about a school of occupational therapy.

The Hon. J. D. Corcoran: What's the question?

Mr. MILLHOUSE: Will the Minister give details of the establishment of the school? I

understand that at the opening of The Levels branch of the Institute of Technology last Thursday an announcement was made, not by the Minister but by the Director-General of Education, that a school of occupational therapy would be established in 1971. In view of the questions that have been asked in this House and the general interest in the topic, will the Minister now give details of the establishment of the school of occupational therapy?

The Hon. HUGH HUDSON: Without checking *Hansard* in detail, I think this question has already been answered in association with replies to questions by the member for Torrens on librarianship, and by the member for Davenport on occupational therapy, at about the same time as the honourable member asked his question, so the details that the honourable member seeks have already been given. From memory, the occupational therapy school will start next year, and facilities at Glenside will be converted by the Public Buildings Department for the purpose.

Mr. Millhouse: What facilities?

The Hon. HUGH HUDSON: Facilities that are currently being used in relation to the training of nurses. Again speaking from memory, about 12 students will be accommodated. Next year, part-time staff will have to be used, and the number of full-time appointees that can be obtained for 1971 will depend on whom the Institute of Technology can recruit over the next few months. However, taking advantage of the expertise of those already operating in the field in South Australia, the course will in one way or another be established. The amount of planning that can go into the course is not as great as it would be had an earlier decision been taken. Normally one would hope that the institute could plan such courses 12 to 18 months ahead of the commencement date. Indeed, one would hope that the head of the school concerned would normally be appointed some months before the course commenced so that full attention could be given to the necessary details associated with the establishment of the course. Unfortunately, because of the circumstances prevailing, this course will be commenced fairly much on a hand-to-mouth basis.

PRIMARY PRODUCTION

Dr. TONKIN: Can the Minister of Works say whether the Minister of Agriculture really believes, as is implied in the press this morning, that there will not be serious problems of nutrition, indeed starvation, in many parts of

the world by the year 2000, and could the Minister of Agriculture give details of the scientific and technological advances, which he says it has been proved will provide astronomical quantities of food, to the primary producers of this State?

The Hon. J. D. CORCORAN: I saw the article to which the honourable member refers, and I think the Minister was reported as saying that he found it difficult to believe that this prediction could come true: he did not say that he did not believe it would. However, I will refer the question to my colleague.

HIGHBURY SEWERAGE

Mrs. BYRNE: Has the Minister of Works a reply to my recent question regarding the extension of sewerage facilities to houses near the Highbury Primary School, which is at present under construction?

The Hon. J. D. CORCORAN: The Highbury Primary School is remote from existing sewers and will eventually be served by a branch main from the trunk sewer in the vicinity of Grand Junction Road. This approach sewer is through land that is at present unsubdivided and it could not be recommended at the present time. An examination of the area adjacent to the school indicates that the development is sparse and scattered and a comprehensive scheme for the area could not be justified at the present time.

However, taking into account the total Government expenditure, a scheme to serve some of the houses in Honeysuckle Drive by a temporary pumping station, with the sewer extending to the school, would have advantages, and enable the Engineering and Water Supply Department to extend the sewers to adjacent areas when warranted by development. This scheme will be examined and submitted for consideration in the near future.

SCHOOL TRANSPORT

Dr. EASTICK: Are the parents of students currently attending schools that are to be closed consulted, either individually or through the school committees, about bus routes to apply to the transportation of those students to the alternative school?

The Hon. HUGH HUDSON: The normal practice of the department is to work out the bus route that provides the best possible service for the children in the circumstances prevailing in any case, bearing in mind the cost of operating the service. My door and the door of the transport officers of the department are open

to any parent who wishes to make representations on a bus route. That is the position at present, and it will continue to be the position. If the honourable member knows of representations that are to be made, then by all means encourage the parents concerned to contact the transport officers to arrange for them to approach me. I have already had a query raised in relation to Daveyston Primary School, and that is being investigated at present.

At 4 o'clock, the bells having been rung:

PROSPECT ROADS

Mr. CUMBE (on notice):

1. Has the Highways Department acquired all necessary land to permit the widening of the Main North Road on the western side between Regency Road and Edgeworth Street, in the Prospect council area?

2. If not, when is it expected that this widening will be completed?

3. As further large additions are planned to be built at the existing shopping area, thus accentuating the present traffic problem, when does the Highways Department plan to provide a further traffic lane at this site?

The Hon. G. T. VIRGO: The replies are as follows:

1. Yes, with one exception.

2. and 3. It is intended to widen the western side of the Main North Road at this location. Subject to funds being available at the time, it is expected that construction could commence in 1972.

GOVERNMENT HOUSES

Mr. HALL (on notice):

1. How many Government-owned houses were subject to the recently promulgated rent increases?

2. What were these increases and how many houses were in each category of increase?

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

1. and 2.

Rents determined by the Public Service Board

Rental	No. of Houses
Increase of 10c per week	10
Increase of 15c per week	13
Increase of 20c per week	70
Increase of 25c per week	167
Increase of 30c per week	294
Increase of 35c per week	274
Increase of 40c per week	174
Increase of 45c per week	64
Increase of 50c per week	14
Increase of 55c per week	9
Increase of 60c per week	3
Increase of 65c per week	11
Increase of 70c per week	1

Total 1,104

Rents determined by the Minister of Education in respect of Teachers

Rental	No. of Houses
Increase of 10c per week	3
Increase of 15c per week	3
Increase of 20c per week	14
Increase of 25c per week	64
Increase of 30c per week	238
Increase of 35c per week	298
Increase of 40c per week	201
Increase of 45c per week	101
Increase of 50c per week	1
Increase of 55c per week	1
Increase of 60c per week	2
Total	<u>926</u>

No houses of the South Australian Railways nor the Woods and Forests Department have so far been affected by the recent general rent increases.

SCHOOL BUSES

Mr. MATHWIN (on notice):

1. How many departmentally-owned school buses were in operation in each of the years 1968, 1969 and 1970 respectively?

2. How many private contractors were operating school buses for the Education Department in 1968, 1969 and 1970?

3. What is the average cost a mile of operation of the department's school buses?

4. Is it Government policy to increase its fleet of school buses at the expense of private contractors?

5. Is it the intention to maintain or expand, where possible, the use of private contractors?

6. If so, will such a policy reduce significantly the allocation of urgently needed funds now used for departmental school bus purchases, and release these funds for other purposes?

7. Is it the intention of the Government to review the present basis of negotiating mileage rates with individual private contractors, and consider introducing a mileage rate based on passenger capacity similar to the system operating in other States?

The Hon. HUGH HUDSON: The replies are as follows:

1. 272 in 1968; 291 in 1969 and 309 in 1970.

2. 368 in 1968; 347 in 1969 and 326 in 1970.

3. The average cost per mile varies enormously throughout the State depending particularly on the road conditions encountered. Under good operating conditions the average cost a mile can be as low as 17c.

4. No. The Education Department will use Government-owned buses only when private contractors do not tender or tender prices are considered to be excessive.

5. Yes. The department encourages private contractors to tender for school bus services and, in many cases, negotiates with operators to: (1) obtain tenders; and (2) to ensure that they continue their services.

6. Loan funds are made available to purchase school buses. However, significant funds are needed to replace buses on existing services and to provide services to new schools, particularly area schools, when, due to isolation, private bus operators are not available. It is doubtful whether the department's policy, which has been unchanged for many years, will reduce significantly the need of Loan funds to purchase school buses.

7. No, because of the tremendous variations in the operating conditions throughout the State, it is not proposed to alter the existing tender system.

UNIONISM

The Hon. D. N. BROOKMAN (on notice):

1. On what date was the revision of the minute of September 2, 1970, concerning union membership sent out?

2. Why did the revision bear the date of September 2, 1970, and not the date of its issue?

3. How many copies of the minute of September 2, 1970, were sent out?

4. To whom were these copies sent?

5. How many copies of the revision of the said minute were sent out?

6. To whom were they sent?

The Hon. G. T. VIRGO: The replies are as follows:

1. The actual date cannot be accurately stated but the revision of the minute was effected shortly after September 2, 1970.

2. Because it superseded the original minute.

3. One.

4. The Commissioner of Highways.

5. One.

6. The Commissioner of Highways.

SCHOOL DAMAGE

Mr. MILLHOUSE (on notice): What was the cost of repairing damage, regarded as wilful damage, to school buildings during the financial year 1969-70?

The Hon. J. D. CORCORAN: It is not possible to give an accurate cost for wilful damage, because departmental records do not positively distinguish between wilful and accidental damage to schools. However, the total estimated cost for wilful damage for the 1969-70 financial year is \$11,500.

PORTNOY'S COMPLAINT

Mr. MILLHOUSE (on notice):

1. What action has been taken to restrict the sale in South Australia of the book *Portnoy's Complaint*, and by whom?

2. Have any prosecutions been instituted for the selling of the book? If so, how many?

3. What are the charges to be laid?

4. Are any further prosecutions being considered?

5. If not, are any prosecutions being considered?

The Hon. L. J. KING: The replies are as follows:

1. The police have been requested to exercise a general supervision over the sale and distribution of *Portnoy's Complaint* having regard to the principles that I have indicated as those which will guide me in exercising my discretion whether to authorize a prosecution. I have had no information on any conduct that would justify a prosecution and, in consequence, no action has been taken.

2. No.

3. Not applicable.

4. Not applicable.

5. No.

AGED COTTAGE HOMES

Mr. MILLHOUSE (on notice):

1. Has a reply been sent to Aged Cottage Homes Incorporated in answer to the submission to the Chief Secretary dated September 9, 1970?

2. If so, when was it sent?

3. Has a reply to it been received?

4. What is that reply?

5. If not, why has a reply not been sent?

The Hon. L. J. KING: The replies are as follows:

1. Yes.

2. October 9, 1970.

3. No.

4 and 5. *Vide* No. 3.

TRADING HOURS REFERENDUM

Mr. MILLHOUSE (on notice):

1. Why have notices pursuant to the Referendum (Metropolitan Shop Trading Hours) Act not yet been sent out to those who appear to have failed to vote at the referendum?

2. When is it planned to send them out?

3. What is the estimated cost of sending out these notices?

The Hon. L. J. KING: The replies are as follows:

1. The Electoral Department is in the process of checking the rolls, eliminating the

names of those concerning whom the Returning Officer is satisfied, from information available to the Electoral Department, that they had a valid and sufficient reason for not voting, and attending to other preparatory work, as well as attending to the other work of the department.

2. In due course.

3. At this point in the above process it is not possible to estimate the cost.

COMMONWEALTH CORRESPONDENCE

The SPEAKER laid on the table correspondence with the South Australian members of the Commonwealth Parliament in relation to a resolution of the House of Assembly on August 19-20, 1970, concerning the impost on the sale of wine and the increase in sales tax on motor vehicles and electrical goods.

CONSTITUTION ACT AMENDMENT BILL (MINISTRY)

Adjourned debate on second reading.

(Continued from October 21. Page 1951.)

Mr. HALL (Leader of the Opposition): It appears, from the way in which this measure is framed, that the additional Minister whom the Government is planning to appoint will come from the House of Assembly. I have found this from an earlier study of the proposal and from the comparison made with the situation existing in other States, which comparison supports an enlargement of the South Australian Cabinet. Generally, I agree with the Premier's proposal, for an additional Cabinet Minister is needed in order to lighten the load on the Administration in South Australia. No doubt, the Government can, by appointing the additional Minister, spread by one-tenth the responsibility among the Ministers. On the other hand, it can spread the irresponsibility by one-tenth. No doubt the general confusion that the present Administration is causing in South Australia will still exist when the new Minister is appointed, but I hope that his appointment will bring a higher standard to the Administration in this State than is being demonstrated by the present team.

The appointment of an additional Cabinet Minister is not a matter to be taken lightly: it is an expensive operation and will cost the taxpayer many extra thousands of dollars a year. It therefore behoves the Government to take stock of its present operations in order to see that it does not extend Ministerial activities in the most expensive fashion. The Gov-

ernment has entered into the costly arrangement of providing a press secretary to each Minister. Government members will recall that, all told, there were three press secretaries in the previous Administration, and I think it is fair to say that the maximum that could have been foreseen to serve all the Ministers, previously numbering nine, would be four press secretaries. I think that four press secretaries would have been sufficient to prepare public statements and assist 10 Ministers in connection with the news media. If the activities of a press secretary are to extend beyond this, one may find that any additional press secretaries appointed will be entering into the Party-political field or going beyond the normal process of assisting in Ministerial activities as they concern the news media.

As the appointment of an additional Minister will cost a considerable sum of money, I should like the Premier, in Committee, to say precisely what he expects will be the total cost to the Government, including the cost of supplying the necessary highly qualified staff, the cost of supplying a motor car, and the cost of general day-to-day activities of the Minister. I should like to know how much this will represent in the South Australian Budget. A comparison has been made between South Australia and other States. Tasmania, which of the other States has the smallest Cabinet, has nine Ministers, equal to the number of Ministers in this State. Western Australia has 12 Ministers; Queensland, 13; New South Wales, 16; and Victoria, 15. It can be seen that the population of a State and the general business activities within it are not an automatic guide to the size of the Ministry in that State. In this regard I refer to the size of the Ministry in Victoria (15) compared with the projected size of the South Australian Ministry (10).

Although Ministerial responsibilities and direction concerning departmental activities may not be directly related to the growth of the community, it is necessary, if Ministers are to lead anything resembling a normal life, that an additional appointment be made here in order to spread Ministerial responsibilities and ensure that Ministers do not bear the heavy burden that they have borne in the past. As Leader of the previous Government, it caused me much concern to see my colleagues in office subjected to the strain of the work load that they carried. For this reason, I wholeheartedly support the basis of the Bill, although it remains to be seen whether the Government will use the enlarged Cabinet

wisely or whether it will use it foolishly. For this increase to be justified, the Cabinet will have to do a jolly sight better in future than it is doing at present, having caused general confusion in the community.

Mr. COURCE (Torrens): I support the Bill, for two main reasons. First, bearing in mind that this matter is not one to be taken lightly, I point out that the appointment of a new Minister is necessary if the State is to expand; indeed, we hope it will expand and that this appointment will play a significant part in that expansion. It is most important that, when the new Minister is appointed, his duties be clearly defined in regard to whatever activity the Premier may assign to him. As South Australia is expanding in population and activity, I believe that we need another Minister. Secondly, I support the contention that a Cabinet of nine Ministers in this State simply means an overloading of the burden of those Ministers, and I speak with some regret, having experienced this position. Although I say quite frankly that another Minister is warranted in this State, I look forward with interest not only to seeing who is appointed but also to seeing how he will perform. We have had a few guesses—

Mr. Venning: They haven't much to choose from, have they?

Mr. COURCE: There have been many guesses as to who will be appointed, and I am wondering whether the person concerned will topple into the job, be dragged into it, or have to force his way. It will be interesting also to see how he will be accommodated in the Chamber; if he went into another place, there would be plenty of room, and it would not be necessary to extend the front bench. I am sincere in supporting the motive behind the Bill, that is, to appoint a new Minister. I hope the House will support the Bill and take it in the serious way in which it is meant to be taken. However, I cannot help recalling a few events that occurred in the last few years, events that bring a rather wry smile to my face. I think it was in 1964 that the Government led by Sir Thomas Playford proposed to increase the number of Ministers from eight to nine. That Government even went to the extent of providing in the Budget of that year the emoluments necessary to pay for the new Minister after the enabling legislation had been passed.

However, the Leader of the Opposition at that time (Hon. Frank Walsh) and the Labor Party opposed the Bill, giving the reasons that nine Ministers were too many for a House of

39 members and that there could be more Ministers when there were more members. Members who were members of the House at that time will recall that the Parties were evenly divided and, the Government lacking a constitutional majority, that Bill was therefore defeated. Ironically, after the 1965 election the Hon. Frank Walsh, who had opposed the Bill as Leader of the Opposition, became Premier and, shortly after assuming office, introduced a Bill to provide for a ninth Minister. That is how the then member for Millicent (Hon. J. D. Corcoran) became a Minister. At that time the Liberal Opposition supported the Bill to create the ninth Minister, as it is now prepared to support this Bill providing for a tenth Minister.

The ACTING DEPUTY SPEAKER (Mr. Ryan): As this is a Bill to amend the Constitution Act and to provide for an alteration of the constitution of Parliament, its second reading requires to be carried by an absolute majority. In accordance with Standing Order 300, I now count the House. There being present an absolute majority of the whole number of members of the House, I put the question: "That this Bill be now read a second time." For the question say "Aye", against say "No". There being no dissentient voice, the motion is therefore carried.

Bill read a second time.

The ACTING DEPUTY SPEAKER: The second reading of the Bill having been carried by the requisite statutory majority, the Bill may now be further proceeded with.

In Committee.

Clause 1 passed.

Clause 2—"Number of Ministers of the Crown."

Mr. COURCE: In the temporary absence of the Leader, I ask whether the Premier can give some details of the costs of this extra portfolio?

The Hon. D. A. DUNSTAN (Premier and Treasurer): Although I have had a report from the Public Service Board on the cost involved, I regret that I do not have it with me. The board has reported on the provision of the necessary office and staff for a new Minister. It is not intended that this should be a large office or that there should be a large staff, for it is not intended that there should be a major reorganization of departments.

Mr. Cource: Can you indicate the main duties?

The Hon. D. A. DUNSTAN: I cannot, because obviously that reveals the nature of

portfolios, about which I have to inform the Governor before I make a public announcement. I assure the honourable member that the costs of the new portfolio will be kept to a minimum.

Clause passed.

Title passed.

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

That this Bill be now read a third time.

The ACTING DEPUTY SPEAKER: As this is a Bill to amend the Constitution Act and to provide for an alteration of the constitution of the Parliament, its third reading requires to be carried by an absolute majority. In accordance with Standing Order No. 300, I now count the House. There being present an absolute majority of the whole number of members of the House, I put the question: "That this Bill be now read a third time". For the question say "Aye", against say "No". There being no dissentient voice, I declare the Bill to have been passed with the requisite absolute majority.

Bill read a third time and passed.

INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 22. Page 2024.)

Mr. RODDA (Victoria): The Bill takes away a privilege that people living in the fringe areas of the State have enjoyed in recent years. It is interesting to look at the Labor Party policy speech in this connection. Amongst other things, it stated that there would be no extension of Friday night shopping beyond the areas where it obtained then. This matter has attached to it a history that will live long in the memory of the people of the State. We have had the ill-fated referendum and we now have a Bill which, if it is passed, will provide for uniformity of shopping hours but which will take away from the good people living in the fringe areas certain privileges they have enjoyed, and it is obvious from their re-action that they will be sad indeed if they are denied these privileges. Although the referendum was specific it did not force itself on the people I represent. Perhaps I do not have any great qualification to tell members how they should operate on behalf of the people they represent.

I would not have spoken had it not been for the outspoken remarks of the member for Salisbury. All members realize that they enjoy certain privileges by being members of this place, but I think the honourable member grossly misused those privileges when he

attacked the mayors of Elizabeth and Salisbury. He called them dingoes, and I think that the manner in which the honourable member used this word was unworthy of him. He will probably live to regret that statement. I think the honourable member challenged both or either of the mayors to oppose him at the next election, and they may well do this. It was unworthy of him to attack leaders in another form of Government who are doing their duty on behalf of the people they represent.

Mr. McKee: The Liberal Party!

Mr. RODDA: It ill behoves Government members to accuse these people. Both Mr. Duffield and Mr. Bowey are merely representing the people who elected them, and I object to the tenor of the remarks of the member for Salisbury. The question of shopping hours has caused much heart-burning throughout the community. I support the Leader's amendments.

Mr. HOPGOOD (Mawson): The world is too much with us; late and soon, getting and spending, we lay waste our powers. I have no desire to enlarge on the getting aspect. I think that of all people in employment Parliamentarians work as long hours as any. With regard to the spending, I try to devote as few hours as possible to this. My attitude to the market place is to get in, do what I have to do, and get out quickly. My attitude towards the market place, as with most things, is that this is an arena that should be left to the experts. The expert in our house is my wife, and I leave those things to her. By the same token, it has been said that we need *panem et circenses*: the less time we spend obtaining *panem* the more time we have to spend on *circenses*. The prime object of this Bill is to obtain uniform shopping hours throughout the metropolitan area and the municipality of Gawler. The reasons for this have been widely canvassed. It is recognized that it is an anomaly for two areas within reasonable shopping distance of each other to have different trading hours in such a way as to confer privileges on one as against the other. I congratulate the member for Mitcham, who agrees with me on this aspect. He said:

It is quite obviously utterly unfair that people within a certain area should not be able to trade when they wish while their competitors outside that area, which has become entirely artificial, are allowed to trade. In other words, the lack of uniformity is quite unjust and cannot be defended, and it should not have been allowed to develop to the stage that it has.

Most people here would add a fervent "Amen". The Government has been criticized for holding the referendum, yet at the same time it has been criticized for not asking enough questions. We have been told by Opposition members, "Don't ask people what they want in this respect but, if you must ask them, ask them the lot." I submit that this is an untenable position. The Government's position was made clear: we favoured bringing in a Bill for uniform hours, and we did not favour allowing unlimited trading throughout this particular area. I think I would have much difficulty in finding any Opposition members who would favour unlimited trading hours. I recall that, when we debated the Bill to have a referendum, the member for Flinders said that he would oppose Sunday trading, and probably this sort of comment would be fairly typical of Opposition members as it is of Government members. With these two pre-suppositions, that first there should be uniform trading and, secondly, that there should not be unlimited trading, the Government considered that it was only fair to go to the people on the issue and ask on what basis within that framework the people wanted trading, whether they wanted it as it obtained in the present metropolitan shopping district, that is, a 5½-day week, or whether they wanted it on the basis of a slightly longer period, namely a 5½-day week plus Friday night.

That was the clear question asked of the people by the Government, and I see no reason why anyone should try to read anything further into that question than was actually there. It has been said this has been a consultative referendum, as referendums in South Australia in the past have been. It is not a mandatory one. I am assisted by certain comments made in this House many years ago by the Hon. Crawford Vaughan when he was Leader of the Opposition in pointing out that it is possible to hold a mandatory referendum, and this could be done by bringing in legislation providing for what one wants to do in all details except that the issue (in this case of a Friday night) should be left to a vote of the people. In this way the vote of the people would be mandatory and the Bill would already have been passed, and we would simply go on to the administrative decisions that would follow from the passing of the Bill and the vote of the people.

Maybe, shutting the door after the horse has bolted, this is something that should have been considered in this case. The question has arisen: is the result of the referendum divisible;

in other words, can it be cut up into meaningful components? In short, was this a referendum or was it a set of local option polls? Referendums of the consultative variety have been not unknown in the history of South Australia. We recall the referendum to establish State lotteries during the period of the previous Labor Government. We recall that Premier A. H. Peake, in 1915, ordered a referendum on the issue of closing hours of hotels, and there may even be a few people left in the community who recall that in 1910 there was a referendum on the issue of salaries of members of Parliament. In all these cases it was quite obvious that what was being referred to the people was not a set of local option polls but, rather, a referendum. However, nobody seriously considered that if, for example, the electors of Adelaide, Alexandra, or Enfield had, in 1965 or 1966, voted against State lotteries, the member for that particular district would be required to vote against the legislation when it came before the House.

One could well refer to referendums not only in South Australia but also in other States. Honourable members will recall that recently a referendum was held in New South Wales on the issue of hotel trading on Sundays and this referendum was defeated, so the Government of New South Wales did not proceed with that idea. I think it is probably unlikely that the Government wanted to proceed with it, anyway. However, the point at issue still arises. Let us suppose that there had been supporters of the New South Wales Liberal Government (and I am not familiar with the actual structural results of that referendum) who represented districts that voted in favour of Sunday trading in hotels. If this, in actual fact, occurred, did any of those Liberal members of the New South Wales Legislative Assembly introduce a private member's Bill to establish, by way of legislation, that for which their local constituents had voted? I am not as familiar as some other members may be with what goes on in New South Wales, but I have no recollection that such a Bill was introduced.

The position I have referred to may not have arisen, of course, simply because this sort of result did not occur. In fact the "No" vote in New South Wales was fairly evenly distributed throughout the whole of the areas. However, I still ask the question: would anybody regard as sensible the suggestion that, if the electors in the district of Dubbo (if that is an electoral district in New South Wales)

voted for Sunday trading, the member for that district was thereby obliged to introduce a private member's Bill so that the people of Dubbo should enjoy that which the rest of the State had rejected?

It seems to me that, when we start to raise this question, the position becomes rather ridiculous. The result of a referendum is not divisible and cannot be cut up into small bits. This is the situation that we face. I mentioned earlier that it was a consultative referendum. At the same time, the Government announced, before the referendum was held, that it would be bound by the overall result and so, therefore, there is a moral obligation on the Government to be so bound. People have been trying to read into the result all sorts of things that, in fact, are not there. They have said that this was a vote for the *status quo*. In fact, of course, there is no guarantee that this was such a vote, because the referendum did not allow people to vote for the *status quo*. The reason why it did not do that is along the lines that I have already indicated, namely, that the Government believed that it should bring in uniform trading hours. I believe that, if members opposite would stop playing politics, they would come out and say that they agreed that there should be uniform trading hours. The member for Mitcham, in fact, did that very thing the other day in the House. I make the point that the question submitted to the people was not, "What should the future trading hours be in your district?"

Mr. Evans: Or in the State.

Mr. HOPGOOD: I am sorry, but I do not get the point of the interjection.

Mr. Evans: It was not a vote for what the trading hours throughout the State should be, either.

Mr. HOPGOOD: No, I realize that, but that is precisely the point I have been making. A limited question was asked.

Mr. Ferguson: Of a limited number of people, too.

Mr. HOPGOOD: Well, if the electors on Yorke Peninsula really wanted to be involved in this, I see no reason why their member could not have made representations to the Government. I do not say that it is necessary to establish uniformity throughout the whole State, for the obvious reason that no-one living in Yorketown would bother to go to Wallaroo or Ardrossan to do the weekend shopping. This matter does not arise.

Country towns can have their own rules and regulations to please themselves, but, when we come to the situation of the metropolitan area,

where we have people living within shopping distance of each other, to my mind the demand for uniform trading becomes irresistible. I was making the point that people were not asked to vote about what the future should be in their own particular districts: they were asked to vote on what the future shopping hours should be throughout the whole of the metropolitan planning district and in the municipality of Gawler. Therefore, it is quite illegitimate for anyone to infer from the "No" vote in the old metropolitan shopping district that the people in that district were voting only in respect of their own hours or that, because of the "Yes" vote in the fringe areas, the people there were voting in support of their own hours. There is no way in which we can assume that this is the way people were voting.

The people were asked to vote in respect of the whole of this particular area that we are trying to make uniform. They have voted, and we are bound by this result. Reference has already been made to the fact that there are members of the Liberal and Country League in this place who represent districts that returned a "No" vote, and it will be interesting to see the reaction of these members to the amendments that I understand the Leader of the Opposition has placed on file. I will not name those members: one or two other members on this side have done that already. I also raise the question of country members. If there is a vote on the amendments placed on file by the Leader of the Opposition, and if it is suggested that I and other members should vote not according to the overall result but according to the district results, then it follows, first, that these various Liberal members to whom I have referred should vote against the amendment and, secondly, that country members should abstain.

The member for Hanson giggles at this point, but we are rather used to his giggling. In fact, I recall a very brief speech he once made that seemed to consist mainly of giggles. I make the point that, to be consistent, if members of the Opposition seem to want to require that I should vote for the Leader's amendments, it follows that the member for Hanson, the member for Victoria, the member for Kavel, and the member for Pirie (who is on my side of the House) or the member for Whyalla and various other members, should abstain, because they would have no way of knowing how their particular constituents viewed this issue. When we start to consider these various questions, we see how ridiculous

is the idea that the result of a referendum is divisible. Members of the Opposition have been trying to make considerable capital out of this whole business. Perhaps they thought they were getting somewhere at one stage, but I think they are now beginning to face a law of diminishing returns.

I should like to say one or two things about this, because it is quite obvious that the L.C.L. is not offering the people an alternative on this issue. It is very easy, when one is in Opposition, to move all sorts of amendments, safe in the knowledge that those amendments will be defeated and, therefore, one will not be faced by the consequences of those amendments. However, when one is faced with the question of what policy to put before the people at any future electoral contest, this is a different matter. One has to be dinkum on occasions like this, because possibly one may be faced with the consequences of what one does.

Last Thursday evening a meeting was held in my district on this issue. It was not well attended: I understand that only 56 persons were present. The Leader of the Opposition here, the Leader of the Opposition in the Senate, and the member for Fisher were present. I was invited to be present. I already had an engagement to debate the issue of education with the member for Alexandra at Victor Harbour. It was rather interesting that the organizers of this meeting had made sure that the date suited honourable members opposite before they bothered to contact me on the whole issue. Nevertheless, my spies were present and I provided these gentlemen with certain questions and material to place before the Leader of the Opposition. I should like to read the text that I provided to a colleague of mine, on the basis of which he asked pertinent questions of the Leader. It is as follows:

The presence of speakers from the L.C.L. at the meeting raises the political implications of the Government's action. I particularly desire to know from these speakers what the L.C.L. will have to say on this issue at the next election. I note that Mr. Hall has changed his position on this issue on two or three occasions. I note that his Government shelved the problem. I note that the President of the L.C.L. dissociated his Party from Mr. Hall's statements during the referendum. I note that Mr. DeGaris has stated, "I think there should be some uniformity or otherwise completely open trading" (*Advertiser*, October 15, 1970, page 8), which is neither in accord with the referendum result nor with Mr. Hall's foreshadowed amendments to the Government's Bill. I recognize that it is easy enough to move amendments and make criticisms when you are in Opposition, safe in the knowledge that

what you advocate will not get passed and, therefore, you will not be faced with any embarrassing consequences stemming from it. In short, will Mr. Hall provide an alternative at the next election because, otherwise, there are no political implications in the present situation?

Based on that material, Mr. Hall was asked a question. His reply was:

It is difficult to unscramble an egg.

I have been shown a transcript of that meeting by people who came to see me about it last Saturday afternoon. They told me they would post to me a copy of this transcript once it had been copied, but they were the words I noted in the transcript that was made: "It is difficult to unscramble an egg." In other words, "Should it be the misfortune of the people of South Australia that I will at some future time again be Premier of this State, I will do no more about this matter than I did the last time I was Premier of this State." That is exactly the situation, and that is exactly the implication of the statement made to the 56 citizens of Morphett Vale present at that time.

Mr. Gunn: Were you there?

Mr. HOPGOOD: The honourable member should have been in the Chamber 10 minutes ago when I explained the whole situation; I have no desire to repeat it for his delectation. I want to close with one or two remarks about the whole concept of uniformity. I have supported uniform trading hours throughout the districts surrounding the capital city where people live within shopping distance of each other. I supported as much as possible, considering that there was almost an embargo by the local press, the "Yes" campaign because, although my wife and I do not shop on a Friday night and never have, we would not have minded being in the situation where occasionally we made use of this facility. I reasonably expected that people living in the present metropolitan shopping district, too, would have been anxious to make use of these facilities, particularly in the Marion shopping centre and elsewhere. However, the people indicated clearly that they thought the liabilities that would be attendant upon these extra privileges would be such as to make them not worth while. Therefore, I accept that particular vote. However, I would at this stage urge on the Government that it not halt at the issue of making hours uniform, because (and the members for Salisbury, Playford, Tea Tree Gully and Elizabeth will bear me out on this) people in the fringe areas encounter considerable disabilities with regard to prices and

the availability of transport facilities from the shopping areas in town in delivering furniture and goods of various descriptions.

I would, therefore, urge on the Government that, as I have accepted and been privy to the Government's decision for uniformity in respect of hours, we should now turn to the problem of uniformity in prices and services. People in those particular areas suffer considerable disabilities. This is something that has been obvious to me ever since I have been living on the fringe; it was made clear to me from the very moment I received the Labor Party pre-selection for Mawson.

Mr. Millhouse: What do you propose to do?

Mr. HOPGOOD: My suggestion to the Government is that it ask the Prices Commissioner to bring down a comprehensive report on the whole matter and to give us a detailed report on the extent of the price disabilities that people at Salisbury, Christies Beach, Noarlunga and Elizabeth suffer. Then it should be in a position to make recommendations on how these disabilities can be met. With those observations, I support the Bill.

Mr. CUMBE (Torrens): I have listened intently to the various speakers in this debate and have deliberately waited to hear their views. Conflicting views have been put forward, and I have heard some interesting points of view expressed, including a few apologetic statements by members opposite. These were expressed in terms designed to cover some embarrassment being experienced by certain honourable members. I received from the Minister of Labour and Industry a few gibes and invitations to speak, and I am now taking advantage of this opportunity to say one or two words on this Bill, because its interesting history would not be known to some of the newer members of this House who entered it only after the last election.

When I had the honour to be Minister of Labour and Industry in the previous Government, this was one of the most vexed questions that came to my desk. I know that the present Minister would agree that it was a knotty problem long before he thought of the referendum; in fact, his Leader said there was no easy solution to this overall question. The committee that sat in June, 1966, on trading hours did not help one bit, because a reading of the Parliamentary Paper relating to that committee reveals that its recommendations were unhelpful regarding any action that should be taken. I advise honourable mem-

bers to look at the report of the committee that the Hon. Frank Kneebone, the then Minister of Labour and Industry, set up. Much evidence was taken from interested parties.

The report was of no great assistance in determining what we should do. I would be among the first to say (and I believe it has been said in this Chamber before) that this matter should have been dealt with at least 10 years ago. If it had been, we should not be facing the problems we have today. When I took office I discovered that the Early Closing Act was hopelessly out of date, and I admit now that it should have been attended to many years ago.

Having faced that position and looked at the report of the committee on trading hours, which report gave no assistance in this connection, I held many conferences with many interested parties on various aspects of trading. The Minister can confirm this by looking at the files in his possession or by checking with the Secretary for Labour and Industry. There is no easy solution. I was looking for some flexibility.

I was quite certain about the question of Saturday afternoon and Sunday trading: I am referring to the trading in hardware, meat, groceries, and furniture, which in my view just had to be stopped. However, I am not referring to delicatessens or exempt shops. The shops that were trading at undesirable times were taking away trade from legitimate traders who were compelled to close their shops at 5.30 p.m. on Fridays in certain areas and at 9 p.m. on Fridays in other areas. I intended to introduce into this House a comprehensive Bill to give effect to the whole ambit of this question.

As members know, I was unfortunately prevented from doing this, and on the Labor Day weekend of 1969 I ceased to play an active part in this House for some months. My colleague, the member for Mitcham, who then became the Acting Minister of Labour and Industry, introduced an interim measure in December, 1969. This measure contained those parts of the whole question that we had actually cleared up, namely, exempt goods and exempt shops. However, this move eventually proved abortive. That interim Bill was introduced to give relief to many people and to extend the range of the commodities that could be sold in delicatessens and other exempt shops. This was done so that they could give greater service to the people immediately, instead of their being forced to wait until I returned to office

and got on with the rest of the Bill. The second reading of the interim Bill was supported by the present Premier. On page 3683 of *Hansard* for 1969, the present Minister of Roads and Transport (then the member for Edwardstown) is reported as saying:

I support the Bill.

That is the best speech I have ever heard him make in this House. The then Leader of the Opposition, the present Premier, supported the Bill, too, and said that he wished we had introduced a comprehensive Bill. I have already explained that I had desired to do this. The then Leader (page 3240 of *Hansard* for 1969) went on to say:

We should leave Friday night shopping where it stands in areas in which this is already the practice.

Mr. Venning: He had not had his orders then.

Mr. CUMBE: I could quote many other things. The then Leader supported the interim measure for extending the range of exempt lines. That Bill would have benefited not only the shopkeeper but also the general public and it would have done away with the obnoxious vista that we see when we go into some shops, namely, the bird-netting partition. That kind of partition is an anachronism, if ever there was one, and it was one of the things that we wished to do away with. At the same time, I believe that not all foodstuffs should be available for sale at all hours of every day of the week, to the detriment of grocery shops. Certain food lines can with advantage be sold at delicatessens (or, as they are sometimes called, convenience shops). However, certain other food lines should not be sold in that way.

I was trying to get some flexibility in this matter. However, before I could get on with the job certain other things happened. I returned to office, we had an election, and unfortunately I did not have the opportunity of introducing the comprehensive Bill. Consequently, we now must look at this matter from a completely different point of view. Because the Government has held a referendum and introduced a Bill of this nature, the question has been completely changed. I said that I did not like the referendum or the questions in it. In fact, if I had been Minister of Labour and Industry I would not have held a referendum, because it is my philosophy that, if a member who is elected to this place makes a mistake or brings in unpopular legislation, he should take the risk of getting kicked out at the next election.

Mr. McKee: That happened to you. You never had a mandate for anything you introduced.

Mr. CUMBE: Thank you. I would not have held a referendum, but I would have introduced a Bill; if the people or this House had not approved it, I would have taken the consequences. Now, on October 27 at about 5 p.m., we have to consider this Bill in the way that it has been framed as the result of the referendum. We must acknowledge that a certain vote was cast at the referendum: a majority of the electors and a majority of the districts voted "No". I agree to the first part of the Bill, and perhaps it could have gone a little further. However, I believe that the Minister intends to introduce further amendments to the Industrial Code either this year or early next year.

The Hon. G. R. Broomhill: There will be a very considerable number of amendments.

Mr. CUMBE: In 1968 I introduced amendments, which were accepted by the whole House, to provide for the office of Deputy President of the Industrial Court. That was following the retirement of, as he then was, Judge Williams, who is now Mr. Justice Williams of the Commonwealth Industrial Court. The amendments that I introduced provided for a Deputy President, and I believe that that provision served a most useful purpose, because I could see at the time that this jurisdiction would become busier and busier. This was my forecast, and it has been proved correct. I think the Minister is wise to introduce this measure, which provides for the appointment of an additional Deputy President.

Having questioned the Minister earlier in the session about his intentions regarding the living wage provisions of the Industrial Code, I am pleased to see that he has included a provision dealing with this matter. He has my full support regarding the industrial clauses of the Bill. Although I could have suggested that he go further, we will not worry about that at present: one thing at a time. The Minister will introduce amendments to the Industrial Code next year, but whether I will support all of those amendments will depend on what is contained in the Bill. However, I assure the Minister that I have a great interest in that measure, and I am eagerly looking forward to seeing what he introduces, although I will not guarantee that I will support all of the amendments.

Coming now to the matter of shopping hours, I see that several matters have not

been dealt with. Having had various discussions with interested parties when I was Minister, I point out that trading hours concerning baking and the selling of petrol are not dealt with here. The Minister has, of course, through administrative action, done something about this, and I suppose that he will take legislative action shortly. The matter concerning night pharmacies, which was also raised previously, involves peculiar problems, and one or two other trades or professions are involved that have not been dealt with in this measure. I see that the hours for the selling of petrol remain unaltered. I am not suggesting that we alter the present provision, because clustered around the old metropolitan area, on three sides, are numerous service stations, and it would certainly be a hardship not only to customers but also to proprietors and lessees if the companies concerned were suddenly told to move out. It seems a little anomalous that petrol and not other goods may be sold at certain hours.

The other matter in which I am interested concerns the provision relating to country areas—whether or not they have late shopping hours. I will agree, and it was my intention when Minister, to alter the provisions now applying to the right of people living in country areas to vote whether or not their district should be classed as a metropolitan shopping district. I have received petitions and counter-petitions on this matter, the last petition having come, I think, from Crafers. I vividly recall receiving a petition early in 1969 dealing with the city of Adelaide: as members will know, if they have studied the legislation, under the Early Closing Act the Minister having received a petition (as I did in this case) for 9 o'clock closing to apply in the city of Adelaide, he is obliged to set a date by which a counter-petition may be received. I carried out the relevant procedure in this matter which, in accordance with the Act, was referred to the electoral officer, who counted the votes, and a "No" vote just won the day.

If, under the old Act, only a few hundred more people had voted differently, there would already be 9 o'clock closing in the city of Adelaide. However, some people did not realize that North Adelaide, which is in my district, is part of the city of Adelaide. This was a close shave for many people, including unionists and shopkeepers, who got a fright; but, be that as it may, that related to the old provision, and I am glad that the Minister has changed the method of handling this

matter. Another interesting aspect is that a shop may open on any week day or Saturday at 12.1 a.m., and that provision has not been altered. In fact, Melbourne Street traders in my district approached me on this matter, and I told them that they were entitled to open at this time. However, after trying it several times they soon gave up the idea, because it was not lucrative; I think it lasted for only three or four weeks. One matter that we must face here concerns uniformity, and this has been referred to previously. I have seen the problem in my own district and in adjoining districts: a person can drive just one or two miles farther and is in an open area: shops in the old metropolitan area, some of which have been established for generations, have suddenly gone out of business or have had their trade drastically reduced, because people who may have been former customers can trade elsewhere at other than the previously accepted hours. This has caused many problems. In fact, it is not generally known that there is nothing to stop shopkeepers in, say Elizabeth or Christies Beach keeping their shops open all the weekend if they wish.

The Hon. G. R. Broomhill: And every night!

Mr. CUMBE: Yes. If a shopkeeper wishes to do this, he may do so under the Act at present, and I believe that it is only a matter of economics that has prevented his doing this. I have previously expressed my opposition to trading after Saturday midday and on Sunday. We must consider the matter of uniformity, bearing in mind that the referendum, in effect, which I did not like in the first place, voted in favour of it. I have said that I personally prefer some flexibility, although the Bill as it is drafted and the result of the referendum highlight, in my opinion, the wishes of the majority of the people in the area concerned, and in the majority of districts involved, to have uniformity. I believe that the departure from uniformity here could lead to some rather difficult and chaotic conditions.

The Bill contains the lists of exemptions, which, with a couple of minor alterations, are almost exactly the same as those contained in the Bill in 1969, and there is no quarrel at all with this, although I perhaps have some doubts about one or two of the exemptions. However, let us not quibble over this, for I think the Bill generally is more important: there are some foreshadowed amendments, which will be discussed shortly. I intend to support the second reading so that

further discussion on the whole question can proceed, for I believe the Bill is of great importance to the majority of people in South Australia, and I am not talking politically. A little more than two-thirds of the population of the State lives in the area about which we are talking. The Bill is important, as it affects the everyday life and many of the habits of people, who may have to adjust their habits if the Bill is passed, and it is likely to pass this House, for the Government has the numbers. As member after member has said, many people in the fringe areas who enjoy these privileges will lose them if the Bill is passed.

I understand that the Minister is thinking of having the effects of the Bill date from the beginning of January. In other words, its provisions will not have an effect overnight, as it were; if it were to be implemented immediately that would be most unfair to people in the districts concerned. In this connection we must consider the convenience of the public because, after all, if it were not for the public there would be no businesses. We must also consider shopkeepers, who may have long-term rental obligations. Some shopkeepers may have their equipment on hire-purchase and have other commitments to meet, and they may rely greatly on Friday night business. It would be grossly unfair to the public and to shopkeepers if the provisions of the Bill were implemented suddenly with no time being given people to adjust. I have canvassed the position as I saw it when I was Minister: it was a most difficult matter to resolve. I commend my colleague for introducing, during my absence, a Bill which unfortunately lapsed last December. We must look at this matter, having regard to the provisions of the Bill and to the result of the referendum. I am not worried whether my views are shared by all members: I look at this measure as it affects the lives of thousands of citizens in the State for years to come. I support the second reading, and I will have more to say in Committee.

Mr. SIMMONS (Peake): I support the Bill. I do not usually take up too much time of the House, for I think that more than enough time is wasted by the irrelevant and often irresponsible outpourings of Opposition members. However, this Bill contains several matters of principle on which I think I should comment. The member for Heysen, in an honest if rather confused discourse, as is usual for him, said he could not tolerate a situation in which shops on one side of the road were open while those

on the other side of the road were forced to close. The honourable member is correct: we must have uniformity. Yet he could not bring himself to support the Bill, which provides for uniform 5.30 p.m. closing. If the honourable member cannot support the Bill and still wants uniformity he must want open slather; at least he must want 9 o'clock closing throughout the present early closing area, people from which have clearly indicated in the referendum that they do not want 9 o'clock closing. I agree that we must have uniformity throughout the whole of the metropolitan shopping area, the present position being intolerable. I wish to quote from a letter which I received early in August this year from the North-eastern Group Master Butchers Committee (probably all members received a copy) and which states, *inter alia*:

It is our earnest endeavour to bring before your notice the present chaotic conditions which prevail today, owing to the Early Closing Act laws as they stand. We now find a situation has arisen where those master butchers trading within a very restricted metropolitan area are governed by strict laws on trading hours, hygiene, meat handling, meat inspection, to mention a few, whilst those trading on the fringe outside this area can virtually do as they please. This anomalous set of laws has already had quite disastrous effects on a very large number of retail butchers, particularly those just within the metropolitan boundaries. From figures available, it is estimated that at least 100 retail outlets have been forced to close during the past 18 months, and, therefore, if action is not immediately forthcoming, further and more serious hardship must result—not only for our trade, but for the public in general, and the Government itself through its Treasury Department.

Enclosed with the letter was another document, headed "Fringe Trading", which adequately sums up the position of traders in fringe areas as follows:

With improved transport facilities, population and housing development growth, suburban Adelaide at the moment extends in almost every direction to a radius of from 20 to 25 miles from the G.P.O. in Adelaide. The metropolitan shopping district as defined by the Act, on the other hand, extends in almost every direction to a radius of considerably less than 10 miles from the G.P.O. Adelaide. This situation has led to areas within suburban Adelaide having unrestricted trading hours and in the last two years a number of retail outlets have opened in these areas. Fair competition is not only acceptable but desirable. On the other hand, it is anomalous that a 15-minute drive from almost any point within the metropolitan shopping district enables purchases from some outlets while others, only minutes away, must remain closed under the Act. Every butcher in the metropolitan shopping district has lost trade because of this unfair situation,

while members of the South-western Group of Master Butchers estimate that their turnover has fallen by one-third in the last year.

The document I have is a copy of one sent to the member for Torrens on March 3 last year, when he was Minister of Labour and Industry. I know that he was ill later in the year and that his duties were taken over by the member for Mitcham, but I point out that the Liberal Party was in office a further 14 months after receipt of that letter before the Leader was overtaken by his lemming-like death wish. In that time, the two Ministers were unable or unwilling to persuade that Cabinet to tackle the problem, which is not surprising because Liberal Governments have funk'd this issue for over 25 years. In fact, the present intolerable position is a legacy of their neglect. Last May, the Labor Party put forward a policy which was overwhelmingly endorsed by the people and which, in relation to this matter, states:

To ensure the health of the industries involved and to restrain prices, a Labor Government will amend the Early Closing Act to provide: five-day week baking throughout the State; 5½-day week retail butchering throughout the State; revision of the list of exempt goods and shops; and no extension of Friday night shopping beyond areas where it now obtains.

The first item will be dealt with in due course, and the next two are effected in this Bill. The fourth matter ("no extension of Friday night shopping beyond areas where it now obtains"), as it stands, prevents uniformity of shopping hours being achieved by extending Friday night shopping to the existing early closing district. On the other hand, there is an implied promise, although not explicit, that Friday night shopping would remain in areas where it now obtains. This would prevent us from achieving uniformity by bringing the outer metropolitan areas into line with the old early closing districts. Because of the sorry mess that we inherited from the Opposition and threats by traders in the fringe part of the existing early shopping area who are facing bankruptcy that they would have to defy the law by keeping shops open on Friday nights, this Government was forced to accept the responsibility that was shirked for so long by the Opposition. The member for Torrens admitted that a few minutes ago, when he said that it should have been done more than 10 years ago, but 10 years ago a Liberal Government was in office.

Therefore, the Government decided, as always, to apply the principles of democracy and to seek the will of the people on this issue. Obviously, if uniformity is necessary (and the

member for Heysen, at least, is honest enough to say that it is) some people will be disappointed. The Government was willing to accept the will of the people, despite, on the one hand, the obvious desire of many of its supporters for shorter working hours (a desire made manifest in our policy) and, on the other hand, the knowledge that several Government members in outer areas would incur a measure of displeasure. It was made clear in the Minister's second reading explanation that the decision of the people would be accepted, whatever group was discomfited by the result, in order to achieve the fair trading conditions that L.C.L. members pay so much lip service to but have not brought about.

Recently, much has been said about democracy. As Opposition members do not seem to understand the meaning of this word I shall try (against all odds) to enlighten them. Obviously, it is impossible on many issues to obtain agreement of all members of society, or even most of them. In those circumstances democracy requires that we ascertain the will of the majority. It also requires that voters should be able freely to express their attitude and that both sides should be free to put their case without fear or intimidation. The Government scrupulously avoided taking sides in this issue, although it permitted members the freedom to express their point of view. The Government members in the Districts of Elizabeth, Playford, Tea Tree Gully, Salisbury, and Mawson, strenuously supported the "Yes" cause. However, once the vote was taken the will of the majority had to prevail. This is the essence of democracy. Otherwise, we would not have rule by the people: we would have anarchy.

Obviously, there is no point in ascertaining the overall position of the people if, when it is obtained, no attempt is made to give effect to the majority decision. Therefore, the Government accepted the result whatever the consequences, and I believe that the consequences will be favourable to the Government. I have sufficient faith in the good sense and judgment of the people of the outer areas to believe that the Government will not lose even one seat at the next election. After all, the alternative of electing an L.C.L. member is a pretty grim one, as the electors of those districts showed at the last election in May. There has been comment made about the size of the "No" majority, and it is worth while stating the figures. Of the formal votes 176,988 were cast for "Yes" and 190,566 for "No", a majority of 13,578 or 3.7 per cent.

The Opposition is in no position to cavil at such a majority: for years it clung to office with a minority of up to 10 per cent of votes. Also, the member for Hanson was happy to take office with a majority of less than 1 per cent and, as my colleague from Ross Smith correctly pointed out, even that was given him by the donkeys.

Opposition members are always prating about the virtues of voluntary voting, but they have complained that the result of the referendum was vitiated because of the many people who failed to vote or who voted informally, presumably because they had no strong opinion on the issue but wished to comply with the law. It cannot be said that the issue was obscure, because the question was clear. The member for Bragg, in his shortest and, regrettably, worst speech, complained about the question asked, and asked why the Government did not have the courage of its convictions to legislate without holding a referendum. I point out that two important policy decisions were made by the Government before the referendum was held. The Government had decided that it would not permit unrestricted Saturday afternoon and Sunday trading in the outer areas, and I was pleased to hear the member for Torrens support this decision.

The Government would not permit this, because it believed that this situation provided unfair trading conditions; unfair to employees or members of families operating shops who would have to work excessive hours, and unfair to the public who would have to pay significantly higher prices that undoubtedly would flow from paying penalty rates at weekends. The Government decided that it would not offer the people the choice of Saturday afternoon and Sunday closing, and that was the first decision. The other decision, previously referred to, was that there should be uniformity over the whole area. Most members opposite (although some have accepted it) have squibbed this issue just as their Party has squibbed it for many years. It is they who have not had the courage of their convictions. They pay lip service to the need for uniformity and then opt out, saying that the people should have been asked if they wanted the *status quo* to remain. What sort of courage is that?

I have a few things to say about the pledge that Government members sign to uphold the platform and decisions of the Party. Members of the Opposition are fond of claiming that they are free to vote as they wish, yet for five of the last eight years they clung to office with a substantial minority of votes and were

dependent on the whim of an outsider. When the chips were down not one member of the Liberal Party voted against their Government. How free are they and how do they exercise this freedom? What cant! What hypocrisy! Turning again to the question of the pledge that seems to take up so much attention of members opposite, I wish to make my position clear. I signed freely, willingly, and happily with no thought of personal gain. Had I not done so, admittedly I would not be here as a member. I did not expect to gain financially by coming into Parliament (quite the reverse), but I gladly welcomed the opportunity to help promote the progress of South Australia by implementing the platform of the Labor Party.

Therefore, I believe that I gained personally by signing the pledge, because, although I did not receive financial benefits, I have received benefits that I think have been worth while. Knowing the way in which our decisions are reached and the quality of those decisions, I do not believe that I shall be faced with a crisis of conscience. Apart from the personal aspect, the pledge benefits the Party, and I think this is proper. It is a guarantee that the countless people throughout South Australia who laboured to formulate our policy and platform and who have worked hard for many years to overcome a most vicious gerrymander will have an opportunity now to see that platform put into effect. These people have the satisfaction of knowing that they have elected members who will carry out that platform and are pledged to do so.

Apart from the personal and Party aspects, a more important and wider group benefits from the pledge we have signed, and that group comprises the public of South Australia. Our platform is formulated at meetings which are open and which the press attend. The platform is then published in the book that the member for Mitcham is fond of flourishing. I may say that he would be well advised to read and assimilate what was in the book and try to put it into practice. If he did that, he would be a better member. Our Leader's policy speech was printed, broadcast as much as possible, and given to the press to publish. I have no doubt that the member for Mitcham has read all 29 pages of this document, which sets out clearly what we hope to achieve.

The Hon. D. N. Brookman: What did he say?

Mr. SIMMONS: I have already mentioned what he said.

Mr. Rodda: What document have you there?

The SPEAKER: Order! The honourable member for Peake.

Mr. SIMMONS: The document is the policy speech of the Leader of this Party and I have read already the relevant part relating to shopping hours.

Mr. Venning: What about—

The SPEAKER: Order! The honourable member for Rocky River has been called to order and I warn him not to interject again. The honourable member for Peake.

Mr. SIMMONS: We presented this policy to the public last May.

Mr. Gunn: What about ruling the—

The SPEAKER: Order! Honourable members are not going to defy the Chair. I have warned honourable members for interjecting and I am emphasizing that the interjections must discontinue or I will take appropriate action. The honourable member for Peake.

Mr. SIMMONS: Thank you, Mr. Speaker. As I said, we went to the public last May on this policy and told the people that this was what we hoped to achieve. Therefore, the people knew what they were voting for. The people also knew that the Minister's statement in his second reading explanation that the Government would apply the result of the referendum, whatever it was, would be honoured. The people have that assurance: that because the A.L.P. would do what it promised precisely because we signed that pledge to honour the Party's word. Therefore, the pledge is not a negation of democracy but a guarantee of it. I support the Bill.

Mr. EVANS (Fisher): I rise to speak to this Bill, and one or two matters that have been mentioned by the member for Peake should be replied to first. The honourable member asked what democracy was and whether this side of the House represented what democracy really was. I remind him that one of his colleagues has said that he does not consider that he represents the people of his district but that he represents the A.L.P. A member, elected by the people in his district, should represent those people and, to me, such representation is democracy. Members opposite did not tell the people during the election campaign that they had signed a pledge that bound them to the Party. Not one member opposite stood on the platform and said that.

Mr. Hall: Not even the Speaker!

Mr. EVANS: Now members opposite say that they are proud of the pledge they have signed. Did the majority of the people, as the member for Peake has claimed, have the

opportunity to express their views on shopping hours? Could they have voted for the *status quo*?

Mr. Hall: No, they were gagged.

Mr. EVANS: Members opposite, including the member for Peake, know that it was impossible for the people to vote for the *status quo*. At the referendum, about 50,000 informal votes were recorded, because the question was loaded and the people could not give an honest answer based on their thinking. They could not vote for the *status quo*, so they voted informally. If we add the figure of nearly 50,000 that voted informal to 176,000 that voted "Yes", we get a figure in excess of the 190,000 that voted "No", so a majority was not in favour of the "No" vote. The member for Peake, who worked at the university, or is supposed to have worked there, knows that if he puts those figures through the computer, he will find that that is the position.

The people could not express freely their opinion on shopping hours. They could only take the opportunity of expressing a point of view about trading on Friday night. At the back of their mind was the thought that, if they voted in favour of Friday night trading they might lose Saturday morning trading. It is no good for any member opposite saying that some people did not have this fear. Newspaper advertisements, paid for by people who had a financial interest in whether shops remained open, implied that, if the people voted "Yes", they might lose Saturday morning trading. What did Mr. Goldsworthy, Secretary of the Shop Assistants Union, state in the *Advertiser* just before the referendum? He said the people would lose Saturday morning shopping much more quickly than they realized.

Mr. Payne: Did he say that, or did the *Advertiser*?

Mr. EVANS: I have not heard that statement refuted by any member opposite or by Mr. Goldsworthy. If the member for Mitchell wishes to bring the matter up during the debate in the Committee stage, I shall listen to him, if Mr. Goldsworthy denies that he made that statement. What about the member for Playford? When Mr. Shannon, who is a member of the Executive of the A.L.P. and the Secretary of the Trades and Labor Council, was asked what he thought the member for Playford would do in relation to this matter, he said, "I think Mr. McRae will remember that he has signed a pledge." There is no doubt that the honourable member did remember that and he has told us that he will stick

by that pledge. The member for Peake said that the pledge was a benefit to the A.L.P. I dispute his further statement that it was a benefit to the people.

Mr. Payne: The people don't agree with you.

The SPEAKER: Order!

Mr. EVANS: The people of two or three particular areas who wanted to retain trading until 9 o'clock on Friday night do not agree with members opposite. The only representatives that those people have in this Chamber will not say that they will support the wish of those people. In one district 80 per cent of the people voted "Yes" but the member representing that district will not support that point of view.

Mr. Simmons: The referendum covered the whole area.

The SPEAKER: Order!

Mr. EVANS: The member for Peake has made a good point—but it was not the whole State either.

The SPEAKER: He is out of order in interjecting.

Mr. EVANS: The member for Mawson referred to a referendum in New South Wales and said that no Liberal member of the New South Wales Parliament (I think he mentioned the member for Dubbo) spoke out or wished to vote for a Bill that was against the referendum decision. Such a Bill was not introduced into the House there.

Mr. Hopgood: Of course not.

Mr. EVANS: Therefore, what opportunity did the member for Dubbo have to vote against such a Bill? However, the member for Mawson has a right to vote in this Chamber against the referendum decision, and in favour of the people in his area, but he will not do so. The referendum in New South Wales and the lotteries referendum in South Australia were State referendums, not merely referendums covering parts of the States. The member for Mawson also said that the referendum result could not be cut up district by district. How can a member represent the people in a particular district if he does not cut up the result? The Australian Labor Party itself decided to have a referendum in part of the State, but it then turned round and said that the people in that part would not see their members in Parliament representing the viewpoint that the people wanted represented. In my area a very slight majority favoured the "Yes" vote; if it had favoured the "No" vote, I would have taken the same attitude as I am taking in this case. I said earlier that many people in this area voted

in this way because it was the only way in which they could vote for the *status quo*. I ask Government members this question: by what other method could any person in the area vote for the *status quo*, other than by voting informally? The people in the area I have referred to knew that the only way in which they could be sure they would retain their Saturday morning shopping was to vote "No". They had in the back of their minds the idea that, if they voted "Yes"—

Members interjecting:

The SPEAKER: Order!

Mr. VENNING: I raise a point of order, Mr. Speaker. You took me to task a few moments ago.

The SPEAKER: What is your point of order?

Mr. VENNING: You took me to task a few moments ago because I interjected and whilst other honourable members were interjecting just now you did not—

The SPEAKER: There is no point of order. The honourable member for Rocky River will resume his seat and the honourable member for Fisher will resume the debate.

Mr. EVANS: Because of the type of publicity and advertising that were conducted before the referendum, people in the inner metropolitan area could vote only in that way if they wanted to retain Saturday morning shopping. Advertisements and statements by Mr. Goldsworthy said that people would lose their Saturday morning shopping more quickly than they realized, and no member can argue about the type of advertising that was used. The people had to face up to this point. The member for Playford said:

The provision in relation to the closing of shops in the outer metropolitan area on Friday nights is not what I personally would have wanted: nor is it what my district wanted. In fact, for the edification of everyone opposite, the vote in my district was 77.2 per cent for the retention of Friday night shopping.

I take the honourable member to task for this, because he later said that, if he did not support the Bill, he would have to resign. He might have to resign from the A.L.P. but he would not have to resign from this Parliament. He was elected by the people of his district to represent them in this place. If he had the courage to say that he would vote against this Bill, I am doubtful whether his Party would put him out, because the Minister who is handling this Bill has said that he believes this is a social issue.

The Hon. G. R. Broomhill: Where did I say that?

Mr. EVANS: On page 1769 of *Hansard* the Minister is reported as saying:

I may say that it was unfortunate that attempts were made to turn what I thought was a social question—

The Hon. G. R. Broomhill: Yes, I thought it was.

Members interjecting:

The SPEAKER: Order!

Mr. Venning: Are there two sets of orders?

Mr. EVANS: The member for Playford said that on particular issues that were social questions the pledge was not binding.

The SPEAKER: Order! The member for Rocky River said that there seemed to be two sets of orders. I ask the honourable member to withdraw that statement, because it is a reflection on the Chair.

Mr. HALL: I rise on a point of order, Mr. Speaker.

The SPEAKER: There is no point of order.

Mr. HALL: I can raise a point of order.

The SPEAKER: The member for Rocky River made a remark that reflected on the Chair, and I am asking him to withdraw it.

Mr. HALL: I wish to raise a point of order.

The SPEAKER: There seem to be two points of order raised.

Mr. VENNING: If there was anything in what I said that was offensive to the Chair, I am happy to withdraw it.

The SPEAKER: I accept the honourable member's explanation.

Mr. Hall: He didn't say it.

Mr. EVANS: The exact words that the member for Playford said are:

It is true that no member of the Labor Party is free to vote in Parliament contrary to the majority decision of Caucus, except on social questions.

I put it that this is a social question and that the honourable member's own Minister thought it was a social question. If the honourable member decided to vote against the Bill and his Party took him to task and asked him to step down from membership of the Party and he stood next time as an Independent Labor candidate for his district I believe he would win, because he would have shown he was trying to be honest with the people. I am sure the people would support him.

Mr. Payne: He will win anyway.

Mr. Hall: So, you don't care about the people.

The SPEAKER: Order!

Mr. EVANS: The political commentary, written by a prominent political writer, in last Thursday's *News* says:

Several trade union leaders were even quoted as saying that the Government should in future consult the trade union movement before getting itself into such a predicament.

Mr. Clark: Does the article mention the trade union leaders?

Mr. EVANS: The article continues:

The 24 men on the State executive who helped the Government in their drafting of the tricky shopping hours legislation are—

I shall name these men so that we have their names on record, because it is important to know what groups are behind this legislation. The first man is the State A.L.P. President and Minister of Roads and Transport, Mr. G. T. Virgo. He is a member of Parliament and should have some say, as a Cabinet member, in the formulation of any Bill. The next member is the Secretary of the Executive and Federal and State Secretary of the A.L.P., Mr. M. J. Young. The next member is the immediate past President, Senator R. Bishop. He is a member of the Commonwealth Parliament and represents the whole State; therefore, I doubt whether he should have any say in formulating a Bill that is to be introduced into this House. The next member is the State Secretary of the Society of Engineers, Mr. A. R. Griffiths, and the next is the State Secretary of the Electrical Trades Union, Mr. R. M. Glastonbury. The next members are Mr. C. R. Cameron and Mr. C. J. Hurford, both members of the Commonwealth Parliament.

The next member is the Premier, Mr. D. A. Dunstan: undoubtedly, he should be there, but he would not be able to put his own view because he would be squashed by union representatives. The next members are the member for Tea Tree Gully (Mrs. M. V. Byrne), the President of the Trades and Labor Council and State Secretary of the Tramways Union (Mr. A. H. Yuill), the State Secretary of the Amalgamated Postal Workers' Union (Mr. J. W. Olson), and the State Secretary of the Trades and Labor Council (Mr. J. E. Shannon). Of course, this is the gentleman who said that the member for Playford should stick by the pledge and that he would not be game to go against it, even though the Minister said it was a social issue.

Mr. McRae: He didn't say that.

Mr. EVANS: I believe his exact words were: "I think Mr. McRae will remember that he has signed a pledge." The list of members to which I have been referring continues: the State Secretary of the Liquor Trades Federation (Mr. J. B. Dillon), the

Industrial Officer for the Public Service Association (Mr. G. Stevens), the State Secretary of the Printing and Kindred Industries (Mr. J. Churchett), the former Secretary of the Boots Trades Union (Mr. J. W. Slater and new A.L.P. member for Gilles), the Assistant State Secretary of the Boilermakers' and Blacksmiths' Society (Mr. H. H. O'Neill), the State Secretary of the Federated Engine Drivers' and Firemen's Association (Mr. S. C. Travis), the Deputy Premier and member for Millicent—

Mr. Ryan: He should be there.

Mr. EVANS: I think he should be, although he might have some difficulty in getting his point of view over to some of the people I have already named. The list continues: the State Secretary of the Amalgamated Engineering Union (Mr. J. L. Scott), the State Secretary of the Australian Meat Industry Employees Union (Mr. A. A. Tonkin), the State Secretary of the Australian Workers' Union (Mr. J. D. Wright), the State Secretary of the Australian Government Workers' Union (Mr. S. J. Marron), and the State Secretary of the Vehicle Builders' Union (Mr. R. K. Abbott). The report, which contains this list, states:

The executive in South Australia assists in the formulation of most Government legislation which is brought before Parliament.

That deals with the executive, and on top of that we have Caucus. The member for Playford said that he could not go against a Caucus decision unless it involved a social issue.

Mr. McRae: I said I would not go against it.

Mr. EVANS: He said that no member of the Labor Party was free to vote in Parliament contrary to the majority decisions of Caucus. It must be an embarrassing situation when a decision emanates from the executive and a different decision emanates from Caucus. Who rules the roost? I think we know who it is. There are 16 trade union representatives on the executive, five State members of Parliament and three Commonwealth members. I think the people of Australia would know the exact position. One member opposite made the point about having uniform hours; I wonder why we do not have uniform hours to include service stations. Why does the member for Peake make a point about the member for Heysen not being able to agree that people on one side of the road should be allowed to keep their shops open, while people on the other side should not be, when he is not taking action under this Bill against petrol resellers?

Mr. Simmons: What do you think about it?

Mr. EVANS: If a person is honest, he should agree that this situation should not exist but I know that Government members will not agree to that. On May 22 last, at about the time when the then Premier, now Leader of the Opposition, was delivering his policy speech, a letter was circulated by the present Premier to the petrol resellers of the State, and it contained the following statement:

The Labor Government will also immediately institute a further inquiry into petrol prices.

I notice that that has not eventuated. The letter continues:

As to the provisions of the Early Closing Act, a Labor Government proposes no extension of hours in presently restricted areas and no extension of hours beyond those at present operating elsewhere.

Where does the argument for uniformity come into the Bill?

The Hon. G. R. Broomhill: They're not shops.

Mr. EVANS: The Minister says that they are not shops.

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

Mr. EVANS: On May 22, the then Leader of the Opposition sent a certain letter to the petrol resellers (service station proprietors) of the State. I read part of the letter before the dinner adjournment, and the Minister interjected, saying that service stations were not shops. I agree that they are not shops but service stations. Before the election the Labor Party promised that it would not extend hours in areas with restricted trading hours or alter hours in areas with unrestricted trading hours. This promise was made to service station proprietors, yet in new section 226 (1) the Bill provides:

The Minister may, upon the application of a shopkeeper, grant a licence to that shopkeeper permitting him to sell motor spirit and lubricants, and spare parts and accessories for motor vehicles on any day after closing time and on Sundays and public holidays.

What double standards are these for a Party to hold? The Labor Party has promised one group that has unrestricted trading hours that it will retain them and has said to people in the inner metropolitan area, where there are restricted trading hours, that it is not likely to extend those hours but that, if anyone applies for a licence to sell through a shop these articles, the Minister has power to enable that person to sell these goods in the metropolitan area. The Minister can therefore enable shopkeepers in the inner metropolitan

area to sell motor spirit and lubricants, and spare parts and accessories for motor vehicles, yet service station proprietors who wish to remain open to sell these things will not be permitted to do so. I wonder what service station proprietors in the metropolitan area who have initiative and want to get on will think of this? The last paragraph of the letter to which I have referred states:

In the interests of all petrol resellers in South Australia, I urge you to give your active support to Labor candidates.

Unfortunately some people in the Playford, Elizabeth, Tea Tree Gully and Mawson Districts did this, and now they have representing them members of Parliament who will not support their ideas. These members say that they are elected to support and promote the Labor Party and that they are not interested in the people.

Mr. Langley: What about your area?

Mr. EVANS: In this debate the member for Playford said:

A certain amount of research indicates to me that over about the past 40 years no Liberal Party or Conservative Party member in Australia has voted in such a way as to bring down a Liberal or Conservative Government. For all practical purposes the Liberal Party has adopted an attitude that is in every way as disciplined as that of the A.L.P.

The honourable member knows quite well that this is not true. He also knows that no-one was asking any member of the present Government to put his Party out of Government. The Minister has admitted that this is a social measure.

The Hon. G. R. Broomhill: That's not true.

Mr. EVANS: I have quoted the statement he made, as he knows. He can deny this if he wishes to have double standards, but his statement is reported in *Hansard*. No member of the Labor Party is asked to bring down the Government. Members opposite do not have to go out of Government: they can stay there. If the member for Unley, who is trying to interject, wants to watch cricket matches more often he can do so. The member for Playford referred to the case of Mr. St. John, who voted against his Party and was defeated in a preselection ballot. The member for Playford said that the Liberal Party, the Liberal and Country League and other Parties could, without any doubt, dispose of a person who had voted against the Party. That is not true; it is up to the financial members in an area, who have the vote. If the members for Mawson, Playford, Elizabeth, and Tea Tree Gully had to face the same treatment at present, do they

think they would win preselection? They would have no hope, but they know they are protected by the union-controlled executive and Caucus. In our Party we are responsible to the people of the district and not to a Caucus or a central executive.

The Hon. G. R. Broomhill: Is that what happened to Mr. Shannon?

Mr. EVANS: He was defeated by the vote of people in a particular area; we are the best of friends and he accepts the position. Why do we have such a list of goods that are to be exempted from the provisions of the Act? It is similar to the list my Party wished to introduce, but because of shortage of time at that stage of the session, the Bill was dropped. The Country Party member for Chaffey would know that he is here for six months only. This list of goods is similar to a list that was introduced by the previous Minister in the L.C.L. Government. The only difference (and I do not know why these items have been included) is that candles, stockings and panty hose have been added. In the definition clause "meat" is defined as the flesh of a slaughtered animal (not being exempted goods) intended for human consumption. Part XV of the Bill applies in respect of all shops in which meat is sold to the public whether situated within or outside a shopping district. In other words, it will be a blanket ruling applying to all butcher shops that sell meat for human consumption whether within or outside a shopping district. Obviously, it is not uniform for other shops. The Minister argued that he wanted uniform hours for all shops, but it seems that this will not be the case, because a person can buy cooked meats, rabbits—

The Hon. Hugh Hudson: And there are plenty here, too.

Mr. EVANS: The Minister of Education would be a typical example of the type of rabbits that he is speaking about. A person can buy food for a starving fish but cannot buy a steak for himself. He can buy frozen meat from a shop selling it; he could go to a service station which is licensed as a shop and buy frozen meat. He could buy poultry if a licence had been issued, and he could buy sausages, practically all groceries, and cooking oils.

The Hon. Hugh Hudson: And you can buy panty hose.

Mr. EVANS: If I wanted to buy them as a present for the Minister, I know he would have much pleasure in wearing them. A total of 134 items is exempt, and 15 shops. The point was made at the Morphet Vale meeting,

about which the member for Mawson spoke, by that honourable member's representative at the meeting (and I respect the way that person put his case) that the Big Y at Morphett Vale could remain open and sell every item that it now sold, except a few plastic goods and hardware items. Can the Minister say why I will be able to buy any type of frozen meat, practically all groceries, and tobacco, cosmetics, sunglasses, and anything else, but not a pair of shoes or any item of clothing, such as a suit or a pair of bathers, in that area? Why exempt so many goods but not exempt others? Why does the trade union movement say, "We do not want our people working more than 40 hours a week or working overtime so that they can get extra money to pay their debts"?

We are willing to let these people have the opportunity to work in other shops. That is the way I like to look at the matter. We are not compelling people to work: we are giving them the opportunity to have work if they want it. This is the position that nurses, members of the Police Force, and persons in many other avenues of employment are in. They know, when they enter the particular profession, that they have the opportunity to work if they want to work. This is why I consider it wrong to restrict the opportunity to trade if the business is there and the people want those hours.

The member for Playford said that some unscrupulous business men (or words to that effect) decided to make use of the law in this area. They could not have made use of this law (to use that term) if the people did not want to purchase the goods. If the people did not want that service, they would not shop there. The shopkeepers were supplying a service that was asked for. The member for Peake may laugh, but I ask him and the member for Playford whether they consider that 80 per cent of the people in that area voted for these shopping hours because they wanted them.

Mr. Langley: You look after—

The SPEAKER: Order!

Mr. Langley: You're having 10c each way.

The SPEAKER: Order!

Mr. EVANS: Do those honourable members believe that 80 per cent of the people voted "Yes" because they did not want the shopping hours that they had? Those members well know that the people in that area wanted that service and the business men supplied it. There have been suggestions that there should be a laying-off period for this legislation if it passes both Houses and the law provides that all shops

that are not exempt are to be closed at 5.30 p.m. on Friday. I consider that it is important to have such a period if the Bill gets that far, but I hope that it does not. It is vital to give to those with money invested in these areas the opportunity to get back on their feet and to let them know that they will not lose all that they have.

If the measure becomes law just after Christmas time, as has been suggested, many of these people, who have worked hard (they are not all big businesses) will lose all that they have, and any Government and Parliament that is honest will consider this sincerely. Another point I should like to make is that, as an individual in the Stirling council area (and I am not speaking of the whole of the Fisher District) about 18 months ago I signed a petition stating that I considered there was no sense in having restricted trading hours when so many goods were exempted. As a member of Parliament, I was prepared to sign a petition for unrestricted hours.

The Hon. G. R. Broomhill: What happened to that petition?

The Hon. Hugh Hudson: Do you think that the rise in prices that would have resulted would have been inconsequential?

The SPEAKER: Order!

Mr. EVANS: As a result of that petition there was a counter-petition that had slightly more signatures than the petition; therefore, the counter-petition was successful.

The Hon. G. R. Broomhill: Like the referendum.

Mr. EVANS: The original petition was organized by a few people in the area who were keen to have extended hours. The counter-petition was backed by some of the bigger businesses in the area, and they won the day. I have no regrets about having expressed my opinion. The people knew exactly what they were doing when they signed the petition, but they did not know exactly what they were doing when they voted at the referendum. Unfortunately, we have in our area some very big businesses that offer cheaper goods. People come all the way from Bordertown to shop in the Stirling area.

Mr. McRae: But it does not suit you to agree with me when I make that point, does it?

Mr. EVANS: In Stirling the shops close at 5.30 p.m. on Fridays: they do not use extended hours. The member for Playford now realizes that he is on the wrong track. Fortunately,

our people have Tom the Cheap Grocer and similar stores that offer goods cheaply. Unfortunately some of the smaller stores have gone by the wayside, however.

Mr. McRae: Bad luck for them!

Mr. EVANS: I agree. I believe a new store, Glen the Cheep, is starting up at Henley Beach; the goods may be cheaper there. In the Stirling area there was a "Yes" vote. Many people from Stirling who shop at O'Halloran Hill and Braeview appreciate the hours and do not want to lose them. Some business men in my area do not want the trading hours extended. I realize that it is impossible to legislate for all viewpoints. The member for Mawson, who is rightly at a meeting at Christies Beach tonight, has said that when he goes shopping he likes to get in and out as quickly as possible and to go shopping when he can. He also said that normally his wife does the shopping.

Friday night is the most convenient time for some people, and some can go only on Friday nights. If anyone denies that, I ask him to join the member for Mawson at Christies Beach tonight. It was also said that if we reduced the period of trading there would be less time to spend money. If this is the case, why not give people an opportunity to work longer hours, so that they can earn more and have more to spend? Why not reverse the procedure? If, at the referendum, people were asked whether they wanted shopping hours to stay as they were, I would have no cause to dispute the result.

Mr. Simmons: With unfair trading?

Mr. EVANS: The member for Peake talks about unfair trading; Government members say, in effect, that we must support the majority view of the people on a particular issue, in part of the State (not all of the State), and they now say that, if this question were asked at the referendum and the majority of people voted in favour of it, we should not accept the decision, because there is a suggestion of unfair trading. The Premier has said that we should then bring down legislation to control that unfair trading, but such action would affect those who are operating fairly and honestly. Had the question to which I have referred been asked at the referendum, my attitude to the referendum would have been different.

At the Morphett Vale meeting, the Leader said that it was difficult to unscramble the egg; he did not say, as the member for Mawson implied that he said, that he would do nothing about the matter in future. I was at the meet-

ing, and he did not utter the words attributed to him. The Leader of the Senate was not present at the meeting, but the Leader of the Opposition in the Upper House (Hon. R. C. DeGaris) was present, and I am sure that he would attend any meeting in his district in which his people were interested, if he considered that he was not intruding, and if, in fact, he had knowledge of the meeting and perhaps an invitation to be present.

It was implied that perhaps I should not have been at the meeting, but people from my district shop in the area concerned and, even though the meeting was held in the District of Mawson, until recently I represented many of the people who are now Mawson electors. Also, I represent many people in the neighbouring district who shop in the area concerned. Therefore, I believe I had a right to be at the meeting. It was all right for people in the city to vote "No", because they were not losing anything; the only thing they could lose was Saturday morning shopping.

Mr. Simmons: Be honest!

Mr. Langley: How much of your district was in Mawson previously?

Mr. EVANS: Some city people voted "No", because they did not want to lose Saturday morning shopping, as it had been implied they would. The Minister of Education asked whether I believed that there would be a big increase in prices if we extended trading hours.

The Hon. Hugh Hudson: And if we had unrestricted hours.

Mr. EVANS: It is possible that there would be increases. Indeed, I think increases have already occurred, because too much capital is invested now in retail outlets, and we have allowed too many retail outlets to establish.

The SPEAKER: The honourable member has one minute to go.

Mr. EVANS: The member for Salisbury called the Mayor of Salisbury and the Mayor of Elizabeth "dingoes", but I believe that that is a pretty poor statement for a member of Parliament to make under privilege.

Mr. Langley: Have you ever heard of Dr. Forbes?

The SPEAKER: Order!

Mr. EVANS: That attack was unwarranted. I believe that the referendum was a sham. The A.L.P. was under union pressure, and it had four or five of its members in great danger of losing their seats. The Government lost the "Yes" vote, and on all indications now,

because of its stupidity in allowing union pressure to put it in a corner, it could lose the next State election, as it richly deserves to do.

The Hon. G. R. BROOMHILL (Minister of Labour and Industry): With two exceptions, the debate has been confined to the section of the Bill dealing with shop trading hours. I appreciate the views of those members of the Opposition who have spoken in sympathy with the Government's move in this matter. However, I am extremely disappointed with the Leader of the Opposition, the member for Fisher and one or two other members of the Opposition who obviously have continued to press this matter as a political one. It is obvious by the absence tonight of the Leader (who is, I understand, attending a political meeting on this question when he ought to be in the House debating it) that some members of the Opposition are attempting to arouse the public on this matter. However, this has not been evident in all cases. I believe that some members have shown that the referendum and the debate we have had on this question so far have forced them to consider carefully the shopping needs of the community. In this respect, I believe that the debate has served a useful purpose.

The members for Mitcham and Torrens, two people who previously held the position of Minister of Labour and Industry (as a result of which I would expect them to have a greater knowledge of this problem than any other member opposite), both acknowledged that the Act should have been amended at least 10 years ago. I believe it must have taken some courage for them to make that admission, because during seven of the last 10 years they were members of the Government, so they are admitting that they must share the blame for the Government in those years failing to act and so putting us in the position with which we are confronted today. Therefore, it is to their credit that they are prepared to make that admission.

I believe those two members would appreciate that, as a Government, the Labor Party has never shirked the problems that are likely to confront it in relation to legislation. I believe that one of the reasons why the legislation was not altered earlier than this was that it was obvious that whatever step was taken by a Government would affect traders in the inner metropolitan area or the outer metropolitan area or would affect some sections of the public. Perhaps previous Governments did not have the courage to act on this matter.

However, it is to the credit of this Government that when I pointed out that there was a problem to be corrected it firmly agreed that we had to act before the position deteriorated further.

I think some members opposite, by saying so often that the referendum was improper, that not enough questions were asked, and that the people were not asked whether they wanted to leave the situation as it was, have implied that the Government acted improperly in relation to the referendum. This shows that those members who have made this claim simply have not followed the position, because the Government was not anxious to find out whether the people wanted the position left as it was. As members opposite who have looked at the position properly have admitted, it was clear that the Government was not interested in whether or not people wanted Saturday afternoon or Sunday trading. We had determined that that was not in the public interest. We were not interested in leaving the position as it was, so there was no reason to ask the people if they wanted the *status quo* to remain. Our only problem was whether or not all shops in the greater metropolitan area should be open or closed on Friday nights, and in this connection the result of the referendum was completely clear. We had decided that the decision whether or not the shops should be open on Friday nights was a matter on which we could not fairly determine the views of the people without asking them.

I think it is fair to say that we have been justified in our actions in holding a referendum. Several members held the view that the holding of a referendum was a waste of time. I remember clearly the Leader saying that it was a waste of time because it was obvious that everyone wanted shops to be open on Friday nights. However, the Government felt that this might not be the wish of the majority of people, so we decided to hold the referendum, and the result is quite clear. As the member for Torrens said, the final figures showed that only 11 districts favoured Friday night shopping whereas 21 were opposed to it. That is a fairly large percentage of districts against Friday night shopping. One or two members have suggested that, on this matter, the Labor Party has been dictated to by the trade unions. This is a complete falsehood. Many members opposite have said that there was no need for the referendum, as people wanted Friday night shopping. If that were the opinion before the referendum, why would

the trade unions, if they were dictating to us, have permitted us to take a step that would have enabled us to introduce Friday night shopping? While some members opposite say that we have been instructed by the trade unions, other members opposite say that we are being dictated to by the State executive: the member for Fisher made this point at some length. Still other members, including the Leader, suggest that our actions have been dictated by the large retail groups.

The truth of the matter is that our actions in regard to trading hours have been dictated by the wishes of the public. This is clear from the fact that we held a referendum. When that Bill was before the House, we said we would abide by the wishes of the people. The majority of the people have given us a mandate to take the step that we are taking. I think it is clear that what the Government is doing is what the majority of the community wants it to do. I regret that the Leader is not here this evening to hear what I have to say. When he first spoke in this debate, he wanted the *status quo* to remain. Of course, in recent months he has had four changes of mind, and he had another change of mind before he concluded his speech in this debate. After saying that he would move amendments to have the situation remain as it was, he said that actually he believed there should not be any restriction at all on trading hours. The Leader seems to be changing his mind not only from day to day but from minute to minute. He has not considered this as a matter of public concern but one in which he thinks he has the chance to embarrass the Government. He should have learned by now that he will not succeed, because the Government will receive the credit it deserves for its present actions.

The question of petrol sales has been referred to by members who tried to use it to suggest a reason for the Government's inconsistency. I tried to probe these arguments, but I believe the members were trying to make some obscure debating point. The Government has considered carefully the question of petrol sales. In relation to general shopping provisions we found ourselves in a difficult position with a situation that traders on the outskirts, in addition to opening on Friday evening, had opened on Saturday afternoon and Sunday. Traders had complained to me that, without uniformity in trading hours, the future development of large shopping complexes would be in jeopardy. Therefore, the Govern-

ment was forced to provide uniformity in this direction.

However, it does not have that problem concerning petrol sales, because this situation is stable. Petrol sellers in the metropolitan area do not want trading after hours, because they realize that people can buy a specific quantity of petrol only each week. If they opened for 24 hours a day, they would sell no additional petrol but their hours would be extended, and they already work too many hours now. The situation is that within a reasonable distance from the city a ring of petrol stations are open for the convenience of the public at weekends and after hours. Any person may purchase accessories at these stations if they so desire, but they are too far away for people in the inner metropolitan area to make purchases deliberately in these districts. However, as an added convenience the industry agreed to install self-service pumps at various parts of the metropolitan area, and any person short of petrol can conveniently obtain sufficient to continue running his car until his local service station opens. The situation is that everyone in the industry is satisfied. Those in the metropolitan area are not claiming that the stations outside this area receive an unfair advantage, and the public are catered for for petrol and accessories.

Mr. McAnaney: You can't say that about the South-Eastern Freeway: you can buy petrol on one side only.

The Hon. G. R. BROOMHILL: The honourable member raises a problem that affects his district, but I suggest that he speaks to the member for Mitcham and the member for Torrens, who held my portfolio in the Liberal Government, if he wishes to take the matter further. I consider that not enough was said about the considerable list of exempted goods. The member for Fisher did mention these goods but, for some reason, did not seem to be particularly pleased with the Government's intention in this direction. However, the Government considers that the list of exempted goods is wide enough to provide clearly for the needs of any member of the community who may require some item after hours or at the weekend, and this facility will be available through the local neighbourhood store. I consider that this will go a long way towards offsetting any criticism of the Government about the restricted hours that will apply in the future.

I think the only other matter that calls for comment was a matter raised by the member

for Mitcham about the inclusion in the Bill of a provision for an industrial magistrate in the Industrial Court. It is a pity the honourable member is not listening to what I am saying, because, if he listened, perhaps that would save time in the Committee stage. However, I cannot force him to listen. This provision was inserted to avoid any personal jurisdiction being created with in the Industrial Court and it gives power to summon witnesses, to administer the oath, and to ensure that there is no doubt regarding the enforceability of orders and directions made under this power. It is intended that this magistrate will, under the Act, mainly hear applications pursuant to section 36 of the Act, which are cases for payment of amounts due under awards.

The President is empowered to allocate matters to the industrial magistrate (and this is clear in the clause) to hear, and, as the member for Mitcham made the point clearly, the industrial magistrate will be part of the Industrial Court and perform what duties the President may direct. Whilst the honourable member said that he was not casting any aspersions on the President of the Industrial Court, his comments made clear to me, anyway, that he had some doubts whether the President would exercise the power properly.

Mr. Coumbe: I don't think that's right.

The Hon. G. R. BROOMHILL: I think it must be, otherwise the honourable member would not have raised the doubts that he has raised about the rights of the industrial magistrate. I think we can come to no other conclusion. When we are prepared to give the President of the Industrial Court complete power in award matters, if he did not properly exercise his judgment, that would be a serious embarrassment and would cause serious financial difficulties in this State, we ought to be able to expect that the President would exercise the powers we have conferred on him to ensure that the industrial magistrate operates in the way we expect. I was surprised that the member for Mitcham raised this matter. I hope he does not pursue it in the Committee stage. In general, I thank those members who have supported the measure.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

Mr. MILLHOUSE: A point of order, Mr. Acting Chairman.

The ACTING CHAIRMAN (Mr. Ryan): What is the honourable member's point of order?

Mr. MILLHOUSE: There is an amendment on file. I thought that the member for Light had foreshadowed an amendment to clause 4.

Clause passed.

Clauses 5 to 13 passed.

Clause 14—"Jurisdiction of commission."

The Hon. G. R. BROOMHILL (Minister of Labour and Industry): I move:

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

Notwithstanding any other provision of this Act, an award made before the commencement of the Industrial Code Amendment Act, 1970, that was operative throughout the metropolitan area, or an area exclusive of the metropolitan area, as defined by this Act prior to the commencement of the Industrial Code Amendment Act, 1970, shall be deemed to be operative throughout the metropolitan area, or an area exclusive of the metropolitan area, as the case may require, within the meaning of this Act as amended by that Act.

This is a drafting amendment. The intention of new section 25 (2a) is to ensure that from the date the amendments come into operation the metropolitan area, for the purpose of awards, will be the new metropolitan area, as defined in the legislation. The new subsection, as originally drafted, achieved this only in respect of awards that apply throughout the metropolitan area. Some awards are expressed to apply in parts of the State excluding the metropolitan area, while in certain awards of conciliation committees there is no reference to area of operation, as, by virtue of other provisions of the Industrial Code, the committees have been constituted expressly with jurisdiction only within the metropolitan area. The amendment clarifies the intention of the new subsection. The widening of the metropolitan area as defined in the Industrial Code is a matter that has been the subject of numerous requests for many years, but action was deferred until the boundaries of the metropolitan area under the Early Closing Act were altered. It is obviously desirable to have a common definition of the metropolitan area, and I submit that the amendment achieves this objective.

Amendment carried; clause as amended passed.

Clauses 15 to 18 passed.

Clause 19—"Living wage inquiry."

Mr. BECKER: Can the Minister say why this clause, which lists various organizations, does not name the union body of white collar workers, and whether the Australian Council of Salaried and Professional Associations could not have been included? Even though the clause provides that any other association, by leave, may be included, I should like to see this organization specifically included.

The Hon. G. R. BROOMHILL: No awards of the State Industrial Court cover the group to which the honourable member refers. Accordingly, that group would have no desire to intervene before the State tribunal on this basis; it would be making applications before the Commonwealth tribunal. This clause is restricted to the State Industrial Court or Commission.

Clause passed.

Clause 20—"Alteration of awards."

The Hon. G. R. BROOMHILL: I move:

In new section 37a (1) to strike out "of the commission"; and after new subsection (1) to insert the following new subsection:

(1a) An award declared to be a common rule pursuant to the provisions of this Act shall, notwithstanding any variation in the award under this section, continue, as amended, to be a common rule.

The first amendment is only a minor one, the words "of the commission" being redundant. The second amendment, which is of some significance, rectifies an omission made in the original drafting. It is similar, in effect, to a provision in section 39 of the principal Act to obviate the necessity of applications to be made for common rule orders, and for the commission to make a new common rule order for each award when the commission decides to make a general alteration in wages under new section 37a. As this new provision will be an alternative to declaring a living wage, there is no reason why the same procedure should not apply, as is the case after the living wage has been altered. This amendment will avoid the necessity, after a general increase in wages has been decided upon, of having separate applications, hearings and orders for each award that has been made a common rule. I think members will appreciate the necessity for this. A common rule hearing could be necessary for a considerable number of applications that could be dealt with in this way and, as our objective generally is to provide that we should reduce the type of work the court unnecessarily performs in this direction, the second amendment provides that the same situation applies for common rules. This will save the court the necessity of calling each one as a separate application.

Mr. COURCEL: I agree that this amendment, particularly with regard to the common rule, has merit. It will obviate much duplication of work. I consider that it should receive the support of the Committee.

Amendment carried; clause as amended passed.

Clauses 21 to 33 passed.

Clause 34—"References to Full Commission."

Mr. COURCEL: This clause contemplates the appointment of additional Deputy Presidents. The present Deputy President performs various duties, and I acknowledge his worth. I think it is incumbent on the Minister to indicate to the Committee the number of Deputy Presidents he will appoint.

The Hon. G. R. BROOMHILL: Since his appointment early last year as Deputy President, Judge Olsson has been appointed Chairman of the Teachers Salaries Board and Public Service Arbitrator as well as being the Deputy President of the Industrial Court and Commission. As a result, a substantial part of his time is directed to these other fields. The Government envisages the appointment of only one additional deputy president in the foreseeable future. We have used the term "a deputy president" in the Bill because at some time in the future it may be necessary to appoint additional deputy presidents and because such additional deputy presidents can be appointed without the need to amend the Code.

Mr. MILLHOUSE: Is there any truth in the report circulating in the legal profession that the Government intends to transfer to the Industrial Court and Commission the Workmen's Compensation Act jurisdiction and that that is why it wanted this provision?

The Hon. G. R. BROOMHILL: I noticed with interest that the honourable member made this observation during the second reading debate, pointing out that it had been Labor Party policy to transfer workmen's compensation cases to the Industrial Court and Commission. The honourable member may have been aware that I have been reported in recent weeks as saying that the Government is turning its attention urgently to workmen's compensation matters in the hope that it will be able to introduce legislation this session. The Government is considering the matter referred to by the honourable member, although this is not the reason why we included this provision. However, this provision will be of some assistance if the Government is so moved.

Clause passed.

Clauses 35 to 37 passed.

Clause 38—"Registration of associations."

Mr. COURCEL: I commend the Minister for including this clause. When I was Minister,

I considered this matter, intending to introduce a similar provision when we got around to bringing in a composite Bill. This gets over an awkward position. A certain number of people employed by the Commonwealth, because of circumstances of which the Minister is aware, cannot form themselves as an association for State purposes. This provision overcomes that anomaly. Has the Minister any doubt that it will work?

The Hon. G. R. BROOMHILL: I know that the matter caused difficulty for some time, coming to light as a weakness during the honourable member's term as Minister. I assure the honourable member that we expect our intended amendment will overcome the present problems and prevent further problems.

Clause passed.

Clauses 39 to 43 passed.

Clause 44—"Registration of shops."

Mr. COUMBE: Can the Minister assure me that the provisions of subsections (3) (4) and (5) of new section 165a contain similar provisions to those in the legislation now applying?

The Hon. G. R. BROOMHILL: Generally, we have incorporated the provisions of the existing Act. I do not think that in relation to subsection (3) there is anything that is not clear: a shop registered under the old Act shall be deemed to be registered under this provision. I believe (subject to correction) that new subsection (4) has been taken from the existing Act and that there is nothing new in relation to the principle being established. I believe that new subsection (5) is also taken from the existing Act and that no new principle is involved.

Dr. EASTICK: I refer to subsection (7). Can the Minister say what is the definition of various shops in terms of the exemption clause? Will the Secretary make an arbitrary decision, or will a definition be laid down in some other Statute or schedule?

The Hon. G. R. BROOMHILL: In clause 4 the honourable member will see that an exempted shop is defined as a shop of the class included in the third schedule, and there has never been any difficulty about determining what is an exempted shop within the type in that schedule. We are continuing the past practice, and to my knowledge there has not been any dispute about what is an exempted shop.

Dr. EASTICK: Despite what the Minister has said, at present a customer may, because of the multiplicity of interest or merchandise for sale, be in a shop for a considerable time before he knows how the shop is registered.

A doctor's surgery and a veterinary surgery are such things by definition. However, what is an aquarium shop? How does one determine what is a baker's shop? In the case in the District of Light that I have mentioned recently, a baker, who has received the support of the baking association whereby bread has been withdrawn from other delicatessens in the town, is now selling the same goods as the delicatessens were selling before this action was taken. Is a shop a baker's shop because bread is baked there, is a man a fruiterer because he sells fruit, and is a shop a delicatessen because it sells ice cream, chocolates and other items? Is there a clear definition of exempted shops or is it intended that there shall be, so that one may determine the situation regarding any shop that one goes into relative to goods exempted in one area but not exempted in another area?

The Hon. G. R. BROOMHILL: The situation regarding exempted shops is not new; it has been in operation for many years. Whether a shop is an exempted shop is related to the types of goods that the storekeeper has in it. There is no substantial difference between the provision in the Bill and section 31 (4a) of the Early Closing Act, which provides:

Where application for the registration of a shop has not been made in accordance with subsection (2) of this section—

that subsection provides how the application should be made—

the Registrar may, in his discretion, determine the class to which the shop belongs and shall serve or cause to be served on the occupier of the shop a notice in writing of his determination, and upon the service thereof the provisions of Part V of this Act shall apply to that shop as if it belonged to the class so determined, notwithstanding that the shop has not been registered under this section.

This position has applied up to the present; it has not caused any difficulty, and I do not think it will cause difficulty in future. I do not think the problems envisaged by the honourable member are likely to eventuate.

Mr. COUMBE: A shop is defined as including the whole or any portion of the building. In Rundle Street some emporia contain chemist shops, which are exempt. Can the Minister say what the position would be if John Martins, Myers or David Jones had chemist shops facing Rundle Street and those stores desired to keep the chemist shops open?

The Hon. G. R. BROOMHILL: That is a rather difficult hypothetical question. I would have thought that, if the chemist shop was facing the street and was walled off from the

remainder of the emporium, such a shop would possibly fall within the definition of an exempted shop. However, I hope the problem does not confront me or my department.

Mr. COUMBE: Can the Minister say whether the obnoxious bird-wire netting that we see in some delicatessens will be done away with?

The Hon. G. R. BROOMHILL: The schedule makes it obvious that we will not be required to suffer the indignity of entering a neighbourhood store and finding that much of its stock is kept behind a locked wire cage. Whilst I cannot give a complete assurance, the list of exempted goods is extremely wide and covers almost all the items that the average neighbourhood store would carry. However, a delicatessen that is larger than average might carry some stock not included in the list. Such a store would obviously suffer the same problem as some stores have suffered in the past: it would not be an exempted shop if it had these goods on display after normal trading hours. However, the range of exempted goods is so wide that any delicatessen or small store should be able conveniently to place the items referred to in the schedule in a position where they need not be on display. The range of goods is so wide that it could cover almost everything in a store, and any other item that customers required could be kept at the back of a shop. This provision, therefore, improves the situation that existed previously.

I think the reason for the difficulty in the past is that the goods that could not be on display should clearly have been made available to the public. I refer to the type of goods concerning which constant calls are made on the storekeeper to provide (breakfast foods, sauce, tinned fruits, etc.). The type of goods covered by the list of exemptions is sufficiently wide to enable the shopkeeper to arrange his display so that he will have no difficulty in this regard and so that many goods will not be locked away, to the inconvenience of shoppers.

Mr. EVANS: I take it that it will still be acceptable if a shopkeeper locks those of his goods that are outside the exemptions behind, say, a wire screen?

The Hon. G. R. BROOMHILL: Yes.

Dr. EASTICK: It is refreshing to find that the head of the department will have much discretion and will not have to run to the Minister every five minutes, as happens so frequently under other legislation. As the Secretary of Labour and Industry has this discretion under so many other provisions, I should like to know why it is necessary for the

Minister's approval to be sought under new subsection (11).

The Hon. G. R. BROOMHILL: I am not completely sure of the answer, but this practice has applied to exemptions in respect of an agricultural show or exhibition, etc. This provision may be necessary because there may have been considerable doubt whether the people making an application have been entitled to receive an exemption. This provision is the current practice.

Clause passed.

Clause 45—"Enactment of part XV of principal Act."

Mr. MILLHOUSE: I move:

In new section 221 to insert the following new subsections:

(2a) The closing time for a shop (including a hairdresser's shop) within the areas defined by subsection (2b) of this section shall be as prescribed by subsections (1) and (2) of this section except that on a Friday the closing time for any such shop shall be 9.00 p.m.

(2b) The areas referred to in subsection (2a) of this section shall be the areas comprised by—

- (a) the municipalities of Elizabeth, Gawler and Salisbury;
- (b) the district council districts of Munno Para, Tea Tree Gully, East Torrens, Stirling and Noarlunga;
- (c) the wards known as the Happy Valley, Coromandel, Clarendon and Kangarilla wards of the district council of Meadows;

and

- (d) the portion of the Hundred of Willunga that lies within the district council of Willunga.

The Leader is absent from the Chamber this evening on matters of considerable importance.

The Hon. G. R. Broomhill: Campaigning!

Mr. MILLHOUSE: Well, he is supporting the member for Mawson at the meeting at Christies Beach.

The ACTING CHAIRMAN: Order! We are dealing with clause 45. The member for Mitcham!

Mr. MILLHOUSE: I am sure that the Minister will acknowledge that this is a matter of some controversy which perhaps has more than one side to be put. Because of his absence, the Leader has asked me to move the amendments standing in his name. The purport of these two new subsections is to provide for the opening of shops on Friday night to 9 o'clock in those parts of the metropolitan area as now defined, where such business has been carried on in the past.

This amendment is moved by me (and it would have been moved by the Leader had he been here) because of the result of the

referendum. We must accept the situation in which we find ourselves, even if it is not of our making. The Government took action on this matter and, in my view, it took it precipitately. Whether the Government itself yet admits that, I do not know; I think privately it does, but publicly it would mean a loss of face to admit it. It introduced the Bill for a referendum and passed it through Parliament, in the confident expectation that there would be an overall "Yes" vote and that this would allow it to say to the unions, which have been against any night shopping, "Well, this is what people want, so we have to allow it." This was as good as said by the Minister of Works, either in this Chamber or outside. Certainly it was made public that he thought there would be a 70 per cent "Yes" vote.

The Hon. G. R. Broomhill: I think your Leader said that.

Mr. MILLHOUSE: He may well have done so. In view of the interjection of the Minister, we can take it as common ground.

The Hon. G. R. Broomhill: No, you can't.

Mr. MILLHOUSE: I should be interested to know what the Minister expected the result to be. It is perfectly plain to me that the Government expected a "Yes" vote. Unfortunately for the Government, the result was not that way, and it has therefore had some moments of indecision since, and some moments of agony. Certainly, its supporters have had that.

The Hon. G. R. Broomhill: I am sorry to tell you that that is not right.

Mr. MILLHOUSE: I cannot agree. However, it does not matter. The point I make is that we must act in the situation in which we find ourselves, and we believe the only thing to do is allow trading on Friday nights to continue in those areas in which it has been permissible and which showed such a strong preference for it at the referendum. I believe (I think the Leader has said this, too) that the final solution, the only proper solution in the long run, is to allow 9 o'clock trading uniformly, at least throughout the metropolitan area as defined in this Bill. However, we are stuck with the result of the referendum; because we had it, even though it was foisted on the people of South Australia, we must have regard to the results of it.

What were the results of the referendum? They appeared in the *Government Gazette* of Labor Day, October 8, and they showed, as the Minister said in his reply on the second reading debate, that 10 districts out of the 32 gave a majority vote for "Yes". Some of the majorities

were quite small, and some of the districts that gave a majority were only part districts. Alexandra, for example, was one; another was Goyder, and so on. Some districts, such as Florey, gave a "Yes" vote but only by a comparatively narrow margin. Fisher is another district in that category. However, some districts gave an overwhelming "Yes" vote—more than three to one and perhaps as much as four to one. For example, Elizabeth returned a vote of 9,376 to 2,442. For any political question, let alone an election, to get a majority as enormous as that for one side is almost unknown in Australian political history. The result in Light was also a convincing 2,561 for and 1,151 against; Mawson was 9,203 to 4,523; Playford was 9,836 to 2,910; Salisbury was 7,772 to 3,296; and Tea Tree Gully was 10,009 to 4,057.

The Hon. G. R. Broomhill: What about Mitcham?

Mr. MILLHOUSE: The result in Mitcham was the reverse: 5,911 were in favour and 7,020 were opposed. It is interesting that members opposite, who have persisted in saying that we must look at the overall vote, also persist in asking members on this side what was the result in our particular districts. We believe that the result in any particular district, when it is as overwhelming as it was in the five fringe districts represented by members opposite, should be regarded. The amendment that I have moved will allow those results to be regarded and also, for whatever comfort it gives members opposite, allow the result in Mitcham to be regarded.

The Hon. G. R. Broomhill: Ask the people of Mitcham to agree to that.

Mr. MILLHOUSE: That is what we intend to do in this amendment. In the five districts where these shopping hours have become part of the way of life there has been an overwhelming "Yes" vote, and this is as unmistakable evidence as one will ever get that people want this particular form of shopping preserved to them. In the mistaken belief that there would be an overall "Yes" vote, the Government said that it would honour the result of the referendum. When he introduced the Bill for the referendum, the Minister said that immediately after the referendum a Bill would be introduced to give effect to the result of the referendum. Honourable members have been forced to argue that "immediately" does not mean what it ordinarily means—that in the next week or fortnight a Bill would be introduced—but that it means something else.

I admit that, to an extent, the word is imprecise. If honourable members wish to argue this way, we will not be able to rely on anything they say with regard to immediacy. The Government got a nasty shock when the referendum results came in, and had second thoughts about the matter. It was not until three weeks after the meeting at Klemzig—

The Hon. G. R. Broomhill: That's not right and you know it.

Mr. MILLHOUSE: —that the Government was forced by its trade union supporters to accept the result of the referendum.

Mr. Payne: That's a lie.

Mr. MILLHOUSE: The honourable member says it is a lie: he wishes it were not true. The Government is acutely embarrassed in its present dilemma.

The Hon. G. R. Broomhill: It is not embarrassed.

Mr. MILLHOUSE: The headline in the *Advertiser* of Monday, September 21, states, "New look at 'No' vote in shop poll."

The Hon. G. R. Broomhill: Do you think that's right?

Mr. MILLHOUSE: Yes. The report states:

The Premier (Mr. Dunstan) said last night that the shopping hours referendum result and the way the campaign for the No vote was conducted at the last moment would be considered by State Cabinet today.

He said that after he had come back from the meeting.

The ACTING CHAIRMAN: Order! The member for Mitcham must link his remarks to the amendment with which we are dealing.

Mr. MILLHOUSE: I shall do that. The article suggested that his statement aroused immediate speculation about the Government's stand on uniformity of shopping hours. This amendment departs from uniformity, and I hope that some Government members will support it. I believe that this press report is accurate: if it were not it would have been denied by the Premier immediately, but it was three weeks before any Government member said anything definite about the Government's intentions. Before the referendum it was said that the Bill would be introduced immediately, but on the Monday after the result, the report to which I have referred appeared in the *Advertiser*, and there had not been a word of denial or elaboration on it for three weeks. If that does not confirm my conviction about the dilemma in which the Government finds itself, I do not know what will. At one of a series of meetings that are being held now, the member for Playford philosophized on whether or not he, as a Gov-

ernment supporter, should resign his seat because of the situation in which he found himself as a result of his Government's action.

Mr. Payne: Which meeting was this?

Mr. MILLHOUSE: The meeting at Elizabeth. I believe he said it at that meeting, but he will be able to deny it if he can.

The ACTING CHAIRMAN: Order! I ask the member for Mitcham to link his remarks to the amendment before the Committee. The honourable member is now referring to a subject that was discussed during the second reading debate.

Mr. MILLHOUSE: I did not refer to the second reading debate.

The ACTING CHAIRMAN: The honourable member is speaking about a matter that was discussed in the second reading debate, and I ask him to link his remarks to the amendment now before the Committee.

Mr. MILLHOUSE: Are you ruling that something that happened to be said in the second reading debate but was also said on another occasion outside the House and therefore not subject to Standing Orders cannot be referred to?

The ACTING CHAIRMAN: I have asked the honourable member to confine his remarks to the amendment before the Committee, and not to refer to a matter that was discussed in the second reading debate.

Mr. MILLHOUSE: With great respect, Sir, I suggest that I was not referring to anything in the second reading debate. If I had done that I would have been out of order, but I deliberately referred to something the honourable member said on another occasion apropos this subject. That, I submit, is quite within the Standing Orders, but whether it is, I have made the point and I think I need not elaborate on it, except to say that I have never, in my experience as a member of Parliament, heard another member publicly discuss whether the appropriate course of action for him to take was to resign, and that is the dilemma in which some Government members find themselves.

The Hon. G. T. Virgo: What's that got to do with this clause?

Mr. MILLHOUSE: It has everything to do with it, because the way out for the member for Playford, the member for Tea Tree Gully, and the other two members is to support this amendment. In that way, they will be able to honour their responsibility to their electors, and I ask them to consider seriously doing that. I know that they have considered it

seriously, because at least one of them has already said so publicly, and there have been other indications of the difficulty that the Government Party is in. One little girl who spoke to me on a bus the other morning (she works for a trade union) said that "Dunstan had done the dirty on them" because of what the Government was going to do.

The only reason why the member for Playford does not resign his seat is that he knows that, if he did, whoever stood for the Labor Party would lose, in the present political climate, in the District of Playford. The same is true of the Districts of Elizabeth, Tea Tree Gully, Mawson and Salisbury. That would be a conclusive consideration if there was no other in this matter. Those particular members opposite, rather than support an amendment of this kind, prefer to be bound by a pledge that they have given to the Labor Party, and that, too, was canvassed by the honourable member at that meeting. The relevant paragraph of the pledge states:

I hereby agree to be bound by the objective, Federal and State platforms and rules of the Australian Labor Party and by all decisions of Federal Conference, Convention, and State Council that do not conflict with such objective, platforms and rules. I also agree to be bound by decisions of the State Executive—

That was the decision taken at the Klemzig meeting, I understand. Honourable members opposite will be quick to tell us whether that is so. I repeat that the pledge states:

. . . that do not conflict with such objective, platforms and rules. I also agree to be bound by decisions of the State Executive that do not conflict with the objective, Federal and State platforms or rules of the Australian Labor Party . . .

The Hon. G. T. VIRGO: I take a point of order, Mr. Acting Chairman. I think we have had enough of this waffle from the member for Mitcham that has nothing to do with the Bill. If the honourable member wants to incorporate the A.L.P. pledge in *Hansard*, I shall be delighted if he does that, for the benefit of all concerned. However, I think it ought to be done when we are debating an appropriate matter. At present we are dealing with an amendment to the Bill but for the last quarter of an hour the honourable member has not said one word about it.

The ACTING CHAIRMAN: Order! I uphold the point of order, because I asked the member for Mitcham previously to link up his remarks with the amendment before the Committee dealing with 9 p.m. closing. I must ask the honourable member to refrain from

making remarks that are outside the ambit of the amendment.

Mr. MILLHOUSE: Well, if you insist on drawing the ambit of the debate so closely on this particular occasion—

The Hon. G. T. Virgo: That is a reflection on the Chair.

Mr. MILLHOUSE: I certainly will not go on with the pledge. I have read all but, I think, about four words of what I wanted to read, anyway. I think Government members are worrying about what the Leader is doing at the meeting at Christies Beach tonight.

The ACTING CHAIRMAN: Order! We are dealing with the amendment, not the meeting.

Mr. MILLHOUSE: Of course. The next point is that Government members have said that the referendum result should be interpreted overall, and that this is the only way in which it can be interpreted, accepted, and put into effect. As a rule, a referendum result would be capable only of that interpretation.

The Hon. G. R. Broomhill: You conceded that during the second reading debate, namely, that there had to be uniformity after the referendum.

The ACTING CHAIRMAN: Order! We are dealing with the amendment, not the second reading debate.

The Hon. G. T. Virgo: The member for Mitcham has been out of order for 20 minutes.

Mr. MILLHOUSE: This particular kind of referendum is an exception to the general rule, because it affects only a part of the whole State and is therefore capable of a geographical determination. I believe, and I think Government members in their heart of hearts also believe, that it is capable of that interpretation and that it should be accepted in that way. There is no other way in which the wishes of the electors of the area polled can be given effect to. Both Government and Opposition members can argue until they are blue in the face about duty, about whether one should be bound by a pledge, and about whether one should be bound by the wishes of one's electors, but the only thing the electors of Tea Tree Gully, Playford, Elizabeth and Salisbury will care about is that their members in this place voted against Friday night shopping and against the definite wishes that were expressed at the referendum. We can have all the learned discussion, the drawing of lessons and talk about Australian Labor Party members being bound, but that is all that will count in the long run, and Government members know that

that is so. That is why they are on the hook and cannot get off unless they are big enough to support this amendment.

The Hon. J. D. Corcoran: You are on the hook, and you know it.

Members interjecting:

The ACTING CHAIRMAN: Order!

Mr. MILLHOUSE: This amendment will give effect to the result of the referendum and allow Friday night shopping to continue in those areas where it has become a part of life, and it will at the same time acknowledge the "No" vote in other parts of the metropolitan area, as drawn. In the situation in which we find ourselves in this place, it is the only fair and practicable way to deal with the problem and to find a solution to it, at least in the short run, until we can find a long-term solution that will satisfy the majority of the people of this State.

Mr. McRAE: I oppose the amendment. I know that it was supposed to be moved by the Leader of the Opposition. However, he was not here to move it, and I will make one or two comments about that shortly. It was supposed to be moved by the Leader, whose position on this matter has changed many times in the last few months. He is not here this evening, because he is down at Christies Beach addressing a political meeting specifically designed to embarrass the member for Mawson, but I doubt that it will embarrass him.

The ACTING CHAIRMAN: Order! The member for Playford must link up his remarks to the amendment.

Mr. McRAE: Unlike certain members who deliberately flout your rulings—

Members interjecting:

The ACTING CHAIRMAN: Order! The Committee is dealing with the amendment moved by the member for Mitcham.

Mr. McRAE: It is unfortunate for people adopting this approach that the Leader of the Opposition has not seen fit to be present to move the amendment and that he has left his Deputy to move it. It was also unfortunate for the Liberal Party that only 11 of its members were in the Chamber when the amendment was moved. That is some indication to the people in the areas concerned of the importance attached to this amendment by the Liberal Party.

Members interjecting:

Mr. McRAE: The so-called fervour of the Deputy Leader was not convincing, and he had to face up to the matter on behalf of his Leader, with little support behind him. The people in the areas concerned, including the

people in my district, will not fail to note that the Leader of the Opposition did not bother to be present to move an amendment that is so crucial after a referendum so important as the one held. He did not bother to be here, and only 11 members opposite bothered to be present.

Mr. Gunn: What about your side?

Mr. McRAE: There has been much talk about people getting off the hook, but there has been no attempt by members on this side, either at public meetings or in the Chamber, to get off any hook. Members on this side have always stated their position clearly, publicly and without any fears. All sorts of reason have been suggested why members on this side cannot support the amendment, but in my case (and I am sure this applies to other members in the fringe areas) the situation has been made abundantly clear. We cannot support the amendment, because of the pledge of loyalty we have given to the Labor Party, and we have been maintaining that position over the period in question. We have never hidden it; we have gone to extreme lengths to face up to public meetings in our own districts and to put that exact position. We have nothing to hide; we are not frightened of the pledge; we are not frightened of the fact that members opposite can refer to certain parts of the A.L.P. Constitution; and we are not frightened of the fact that the trade union movement supports the Labor Party.

All that is free and public knowledge, and we have not been frightened in the least of making that clear to our constituents. But the same cannot be said of members opposite. The same sort of pressure that they claim is put on members on this side is equally, if not to a greater degree, put on them by the Parties they represent. It is obvious that there are two pressure groups behind members opposite. We have our backwoodsmen in the south-eastern corner of the Chamber, and pressure is strongly put on them by their primary-producing organization. These backwoodsmen are a positive embarrassment to the members on the front bench. We find that equal pressure is put on other members opposite by the employer organizations. They are not frank enough to admit that that is so. I am very surprised, in the current context, that members opposite use words suggesting that people on this side lack courage, lack purpose, and do not have the courage of their convictions.

Members interjecting:

The ACTING CHAIRMAN: Order!

Mr. McRAE: I am very much surprised that the same people who continually make these allegations are hiding the fact that they are under tremendous power and domination from their own pressure groups. I am also very surprised to hear them suggest for a moment that they have any real sort of freedom of vote once it comes to an issue. It is not possible to maintain a Government in modern circumstances in that sort of situation. We know that over the last two years prior to May this year there was every opportunity for any one of the L.C.L. members to desert the previous Government and bring it down, but they did not do so. I say it is sheer hypocrisy on their part to suggest to the people of these fringe areas that there is anything else but political expediency behind this amendment, which I condemn as sheer political hypocrisy. It goes completely contrary to the policy that has been advocated by the Leader and the two former Ministers of Labour and Industry, all of whom have said that uniformity is the only answer. Yet we now find, when political expediency permits it, that they put forward this kind of amendment. They do so only in the plaintive hope that they will put us in some kind of embarrassment. Well, I for one am not embarrassed.

Members interjecting:

Mr. McRAE: Members opposite can laugh as much as they like. I have been to the public meetings and I have been before the people in my district and put my point of view. I have nothing to be afraid of. I will refer very pertinently to a comment made last night by the Mayor of Elizabeth, Mr. Duffield. I think that if any area is affected by this amendment it is the city of Elizabeth. I was very interested to hear a comment by Mr. Duffield on a radio programme on Station 5DN last night. The honourable the Mayor of Elizabeth (he is an honourable man, and I accept him as that), after putting his point of view very clearly at the beginning of the broadcast, ended by saying that he saw no other course of action open to the Government but to provide for uniformity. That was said publicly. If that is the position adopted by the Mayor of Elizabeth (and I am sure I do not misquote him), that is a very pertinent comment indeed, and this whole issue of trying to sectionalize the referendum is so false that it shows itself up as a blatant political expedient; and it is an expedient that cannot work.

If the three members who have suggested it had been in office, they would never have

put it forward; in fact, I would go so far as to say that if this Bill passed in its present form they would not be suggesting later amendments or later legislation to cut it up. That is how far I say they are playing it false. This is only an attempt to embarrass certain members on the Government side and only an attempt to put the Minister and the Government in an invidious position following the referendum.

I was very interested to hear the member for Mitcham, the former Minister of Labour and Industry, suggest that one can take a referendum and cut it apart piecemeal. It will be very interesting indeed to see just how far he takes this line of thought. Several referendums must be held in years to come, and it will be interesting to see how far he takes this point of view.

The ACTING CHAIRMAN: Order! I ask the honourable member to link up his remarks to the amendment.

Mr. McRAE: What the amendment seeks can be achieved only by selectively cutting up the votes in the various districts. This raises a matter pertinent to general principles and also to the amendment. If the line of logic advanced in moving this amendment succeeds, interesting situations will arise in years to come. For example, let us take the situation that might arise if we had constitutional amendments moved in the Commonwealth sphere dealing with taxation and monetary powers. On the line of logic suggested by members opposite—

The ACTING CHAIRMAN: Order! The Committee is dealing with an amendment moved by the member for Mitcham, and I must ask the honourable member to confine his remarks to that amendment.

Mr. McRAE: I will refrain from dealing with the Commonwealth Constitution. One member opposite suggested that various kinds of secret meetings of union forces and things of that kind influenced Government members, particularly those representing fringe areas. On behalf of the fringe members, I can say that no union forces came into it. This was a decision of Caucus, and I stood by it. That was the position which I put at Caucus and at the public meeting, and to which I adhere now. Secret meetings have nothing to do with this. Having been present at the meeting of Caucus, I can say that the suggestion that this was a decision of the State Executive is utterly false. Speaking for many electors who are immediately concerned by this matter, I am sorry that the thoughts behind it have to be sullied and dirtied by the political trash and rubbish served up this evening. I am sorry on behalf

of the decent people, who might have expected something reasonable to be put by the Leader (who is not here to move his amendment), that we have heard no decent arguments to support the amendment, but only a political tirade. I suggest that the amendment is irrational, because we cannot segment a referendum result in this way and produce from it something that the amendment seeks to bring about.

Dr. TONKIN: I support the amendment. In spite of all the remarks made about the absence of the Leader, actions speak louder than words, and his absence may result in some action.

Members interjecting:

Dr. TONKIN: Members opposite seem very touchy about the whole question. I believe some notice of intention should have been given to people in those districts represented by the unfortunate five opposite, who are sitting on the hot seat.

The Hon. G. R. Broomhill: I think you're on the hot seat with the way you're talking.

Dr. TONKIN: The Minister does not seem to be entirely at home in this debate. However, I do not blame him, because I believe a fundamental error was made at the beginning of this whole process. I have heard and spoken about things concerning the referendum and the question asked, and the fact that many people abstained from voting. I was asked by Government members how the vote went in my district: that is a question that could well be directed to those five members, because they know only too well how their vote went, and I am sorry that they are forced to take the stand they are taking.

Mr. Coumbe: You mean the infamous five?

Dr. TONKIN: I would not call them infamous: unfortunate, perhaps. This position started with a fundamental error by the Minister and the Government, because the poll held was not a referendum. Technically, it was a series of local option polls. A referendum is defined as the referring of certain political questions or of such questions under certain circumstances to the electorate for direct decision by a general vote on the question. Although usually related to liquor, a local option poll is defined as the reference of a question to members of a district to make a decision on the question. The whole principle of a local option poll is that the result in each district is acted on. From the results of this series of local option polls it is obvious what the people in each district want.

It is typical of this Government that it should make this fundamental and elementary error. It has been doing this sort of thing ever since it came into office, but that is no excuse, and it is no reason for imposing hardship and difficulties on people in those five districts in which there was an overwhelming "Yes" vote. I believe that members representing those districts should be able to serve their electors as they wish them to do, and be free to advocate what their constituents want them to advocate. I think it is a shame that these members are denied the chance to serve their constituents. This amendment will maintain the *status quo*, for a time at least, until some reasonable notice can be given to the electors of those areas. Apart from the shopping convenience, people who work there depend on the little extra income that makes a big difference to them. They have financial commitments, and a delay will give them time to find other jobs. It will also allow retailers to adjust to different periods of trading, and will provide a general opportunity for the whole matter to be reconsidered.

I do not blame the member for Playford for carrying on as he did a moment ago. In fact, I admire his marvellous effort in the face of tremendous odds, although I think he protesteth a little too much. He said he was not embarrassed, but his looks belied him. He found it hard to keep a straight face, but I do not think he was laughing. I admire his effort to conform to Party discipline, but I deplore the fact that an error of judgment should force him and the other four members to take this stand. This whole thing has been a colossal mistake. Although I admire the member for Playford's attempt to justify his Government's stand, I do not admire his present intention, because, if he wanted to represent his constituents who so overwhelmingly voted in favour of later shopping hours, he would support the amendment. I consider that this matter should be treated as a series of option polls and supported as such.

The Hon. D. N. BROOKMAN: In supporting the amendment, I want to say how fed up I and other members of the Committee are getting at certain lines of argument. One line which was never used until recently but which is now being repeated with wearisome repetition is the reference to the absence of members. The member who made that reference is now absent himself. He is not the only member to mention the matter: several members spoke of it. Members' opposite have been making that

criticism of Opposition members, irrespective of where the members have been and irrespective of the normal courtesies.

Mr. McKEE: I take a point of order, Mr. Acting Chairman. I cannot understand how the member for Alexandra can link his remarks with the clause or amendment by speaking about members who are absent from the Committee.

The ACTING CHAIRMAN: Order! I cannot uphold the point of order, because the member for Alexandra is replying for the Leader of the Opposition, who intended to move the amendment, to remarks made by the member for Playford. I ask the member for Alexandra to confine his remarks to the amendment.

The Hon. D. N. BROOKMAN: If the member for Playford had been present, I might not have taken so long to deal with the point. Another matter that I and, I think, members of the Committee generally consider wearisome is the continual allegation of insincerity being thrown across the Chamber about another member's point of view. Many people consider that this allegation has bored itself out of any debating effect, and it is not worth while wasting time talking about it. In supporting this amendment, we are trying to give a measure of justice to those areas that at present enjoy almost complete freedom in shopping hours.

I remind the Committee that the freedom, which has been obtained lawfully by the system of petition and counter-petition, will be taken away in large measure, and the amendment tries to ensure that the people can at least retain Friday night shopping in these areas. The areas that we are talking about did not choose to have the referendum. That was the last thing they wanted. They did not want any alteration: it was forced on them. It is agreed that arguments can be advanced against a completely unrestricted system of trading, which would undoubtedly create problems. However, those arguments were not advanced by the people living in those areas, because they were happy to live under the conditions they had and they were very unhappy about losing them.

The area chosen was not chosen with any particular logic. It is what is commonly known as the enlarged metropolitan area, including the Municipality of Gawler, and it left at the edge some fringe areas that will also be affected and will no doubt become the subject of various kinds of new trading hours in the future. It will not solve the problem

permanently, but they were dragged into this referendum. We have said over and over again that it was a silly referendum. The procedure for a referendum is surely, first, to establish legislation, which has then to be either ratified or not ratified by the people. That is the way Constitutional referendums are voted upon—not by asking some general question that does not satisfy everyone. I know many people, two in particular, who voted against Friday night shopping but they wanted Saturday afternoon shopping. I did not ask them about Sunday shopping: they probably wanted that, too, but they were not able to give a true reflection of their views. So, the question was pointless and should never have been asked.

The only way to conduct a referendum is, first, to have legislation that sets out definitely what is involved and, secondly, to ask the people to make a judgment on it. In any case, the conditions under which a referendum should be held should not include the resolution of such matters as this. These are the sorts of question that we, as members of Parliament, should decide for ourselves in our own judgment, not pass them back to the people in a confused way for a confused electorate to give a confused answer and, incidentally, further confuse the Government.

The Government expected a "Yes" vote when it first planned this legislation, and it hoped for such a vote. When it got a "No" vote, it wavered considerably. The Opposition was attacked in connection with its attitude towards the legislation, and asked the Premier, "What is the Government's attitude?" All he could say was, "This will be revealed when the Bill is introduced." We know that at that time the Government had not made up its mind. True, the Government had a brain-washing meeting in Enfield. When I saw the photograph of that incident, someone asked me what the Government's decision would be. I said, "I think it will restrict the trading hours."

The ACTING CHAIRMAN: Order! The member for Alexandra must confine his remarks to the amendment now before the Committee.

The Hon. D. N. BROOKMAN: I suggest that the matter concerning the meeting is very much before the Committee, it having been referred to on several occasions this evening.

The ACTING CHAIRMAN: On each occasion, I have requested the member concerned to discuss the amendment now before the Committee, and I must ask the member for Alexandra to do the same.

The Hon. D. N. BROOKMAN: I accept your ruling without question, Sir. The next point to which I refer has also been under discussion and, I think, has not been ruled out of order by you earlier. I refer to the question of who is bound by what. Under the rules of the Labor Party, Caucus has to provide a copy of the minutes of its meeting within three days to the State Executive.

The ACTING CHAIRMAN: Order! I rule that out of order. I ask the honourable member once again to confine his remarks to the amendment.

Mr. Millhouse: Within three days it has to take the minutes up to the Executive.

The ACTING CHAIRMAN: Order!

The Hon. D. N. BROOKMAN: In view of your ruling, I will not pursue that line of argument any further, but I point out the hollowness of the attacks made on the Opposition by Government members. Members of the Opposition were attacked and told that they were not free and not sincere, and that they were trying to cause the Government trouble, and so on. I have dealt with this matter of sincerity and with the accusations being made in this regard and, as I say, it has got to the stage of becoming boring. The Leader, who is responsible for the amendment, is completely sincere. He recognizes that many of the people of the State desire more freedom than they are receiving and that those people in the areas outside the old metropolitan area did not ask to be brought into this matter. However, when asked and given a somewhat confusing question to answer, they still made it clear that they wanted some freedom in regard to trading.

I suggest to anyone who doubts this that he look at the service stations operating just outside the boundary of the old metropolitan area: every oil company has a large and busy service station, and members of the community, whether they come from inside or outside the old metropolitan area, buy petrol and fuel from those service stations during the after-hours period, including weekends. Surely, that shows that the community is looking for something better than this retrogressive legislation. I refer particularly to people in the outer area, who did not ask to have their position disturbed and who are losing the opportunity to enjoy weekend trading. As a result of opposition to this amendment those people will now lose even their opportunity to have Friday night trading. The result will be deservedly unpopular in the areas concerned. The Leader,

in having this amendment moved, is doing a service to the community.

Mr. WELLS: I oppose the amendment. I have heard tonight a tissue of hypocrisy. Without doubt, someone has whispered to members of the Opposition that attack is the best method of defence, and it is clear that they are now raising an attack on the Government to try to cover up their own sins and shortcomings.

It is hypocrisy for the member for Bragg to say that he is sorry for the five members on the fringe areas because they may be embarrassed. Those members have the courage to honour a pledge they made and also honour the decision of the majority of the people at a referendum. I suggest that Government members are well in the clear. We know where we stand, for the majority of the people in this area where the referendum was held clearly voted "No", and the Labor Party Government will honour the voice of the people. We will not stoop to a dishonourable act by trying to sectionalize the vote.

There must be some very valid reason why members opposite profess to be so concerned about the welfare of members on this side. I say the position is entirely the reverse of what they claim it to be, and that the members opposite who got a "No" vote in their areas are the ones who will have people pointing at them, saying that their constituents voted "No" and asking, "Why did you vote against the wishes of the people in your district?" This being so, it was necessary for a subterfuge to be raised. This amendment is a subterfuge which ostensibly gives them an "out" and allows them to say that they want the *status quo*. However, the people of South Australia voted "No". The attack members opposite have made in an unprincipled manner upon members of the Government is entirely invalid.

If members opposite were genuine they would say with us, "The people of the State are concerned with the situation where we have an inequality of trading advantage and we want it evened up." The referendum has told the Government to even it up, and to do so quickly. If members opposite were genuine in their concern for the people in this respect, they would admit that the people had spoken at a referendum and vote with the Government. They claim that embarrassment has been caused to the members for Tea Tree Gully, Mawson, Playford, Salisbury and Elizabeth. However, those members were courageous enough to face their constituents, and they came out of it with flying colours. Certain

unscrupulous people attempted to discredit them, but the public now recognizes that the people who made that attempt are the ones who are discredited.

The Leader is absent from this Chamber tonight. That is his prerogative, and I am not criticizing him for that. I wager that wherever he is he is not there to do any good for the Labor Party. The member for Bragg said that this was really a local option poll and that it should be considered as such. I cannot believe that the honourable member expected that statement to be accepted. He knows very well that no real comparison can be made between a referendum and a local option poll. Also, the honourable member did not refer to the fact that this was a referendum for the greater metropolitan area and was not conducted on a local basis. The member for Alexandra said that Parliament should have made this decision and that we should not have had a referendum. I will go along with that, once a matter gets to a certain stage. What did previous Liberal Governments do about this matter over 10 or 15 years when the situation was similar? In a frank way the member for Torrens said (and I admire his veracity) that this situation should have been remedied years ago by the Government of which he was a member. Reference was made to a secret meeting, but that has been explained. We have a licensed registered club.

The ACTING CHAIRMAN: Order! We are not dealing with someone's licence. I must ask the honourable member to confine his remarks to the amendment.

Mr. WELLS: Speaking of secret meetings, what about the meeting of members of the Legislative Council which was held behind locked doors and at which those members received their instructions from the Establishment to keep their hands off vested interests?

Mr. EVANS: I support the amendment. By now we must all agree that the referendum did not give the people an opportunity to express their view clearly; they could not vote to retain the *status quo*. The amendment seeks to allow people who shop or conduct businesses in areas that now enjoy 9 o'clock closing on Friday nights to continue to enjoy that privilege. At some stage we should try to deal with this matter by introducing a Bill, debating it and then having a referendum on that Bill. In its policy speech the Labor Party stated that a Labor Government would amend the Early Closing Act to provide for a revision of the list of exempt goods and shops and that

there would be no extension of Friday night shopping beyond areas where it now obtains. That is the mandate of which members opposite speak. However, the Government has not taken that course and the Bill will take away from people in fringe areas their right to trade until 9 p.m. We ended up in this position because people were not given the chance to vote for the *status quo*, which was the policy of the A.L.P. that it put to the people on May 30. We had a referendum, but we did not ask the people to vote for what the A.L.P. had included in its policy. If they had voted in favour of what was contained in that policy, why did the Government introduce a referendum?

The ACTING CHAIRMAN: I ask the honourable member to refrain from referring to a policy speech. We are discussing an amendment.

Mr. EVANS: That amendment is to allow many people the right to continue to trade until 9 o'clock on Friday evening, as they voted for in the referendum. If the Bill is passed people have lost something: if the amendment is carried they have lost less. People within the inner metropolitan area have lost nothing if the amendment is carried, except for those living in that area who trade outside normal trading hours in the outer metropolitan area. People living in the outer area, many of whom are young with both the husband and wife working, will not have the chance to trade on Friday evening, Saturday afternoon, and Sunday, in cases where they can do so now. This amendment gives those people the right to continue to trade until 9 o'clock on Friday evening. If we were honest as Parliamentarians and statesmen we would introduce a Bill soon, debate it to the point where we could make a recommendation to the people, and then ask the people whether they wanted the *status quo* maintained, or 9 o'clock trading on Friday evening, or trading for seven days a week.

The ACTING CHAIRMAN: The honourable member must confine his remarks to the amendment, which deals with closing at 9 p.m. on Friday.

Mr. EVANS: If this amendment is lost many people in this State will be affected adversely. If the amendment is carried, the *status quo* will remain in relation to trading until 9 o'clock on Friday night. I ask all members, particularly those who represent districts where a large percentage of the people has shown eagerness to retain the right and

opportunity to shop on Friday night, to support the amendment. I do not think those persons' Party should penalize them.

The Hon. G. R. BROOMHILL: I shall be brief in dealing with this amendment, because the Committee ought not to be subjected to repetitive speeches. I think every member opposite who has spoken has repeated views expressed in the second reading debate, and I thought I expressed the Government's views adequately when I replied earlier. Despite the objection by the member for Alexandra to challenges from the Government about insincerity, I challenge the sincerity of members opposite on this matter. I am referring particularly to the member for Mitcham, the Deputy Leader, who has moved this amendment on behalf of the Leader. He has publicly stated within the last week that the Government had no alternative but to provide for uniform trading hours, yet he is supporting an amendment which his Leader was to move and which will retain the *status quo*.

I do not know where the Opposition is going when it has changes of heart to suit the current political position. Members opposite are not looking at the problem as the Government is looking at it. We are making sure that we have stable shopping hours in the community. Opposition members ought to be honest and say whether they agree or disagree with what we have done, rather than move amendments such as this. The Government could easily have left the position regarding Friday night as it is, simply by taking an election. At least two prominent Opposition members have said in the last week and again today that they are aware that something must be done in this direction and they say it should have been done 10 years ago. Now they say that we should return to the position that applied before the Bill was introduced. I do not know what they hope to achieve.

Everyone realizes that shopping hours must be stabilized and the Government has tackled the problem in a way that will do that. There is no merit in the proposal by members opposite that the position be left as it is. I do not mind when they put forward arguments about whether we should have had a referendum or whether we should have acted in a certain way, because I can disagree with those points. However, the honourable member who moved this amendment said that the Government should have done something about this 10 years ago and that he agreed with uniformity and then he

has moved this amendment. This deserves the Committee's contempt.

Mr. McANANEY: I oppose the amendment. At election time the Government had a policy in regard to shopping hours, but it did not put it into force.

The ACTING CHAIRMAN: Order! The honourable member is not speaking to the amendment now before the Committee. The amendment, moved by the member for Mitcham, deals with the opening of shops until 9 p.m. on Fridays. I ask the honourable member to confine his remarks to the amendment.

Mr. McANANEY: If the Government believed that some shops in a particular area should be allowed to remain open until 9 p.m. on Fridays, how could it say that this was a bad thing in another area? I believe that shopkeepers should have the right to stay open if they want to. I do not think that anyone in Salisbury has the right to influence what someone in another part of the metropolitan area does. Trading hours must be uniform. By no stretch of the imagination should a shop near Tea Tree Gully be allowed to stay open while a shop nearer the city is not allowed to stay open. Because that would involve discrimination, I cannot support the amendment.

In the past, shops in Salisbury have had a definite advantage because they have paid lower wage rates and, consequently, they have been able to stay open at night without so much difficulty. I see that the Minister is shaking his head, but I was told by Commissioner Lean only a week or so ago that the award rate at Elizabeth and Salisbury was considerably lower than the rate in the metropolitan area, and that it was even lower in Tea Tree Gully. If we had 9 p.m. closing on Fridays throughout the metropolitan area, shops in Salisbury would be in greater difficulties. I cannot see how the Labor Party can stress uniformity when, on one side of the South-Eastern Freeway, petrol can be sold after hours, but on the other side of the road it cannot be sold. This causes a danger to members of the travelling public who may have to cross a busy road in order to buy petrol when they need it.

The ACTING CHAIRMAN: Order! The amendment before the Committee provides that the closing time for a shop on Friday night shall be 9 p.m.; it has nothing to do with service stations. I ask the member for Heysen, once again, to confine his remarks to the amendment before the Committee.

Mr. McANANEY: We are also dealing with uniformity, and that is why I am supporting the amendment. Surely, we must emphasize those matters concerning which there is no uniformity within a certain area. I do not know what a service station is if it is not a place where buying and selling takes place, and it would be classified as a shop. I cannot see how it is practical to have different hours of trading applying to different sections within the metropolitan area. Although this provision does not apply so much in the country, I have one country area in mind in which there is 9 o'clock closing, and a trader there is now advertising in an area in which shops are not allowed to remain open after normal hours, and this will cause considerable dissatisfaction.

I believe that the wrong action is being taken and that all shops in the area concerned should be allowed to stay open until 9 o'clock on a week day and on Saturdays, although I am against Sunday trading, for there should be at least one day in the week when there are no unnecessary commercial activities. However, on other days people should be able to make up their own minds about this matter. Concerning the argument that it is much more expensive for shops to stay open at night, I point out that if every shop in the metropolitan area is able to stay open we may find that there will not be so much trading and that it will not be necessary for some shops to stay open for as long as others, so that proprietors may well be able to sell their goods more cheaply in a shorter trading period. As I believe that there must be uniformity, I will vote against the amendment. However, I deplore the restrictive attitude of the Socialist Party opposite regarding everything it does; it tries to restrict the services provided to the general community, and I am strongly opposed to that.

Dr. EASTICK: I support the amendment. It will certainly place the corporation of Gawler in a position in which there will be increased charges. The employees are due for an increase in salary, and I can have no argument with that.

The Hon. G. R. Broomhill: Are you sure that they will receive an increase in salary?

Dr. EASTICK: I am positive that they will.

Mr. McRae: You must have very good connections inside the Industrial Commission to be able to say that.

Dr. EASTICK: The position is that because Gawler is a country area the employees receive a lower salary than do employees in the metropolitan area.

The Hon. G. R. Broomhill: Why would that be so?

Mr. McRae: Has somebody in the commission told you that the employees are going to get an increase?

Dr. EASTICK: Mr. Acting Chairman, I point out that I have the floor. Perhaps the member for Playford, from whom we heard earlier this evening, would like to speak again.

The ACTING CHAIRMAN: Order!

Dr. EASTICK: The point I make is that, quite apart from this increase that will flow through, the people of Gawler already are required to pay more for many of their commodities because they do not live in the metropolitan area. For example, standard grade petrol costs 43c a gallon compared with 42c in the city area, while special grade petrol is 47c as against 46c. Beer costs 42c a bottle as against 40c; a butcher size glass of beer costs 15c as against 14c; cement costs \$2 a ton more than in the metropolitan area, and water pipes, galvanized iron and other heavy commodities of that nature also cost \$2 a ton more.

The ACTING CHAIRMAN: Order! The honourable member must confine his remarks to the amendment before the Chair.

Dr. EASTICK: I suggest that my remarks are very relevant, for I am seeking for the people of Gawler an opportunity to continue to enjoy the freedoms they now have. I can tie in my remarks later with other submissions I would like to make.

The ACTING CHAIRMAN: Order! The honourable member will have to link up his remarks to the amendment regarding the opening of shops on Friday night.

Dr. EASTICK: At present many people enjoy the freedom of Friday night shopping. One reason why they enjoy Friday night shopping is that in 1967, because of public demand, they sought leave to change from an Early Closing Act area to a free trading area. Much has been said regarding maintaining the *status quo*, but the amendment before the Chair seeks something that is not the complete *status quo*, for it accepts the Government's view that there should be no trading on Saturday afternoon or Sunday. I am in complete accord with this view. However, it at least gives the people in those fringe areas the opportunity to continue to enjoy the privilege of late shopping.

Earlier, the member for Playford made his position quite clear. I congratulate the honourable member not only on the fact that he bared his soul to this Chamber in this and

other associated matters but also on the fact that he accorded the mayor of Elizabeth due respect.

Mr. McRae: I never suggested anything else.

Dr. EASTICK: No, the honourable member did not, whereas other Government members, one in particular, referred to him in most uncomplimentary terms. I congratulate the member for Playford most sincerely in this respect. Reference has been made to whether or not this is a social issue. I suggest that that is definitely what it is. Friday night shopping means that money goes around. If fewer people are employed as casuals in these fringe areas, less money will circulate. Comments have been made about the absence of the Leader, although he is not absent now. On many occasions this session I have noticed that members opposite have been absent. Someone said earlier this evening that our ranks were thin whereas, in fact, the number of members on this side was greater than the number of members opposite, even though the Government has a majority of seven. It was delightful to hear the member for Florey, but I cannot imagine that he would take a "sandwich to a party". Therefore, in drawing a parallel I can see no reason why certain members were photographed making their way to this secret meeting carrying briefcases.

Mr. HALL (Leader of the Opposition): I thank my colleague for moving my amendment; I was called to a meeting. I believe trading hours should not be restricted in the greater metropolitan area or in any other part of the State. I know that that view would not be shared by all members of my Party, who are able to please themselves about their views. No policy is written in any book, there is no resolution anywhere that forces their vote in this place, and there is no call for allegiance to try to force their vote. Before this Bill was introduced, I campaigned for 9 o'clock closing throughout the metropolitan area, and I will stand by that as the achievable objective to obtain the necessary uniformity of shopping hours throughout the State. I understand that I have been criticized for framing an amendment to retain the *status quo*, but I have good reason for doing this.

I believe the referendum was unnecessary and represented an escape from responsibility. We should not look to govern by referendums. In any case, the Government asked only a limited question. It did not ask people whether or not it should take away their weekend

shopping, yet it has decided to take that privilege away. It is acting on the answer given at the referendum by a certain proportion of the people. Government members supported the holding of the referendum, and it would be politically unwise of me to ask them to support the opposite of that result. Therefore I ask them to support the *status quo* so that the situation can be reconsidered. I should be pleased if they would support the amendment, wait until the House rises, and then make a full study of the situation. If they did, they would be assured of comparative political peace during the recess without the Opposition doing its duty of testing the Government's policy. The amendment does not ask Government members to contravene the orders of the A.L.P. executive, yet it would retain privileges for those areas that have demonstrated clearly that they want them. This evening I attended a meeting at Christies Beach in company with the member for Mawson, and there was no doubt in the minds of those present what was required. These people, who gave the member for Mawson overwhelming political support at the last State election, did not give him that support this evening.

Mr. Payne: What view did you take?

Mr. HALL: The view that I have freely expressed in this Chamber. I hope I did not transgress the Party-political field any more than did my political opponent.

Mr. Payne: Did you promise an open slather?

Mr. HALL: I promised what I personally believed in, but I said that members of my Party were not bound by any written rule to agree with me.

The Hon. G. R. Broomhill: Or policy.

Mr. HALL: It is far more difficult for a member to make up his mind than it is to have it made up for him. Every Government member, including the junior Minister, has to obey the directions of his Party. They all know that when they become members they signed a pledge, and this means that the amendment will be defeated, as the Minister has said that he does not believe in it.

The Hon. G. R. Broomhill: I said that two hours ago.

Mr. HALL: I hope the junior Minister will say that in two years' time. A group of people at the meeting this evening told me that they had supported the Labor Party at the last election, but then asked me what they could do now.

The ACTING CHAIRMAN: As we are dealing with an amendment, I ask the Leader to confine his remarks to it.

Mr. HALL: I will, but the meeting this evening was called about this issue, and it was the only topic discussed. I told the group, "You won them and you have to wear them." The people supported this Government and, if they want to keep this Government in office, they must expect this type of legislation. Many people are extremely concerned, having invested many thousands of dollars in premises and stock and now being threatened with an unknown closing date. Some shops in this area depend almost entirely on this trade.

The Hon. G. R. Broomhill: You should have been here, instead of where you have been this evening.

Mr. HALL: The Minister is not where I think he should be. In his standard of administration, he has added to the confusion of the public as much as has any other Minister. I hope that members opposite who have thought deeply about this will realize that the decision on this matter will be made here, not in the Legislative Council or anywhere else. If the Government rejects the amendment, the lights will go out for Labor.

The Hon. HUGH HUDSON (Minister of Education): I do not accept that we can consider the referendum as consisting of a series of local option polls in the way the member for Bragg has suggested. That would be the case if there was no interchange between shopping areas. As soon as people are able to move from one shopping area to the other, the relative hours at which shops are open in different areas becomes vital and an issue that members who represent fringe areas in the old metropolitan area are much concerned about, because of the representations that have been made over a long period by traders who have suffered as a consequence of advantages in trading hours held by people farther out.

Butchers in my area have been losing trade consistently to the Lazy Lamb. As a consequence of longer trading hours and the higher turnover the Lazy Lamb can compete on a price basis that is putting many traditional butchers in my district out of business. In the long run this situation cannot be tolerated. If there is a difference in trading hours between areas where there is effective mobility of people, the frictions that are a consequence of that difference will ultimately cause some kind of breakdown, and that is the situation that faces us at present. We now have unrestricted trading outside the district

defined in the Early Closing Act and completely restricted trading inside it. This gives an unfair trading advantage to every shopkeeper outside the metropolitan area, as defined in the Early Closing Act.

The Leader suggests that there should be an open slather. He does not particularly care about the overall interests of the housewife, because he must know that, if there were completely unrestricted trading hours throughout the entire planning area and the Municipality of Gawler, the only consequence would be a very alarming increase in the cost of operating just about every shop, on the average. The Leader cannot convince me or anyone else that unrestricted trading hours throughout the greater planning area would mean that more goods would be sold. In general, the sales would remain much the same, but every shop would stay open for longer hours than it does at present. That would mean that every shop would have higher costs of operation and, once a number of shops were forced out of business, those remaining would be able to increase their prices to cover the higher costs of operation.

It does not take too much effort to work out the extent of the increase in costs that would follow from the policy advocated by the Leader. The current trading hours total 42½, but the Leader proposes completely unrestricted hours, which at the least would add another 3½ hours for Friday night, another six hours or so for Saturday, and another eight, nine or 10 hours for Sunday. The increase in hours advocated by the Leader is about 40 per cent or 50 per cent, and some of those hours, if the shops were to be staffed at the normal level, would involve heavy penalty payments. So, the increase in costs would be well over 40 per cent to 50 per cent. Of course, wage costs are not the only costs of operation, and a 40 per cent to 50 per cent increase in wage costs might lead to an ultimate price increase of 20 per cent to 25 per cent. However, that is the sort of policy that the Leader of the Opposition is advocating, and I suggest that it is completely unworkable.

The ACTING CHAIRMAN: Order! When the Leader made a remark about his policy I asked him to confine his remarks to the amendment. I must now ask the Minister of Education to do the same. We are dealing with an amendment affecting the opening of shops in certain areas until 9 p.m. on Fridays. I ruled that the Leader's remarks were not relevant, and I must make the same ruling in regard to the Minister's remarks.

The Hon. HUGH HUDSON: I appreciate that, Mr. Acting Chairman. The alternative to the Leader's amendment is either that we should agree to the Bill in its present form or that we should have generalized 9 p.m. trading. Such trading would involve an increase in costs and prices of about 5 per cent, and the community would have to be prepared to pay that increase. The Leader's proposal means that every Friday night trader in the fringe areas of the metropolitan planning area would be given an unfair advantage over every shopkeeper in metropolitan Adelaide. That unfair advantage would enable the traders concerned to gain additional trade and to improve their profitability—

The Hon. G. R. Broomhill: At the expense of others.

The Hon. HUGH HUDSON: —at the expense of the profitability of operation of all of the shops within the traditional metropolitan area. Of course, the effect of this would not be felt uniformly over the whole existing metropolitan area. The effect of shops' opening at O'Halloran Hill is not felt to the same extent in Healey Beach as it is felt in Brighton, Darlington, Glenelg and Mitchell Park. The consequence for the areas I represent has been and will continue to be a disproportionate loss of business because of the unfair advantage given to a nearby area which is within ready reach of most of the people who live in my own district and in neighbouring suburbs. This would not have been a serious problem 15 to 20 years ago, because the percentage of the population that was sufficiently mobile to take advantage of extended shopping hours at O'Halloran Hill, Reynella or Christies Beach was much less than it is today.

Every member opposite who knows anything about running a business (I have no doubt that some of them claim to know something about that) will appreciate that, even in the business of shopkeeping, if one can by some means increase one's turnover significantly the effect on overall costs per unit of sales is remarkable: one can obtain a substantial reduction in the cost of selling a dollar's worth of goods as a result of a high increase in turnover and, of course, this is what has kept going and developing the shopping facilities at places such as O'Halloran Hill, which are conveniently located so that they can attract customers from areas where late shopping is not permitted. They can do it in such a way that their turnover can expand sufficiently and the costs of operation can be lowered. The Leader's amendment perpetuates a position

that has existed for years in the O'Halloran Hill area, namely, that if a shopkeeper is on the eastern side of the South Road he can engage in late trading but, if he is on the western side, he cannot. That applies all the way south to Reynella. This artificial distinction between the eastern and western sides of South Road—

Mr. McAnaney: You'll still have it with petrol sales.

The Hon. HUGH HUDSON: Yes, but I suggest there is not the same problem there. There would be a problem if the fringe area sellers indulged in discounting and were able to get a sufficient build-up of turnover as a consequence, but selling their product at the same price as do the ordinary service stations that stay open only for the normal hours means that they do not attract the normal customers of the local service stations within the metropolitan area. The average driver goes to his own service station for all of his trade except when he finds that, as a result of lack of planning, he is out of petrol some time at the weekend or at night when his own service station is not open. However, the extent to which the local petrol seller loses out on sales to his ordinary customers as a consequence of the Darlington service stations or those at Cavan or elsewhere is very limited. The typical petrol station has its own defined set of customers which it keeps pretty well year in and year out, and I suggest that this gives rise to a significant distinction.

I want to put one other matter that affects the attitude that one takes to this amendment, This relates to the ability of the customer to obtain goods outside of the normal hours. We are providing in this Bill an increase in exemptions both in relation to shops and in relation to goods that can be sold in exempt shops. No members of the public will have any great difficulty in getting the necessary groceries or other food items they may need at the weekend. In fact, as a consequence of this measure, the local delicatessen owner will be placed in a much better position than he has been in for a long time.

Mr. Becker: Where is he going to get the finance to carry the extra stock?

The Hon. HUGH HUDSON: I do not think there will be a great increase in the kind of stock he needs to carry. The stock that most delicatessen owners will now be permitted to sell outside of normal hours is stock that they are already carrying to a significant extent and locking away outside of the normal trading hours. I think that the

average delicatessen owner will pick up only a marginal trade in this way because he will not get the turnover, for example, on grocery items to be able to get his price down to a level competitive with the supermarket. Therefore, there will not be any significant diversion of custom away from the supermarket to the delicatessen. Each delicatessen will gain on what is mostly a very low level of sales to an extent that will affect his own profitability, because that profitability is very low.

One delicatessen owner in my district, even with the profits he earns from his shop, is still able to come within the means test for an age pension. That person will now be able to sell goods that he would not otherwise have sold. It may amount to only about \$20 worth or so of sales each week. To this person, because he does not carry a very wide range of goods, that kind of increase in sales will still be significant in his net return, and I would think that as a result of this Bill the average delicatessen owner could expect an increase in sales over the week of about 10 per cent to 15 per cent. That will give rise to an increase in profitability that is more likely to be 20 per cent to 25 per cent.

This is important for these small shopkeepers, because generally they have had to work extraordinarily long hours to get any sort of decent return, and they have been tending to lose out. I welcome the provisions in this Bill which will enable the individual delicatessen owners to improve their position and which will provide some sort of basic service at night-time and at the weekends when the ordinary shops are not open. Therefore, particularly housewives who, through circumstances beyond their control, are unable to do their shopping in normal hours in any week, will still be able to get the goods they require. Despite the attempts of the Leader to phrase words in a way that he hopes will please people in the right places, there is no answer to this question that will please the whole community, at least not at the stage when various proposals are being considered. If we establish a system that has a chance of continuing because it is fair to everyone, once it becomes accepted and the majority of people are accustomed to it, they will continue to support it. After all, the referendum tended to show, so far as one could distinguish between different areas, that people voted for what they already had.

Mr. Becker: Why take it away from them?

The Hon. HUGH HUDSON: The present situation is unsuitable because it involves unfair trading and the existence of unfair trade practices. The continuance of the present situation will lead to circumstances where traders in Mitchell Park and Enfield, who are losing business continually to fringe areas on Friday nights and weekends, will ultimately begin to flout the law. That is why the change is necessary and why it has become so important to establish a new situation, no matter how difficult the situation may be at first, on the basis of uniformity and fair treatment to every shopkeeper no matter in what area he operates and no matter what types of goods he sells.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Becker, Brookman, Carnie, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, Millhouse (teller), and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (26)—Messrs. Broomhill (teller), Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Coumbe, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, King, Langley, McAnaney, McKee, McRae Nankivell, Payne, Simmons, Slater, Virgo, and Wells.

Majority of 9 for the Noes.

Amendment thus negatived.

Mr. MILLHOUSE: I move:

In new section 222 (6) to strike out all words after "engaged" and insert:

- (a) during a period of fifteen minutes after closing time in serving customers who were in the shop at closing time;
 - or
 - (b) in completing the hairdressing or treatment of the hair or scalp of a customer who was in the shop at closing time—
 - (i) where the hairdressing or treatment was commenced within thirty minutes of closing time, during a period of not exceeding fifteen minutes after closing time;
 - or
 - (ii) where the hairdressing or treatment was commenced not less than thirty minutes before closing time, during any period after closing time.

The purpose of this amendment is to allow relief in the case of hairdressers who may have started to attend to a customer but who will not have finished the treatment within the 15 minutes grace provided in the Bill. The amendment will allow a hairdresser, provided the treatment is started at least half an hour

before closing time, to complete the treatment, even though it may not be completed within 15 minutes of closing time. Of course, the amendment has not any political flavour and is not connected with the matters of great controversy. Since the legislation was last considered, women's hairdressing has become more complex and takes longer and, therefore, the amendment has been moved to ensure that there will not be hardship on women who need to have their hair dressed and on those who dress it.

The Hon. G. R. BROOMHILL: I cannot accept the amendment. As the honourable member has said, he is not completely familiar with the situation regarding ladies' hairdressers. The honourable member will see that new section 221 (2) provides:

Subject to this section, the closing time for a hairdresser's shop shall be 6 p.m. on every week day and 12.30 p.m. on a Saturday.

We are providing for a closing time that is half an hour later than the ordinary shopping provisions provided elsewhere and, in relation to Saturday morning, we are providing a closing time of 12.30 p.m. On Saturday most hairdressers at present close much before this time and they have the scope to continue until 12.30 p.m.

Mr. Millhouse: Why should you oppose a reasonable amendment such as this?

The Hon. G. R. BROOMHILL: If the honourable member listens to me, he will be told that at present ladies' hairdressers have half an hour longer than the normal hours. Further, if he looks at new section 222 (6), he will see that it provides:

No offence is committed under this section by reason only of the fact that a shopkeeper, or a shop assistant, is engaged within a period of 15 minutes after closing time—

(a) in serving customers who were in the shop at closing time;

or

(b) in completing the hairdressing of a customer who was in the shop at closing time.

This means that the person may continue until 6.15 p.m. on week days or 12.45 p.m. on Saturdays, and this is reasonable scope.

Mr. Millhouse: As the amendment comes from this side, it must be opposed.

The Hon. G. R. BROOMHILL: That is not so. The honourable member admits that he does not know anything about women's hairdressing, and perhaps someone who does ought to be listened to. It is obvious that the honourable member has moved the amendment without knowing the full facts. There is full scope for hairdressers to complete their work

without great difficulty. Naturally, people who are involved in the industry are not keen to make an appointment for a late part of the afternoon if it will be a long job. Naturally, they make bookings for a relatively early time of the day if women require permanent waves.

No woman comes in unexpectedly for a hair-do. If the member for Davenport suddenly decided one day that she wanted a perm at an unusual time of the day, she would be an unusual woman. If she wanted a full-scale treatment she would not make up her mind at the last moment. Many women may make up their minds late in the day that they want a hair set or comb-up, but normally such work only takes a short time. At present a hairdresser can open on week days until 6 p.m., with 15 minutes grace, and on Saturdays until 12.30 p.m., with 15 minutes grace. Because I believe the current provision is satisfactory, I cannot support the amendment.

Mr. McANANEY: Sometimes, when a woman has her hair tinted the colour does not finish up as expected. In that case it may take an hour to correct the colour. No-one would expect a lady to come out of a hairdresser's shop with pale green hair: that would be a crisis in her life. My wife once came home with her hair tinted red, but I do not think she asked for it. Because there must be time for experimentation and, if necessary, retinting, I support the amendment.

Mrs. STEELE: I think the male members in this place may need permanently setting on the right wave. I support the amendment and thank the member for Mitcham for his interest in women. He obviously has their beauty at heart. Very few women go into a hairdresser's shop on the off-chance of getting things done, because most hairdressers have their own clients and are heavily booked. If a woman wants a permanent wave she must make a booking, because the work involved takes 2½ hours to three hours. Even a comb-up is hard to get on the spur of the moment: it takes a quarter of an hour to half an hour. A shampoo and set takes an hour to an hour and a half, again depending on how much hair a woman has and on the style in which she wants it set. It would be difficult for some work on a woman's hair, if it is done on a Saturday morning or late in the afternoon, to be finished within the specified time. The latitude in this matter sought by the member for Mitcham is justified and not entirely covered by the relevant provisions to which the Minister has referred.

Mr. RODDA: I was not impressed by what the Minister said. Sometimes women make a last-minute visit to a beauty salon for a comb-up or hair set before attending a function, of which they have had short notice. The amendment recognizes this emergency and seeks to correct one of the anomalies that have crept into this hasty legislation. I support the amendment.

The Hon. L. J. KING (Attorney-General): I think we ought to direct our attention a little away from the convenience of the ladies who wish to have their hair done late on Saturday morning or in the evening and have a little consideration for the girls who work in hair-dressing salons. The amendment takes the time to 7 o'clock on a week day and to 1 o'clock on a Saturday and, after all, the employees concerned have a life of their own and may have sporting engagements on a Saturday afternoon and other engagements in the evening. Although I feel sorry for a woman who, to suit her own convenience, has to rush in late on a Saturday morning to have her hair done, surely such inconvenience as may be suffered by people who do not have the forethought to book in at a better time must give way to people who work in the shops concerned day in and day out and who have to lead their own life and make their own engagements and be able to keep them.

If there is a real pressure on Fridays and Saturdays, there is no reason in the world to prevent a proprietor's making appointments early in the morning; he can start at 6 a.m. if he wishes. If the women really want to get their hair done and someone has to suffer the inconvenience, surely the customer should be prepared to have an earlier appointment and not expect the girls in the shop to work at times when other people are able to enjoy their ordinary leisure activities.

The Committee divided on the amendment:

Ayes (20)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (23)—Messrs. Broomhill (teller), Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Majority of 3 for the Noes.

Amendment thus negatived.

Mr. EVANS: I move to insert the following new section:

223a. It shall be a defence to a charge under section 222 or 223 of this Act that at the time to which the charge relates no person except the shopkeeper, the parent, spouse, son, daughter, step-son or step-daughter of the shopkeeper was employed in or about the shop in the business of the shop.

The amendment does not contravene the right of any trade unionist. It could go further and include daughters-in-law, sons-in-law and many others. However, I am concerned about the small shopkeeper who sells other than exempt goods, and this provision will enable him to remain open and to trade. He will not have to be at the shop during the extra hours, but can leave it in the hands of one of the people named in the provision. The Attorney-General said that he believed we should do things to help the small trader, and this is what this amendment seeks to do. There is no obligation on a paid employee, whether a trade unionist or not, to work; the only person who can work is a person who is related to the shopkeeper.

I believe it is necessary to give small traders an opportunity to trade. When a shopkeeper does not have the family around any longer to help him, he can either close his shop during the restricted hours or sell it. I ask members to consider this amendment seriously, putting aside Party obligations. Small shopkeepers are struggling to survive, as they compete against the big discount houses. The only thing they can offer that the big stores cannot offer is service, and my amendment offers them an opportunity to provide a little more service. Members know that small shopkeepers pay nearly as much for their goods as the large retail houses sell them for. I ask members to support the amendment.

The Hon. G. R. BROOMHILL: Unfortunately, we cannot accept the amendment, which would defeat the whole object of the Bill. It would provide that family groups could operate businesses of considerable size. Our policy is to provide uniform trading so that there will not be an unfair trading situation. Under this amendment, we could have the situation where a fairly large store could be staffed by ordinary employees during the working week and by members of the family, as set out in the amendment, on weekends and evenings. By definition, a shopkeeper includes a partner, who would have the right to use a considerable number of relations involved in the business. I have been informed that the annual report of the Labour and Industry Department for the year 1969 reveals (in

Appendix 15) that on December 31 last there were 9,475 shops in the present metropolitan shopping district. Of the 43,600 persons engaged in those shops, 10,500 (or nearly one-quarter) were proprietors or members of the proprietors' families. In country shopping districts the percentage is even higher. About one-third of all shops are exempted shops, and about the same proportion of persons is employed therein. Also, in 5,400 of those 9,500 shops (more than half) only one or two persons were engaged, and in another 2,500 shops either three or four persons were engaged. As the effect of the amendment would be to permit every small shop to have the opportunity to open all the time, the Government opposes it.

Dr. TONKIN: The development of this State has depended on the small family group, which should be supported. Many small business men are being forced out of business by the operations of large concerns and discount houses, and these people have no protection. The right of free enterprise is the right to work as hard as one wants and to be recompensed for it. It was interesting to hear the figures quoted by the Minister. Uniformity of hours is fine, but this does not indicate uniformity of size the lack of which results in unfair competition. It is a shame that the small family grocer, who has provided a personal service, is now going out of business. This Bill will lead to that.

Mr. RODDA: I support the amendment. Many farmers are forced to do their own shearing, and what is wrong with an amendment that retains the family shop to give a service? Sometimes at weekends when I am in Adelaide I need to get something that I should have got during trading hours and I look for the small grocery store. If a small grocery shop can be staffed by an enterprising family, provision should be made for it. The member for Fisher deserves credit for moving this amendment.

Mr. EVANS: The Minister has said that the amendment would allow a large business to be operated. If I moved to amend the amendment to provide that only the shopkeeper and no more than one of those persons named were in the shop, would he accept it? More than half the shops that the Minister has mentioned are small businesses and, if so many of them are exempt, why not exempt the others, if they do not adopt unfair trading practices? All that they would be getting is the opportunity to serve the community. Will the

Minister accept the amendment if it is altered to provide as I have suggested?

The Hon. G. R. BROOMHILL: No. In principle, the Government could not accept the amendment, because it would defeat the whole purpose of the legislation. Obviously, the honourable member has not given much thought to this matter, and he has acknowledged weaknesses that I have pointed out.

Mr. EVANS: Right from the first time I stood on a platform in my campaign for election to Parliament, I have said that I believe in this proposal. At about that time it was being discussed in New South Wales. I honestly believe in it and I have given it much thought. I do not think the Minister was honest in saying that a big business could operate under my proposal. I do not agree with his statement that the amendment would defeat the whole purpose of the Bill. I am worried that small family businesses that are trying to survive may be put out of business completely.

The Committee divided on the amendment:

Ayes (20)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans (teller), Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (23)—Messrs. Broomhill (teller), Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Majority of 3 for the Noes.

Amendment thus negated.

Mr. MILLHOUSE: I move to insert the following new section:

228. Proceedings in respect of offences under this Part shall be triable only upon indictment. I regard this as a particularly significant amendment, the effect of which will be to provide that those who are charged with offences under this legislation will be tried by a jury. For as long as I have been a member of this Chamber, and I think for much longer than that, Parliament has gone on creating offences, and invariably in every Act in which we create a new offence we have inserted a provision that the offence shall be tried summarily, that is, before a magistrate. In my recollection, we have not created any new offences triable by a jury for a long time. Probably section 14 of the Criminal Law Consolidation Act contains one of the latest provisions of this nature, and that would have been, I think, in

the 1930's, dealing with the offence of causing death by dangerous driving.

The reason for this, I think, has been primarily that it was realized that the courts of this State were not able to cope with an increased volume of criminal work. However, for the first time in South Australia we now have a system of courts that will be able to cope with this volume of work. Honourable members will recall that last year I introduced a legislative scheme which, although it was opposed by the Minister and by every member of the then Opposition, was carried, and the completion of that scheme has been carried out by the present Attorney-General, who has, to give him personal credit, always supported the idea. I am gratified, as I have said on other occasions, that he was able to over-rule the Premier and other members of his Party and to continue the job that I had begun. We now have a capacity to handle jury trials which we have not had in this State previously, and I think that all members will agree that one of the rights of a citizen, certainly on paper and in the oratory of politicians, has been the right to trial by his peers (by jury). I am fortified in moving this amendment, especially after the discussions we have had about members opposite being bound to principles, platforms, pledges, and so on, when I remember that one of the planks in the federal platform of the Party to which members opposite belong is the extension of the right to trial by jury. It reads as follows:

Trial by jury to be preserved and extended as far as practicable in all serious civil and criminal cases.

It is the objective of the Party opposite to extend jury trials. I know that the Labor Party in Canberra has tried on several occasions to get matters triable on indictment and not summarily. I hope, therefore, now that we have the capacity in South Australia and now that we are agreed that there should be trial by jury and that this right should be extended, that this amendment will be accepted, for I believe it is appropriate to do that in this case.

As the Minister has said in his second reading explanation, this is to some extent a social matter and not a political matter. The offences that will be committed (undoubtedly and sadly, in the nature of things, offences will be committed) will be on social matters in which it is absolutely appropriate that those who are charged should come before a jury of their peers and be dealt with by them and not by a magistrate. Under the existing Industrial Code, all offences are triable summarily by a special

magistrate. It could well be that the industrial magistrate would deal with these offences. Certainly he would be competent under the Act to deal with them although, in view of the intention expressed by the Minister, this is unlikely. However, it is possible, and I believe it is quite undesirable that it should be done. While the Minister may have one intention, his Government, Heaven knows, has chopped and changed enough in the last few months, and there could be no guarantee that the present Government or any succeeding Government would have the same intention and maintain it. Therefore, I think we should safeguard the liberty of the individual in an important and controversial field such as this by providing for trial by jury.

The Hon. G. R. BROOMHILL: When I first saw this amendment I thought it was some sort of a joke and that the honourable member was trying to embarrass the Government by highlighting in some odd way the fact that it was providing for prosecutions for breaches of the Act. I am surprised that he is actually serious in moving this amendment, because the effect of it is that a car salesman being prosecuted for selling or attempting to sell a car on a Sunday would be tried by a jury in the same way and would appear in the same atmosphere as people being charged with shop breaking or other quite serious criminal offences. I am surprised that the honourable member would suggest that the type of offence that would be committed under this Act would warrant the same type of treatment as would be handed out to persons charged with serious criminal offences.

[Midnight]

Mr. Millhouse: Do you know what matters are tried by jury?

The Hon. G. R. BROOMHILL: The honourable member has the advantage of me in raising questions of law. I do not suggest that I know all the matters that are tried by juries, but that does not make it right that the cases of which I am talking should come before a jury. These offences should not be on the same level as the criminal offences to which I have previously referred. I think there is some comparison to be drawn between the present case and the type of offence committed by an employer who refuses to pay or who underpays an employee. The odd part about this is that last year the member for Mitcham, as Attorney-General, decided that,

in relation to matters concerning the underpayment of wages and prosecutions for breaches of industrial awards, the proper administrative arrangement to be made was that the Attorney-General should instruct the industrial magistrate to hear such cases. I think that is a reasonable proposal.

Mr. Millhouse: Will the industrial magistrate deal with these matters?

The Hon. G. R. BROOMHILL: I believe there is some real merit in that because it would mean that people who committed offences in this connection could be adequately dealt with by an industrial magistrate. The appropriate arrangement exists and the Government and the Attorney-General believe it is appropriate to take this administrative step. I see no merit in the honourable member's amendment.

Mr. McRAE: I am surprised at the amendment which would expose people who were charged with offences of a commercial or industrial nature to a grave and inappropriate inconvenience. They would be put to the double expense of a committal proceeding and trial.

Mr. Millhouse: Do you favour trial by jury?

Mr. McRAE: I will deal with that. It will put these people in the same company as felons and other persons in the criminal arena. I suggest that this is not a criminal arena at all but is a commercial and industrial arena. Therefore, I should hope that in the normal course of events the industrial magistrate would deal with these cases. I have the authority of the Secretary of the South Australian Employers Federation, which represents the vast majority of shopkeepers who have been affected by this measure, to indicate that his organization is appalled at the thought of the amendment, and hopes that offences of this kind will be dealt with by the industrial magistrate, and he means the industrial magistrate in particular and not necessarily a special magistrate. I believe in trial by jury, and I could find the honourable member's comments far more genuine if I had seen evidenced in the past some support for trial by jury for persons suing for damages in road accident and industrial accident cases. I could find the suggestion more reliable if, in the past, some effort had been made by the member for Mitcham and his Party to do something about it.

This amendment is an attempt to put the Government in the most difficult of possible circumstances, rather than of having unfortun-

ate people who have committed a breach of industrial and commercial regulations dealt with by the industrial magistrate, who has been accepted by everyone as being fair and unbiased and the appropriate person to deal with these offences. These people should not be forced against their will into a trial by jury. If the member for Mitcham had the concern of shopkeepers at heart he would wish to provide them with the best hearing before the person best qualified, legally, industrially and commercially, to ensure that justice was done. I suggest that that person is the industrial magistrate. As this is the wish of shopkeepers, expressed publicly through their organization, I oppose the amendment.

Mr. MILLHOUSE: First, conditions in this State are now different from the conditions that prevailed until now, in that we have the intermediate court system operating and, therefore, we are able to cope with a greater volume of jury trials than we have been able to cope with before. No inconsistency exists in my attitude: it was one of the reasons that prompted the introduction of the new scheme. Secondly, I am not at all swayed by the expression of opinion, secondhand, of Mr. Pryke. I respect him for his work and experience, but I am not willing to accept his opinion, and I do not think members of the Committee should be asked to accept it in preference to our own. Thirdly, I am perturbed to hear that the Government intends that these matters should be dealt with by the industrial magistrate.

When Mr. Hilton was appointed to that position it was intended that he would deal particularly with claims for wages due and so on. I think that is appropriate, and I was happy to introduce the legislation that would allow that procedure. At that time it was not suggested that the Early Closing Act would be incorporated in the Industrial Code, and that he would be asked to adjudicate on matters under it. As I have said, I believe that these matters should be tried before a jury. The next best thing is that they should be tried, as other criminal matters are, by a special magistrate. I can see nothing to differentiate offences under this section from many other offences we have created by Statute.

I point out, with respect to Mr. Hilton, that he is not an admitted practitioner. He has a law degree and he has much experience, but he is not a practitioner of the Supreme Court and I consider it undersirable that offences of this kind should come before him. I think I would be supported in that by many members

of the legal profession. That statement does not decry Mr. Hilton at all: it is simply that he has not the qualifications that all other magistrates in this State have had for many years. I hope the Minister reconsiders what he has said and that, if the amendment is not carried, offences under this section will be tried in the normal way and heard by a special magistrate, not by the industrial magistrate. However, I hope the amendment will be carried, because it will solve the problem.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allen, Becker, Brookman, Carnie, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (23)—Messrs. Broomhill (teller), Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Clause 46—"Enactment of third and fourth schedules of principal Act."

Mr. NANKIVELL moved:

In the fourth schedule, after "Drinks, non-alcoholic (including cordials and cordial extracts)" to insert "and fruit juices".

The Hon. G. R. BROOMHILL: Although I think that the item "Drinks, non-alcoholic (including cordials and cordial extracts)" would cover the honourable member's proposal, I am prepared to accept the amendment if there is any doubt in the honourable member's mind.

Amendment carried.

Mr. WARDLE: Can the Minister assure me that "Fruit" in the fourth schedule includes tinned fruit, such as preserves?

The Hon. G. R. BROOMHILL: Yes.

Mr. EVANS: I move:

At the end of the fourth schedule to insert "Yogurt".

As yogurt is a common food nowadays, I think it would be desirable to include it in the list of exemptions.

The Hon. G. R. BROOMHILL: I accept the amendment.

Amendment carried.

Mrs. STEELE: As a matter of interest, I should like to know why both pasta and spaghetti are included in the fourth schedule. As spaghetti is, in fact, pasta, will the Minister explain the reason for the differentiation?

The Hon. G. R. BROOMHILL: Although I am afraid that I cannot answer that precisely, I point out that there may be a difference of which the honourable member is unaware. This list was drawn up by a committee that considered the matter in 1966. The President of the Housewives Association, together with others, considered what commodities might be required after hours. The fact that both terms are used will certainly remove any difficulty that may have arisen in this respect. I do not think this is an important matter. The fact that both items are included in the schedule certainly removes any difficulties.

Mr. HALL: I cannot see where dried fruits are included in the list.

The Hon. G. T. Virgo: Do you see "fruit" there?

Mr. HALL: Yes.

The Hon. G. T. Virgo: That is different, is it?

Mr. HALL: Could I be assured that dried fruits, including raisins and dried apricots, are included in the list of exemptions?

The Hon. G. R. Broomhill: I understand that that is the position.

Mr. EVANS: I would like a definition of "artifacts", about which I spoke to the Draftsman last year. Many people produce copper jewellery in their homes, and I wonder whether copper jewellery, brass work and wire work come within the definition of "artifacts". Many people, especially in the Adelaide Hills, display and sell these articles in galleries.

The Hon. G. R. BROOMHILL: I cannot give the honourable member any assurance about this. I know that he raised the matter last year. All I can say is that even though he showed some previous interest he did not prepare any amendments, and this makes it difficult for me to answer clearly whether the point he now raises is covered.

Mr. EVANS: Does the term "artifacts" include copper jewellery?

Mr. MILLHOUSE: That is a perfectly reasonable question, and I think the member for Fisher deserves the courtesy of a reply.

The Hon. G. R. Broomhill: He got a reply.

Mr. MILLHOUSE: He did not. He asked a perfectly proper question and the Minister did not answer it. Will the Minister give a courteous answer to the honourable member?

The Hon. G. R. BROOMHILL: I thought I gave him a courteous answer, and I am sorry if the member for Mitcham did not appreciate what I was saying. I told the member for Fisher that I could not at this late stage say whether the term "artifacts" included the

copper jewellery about which he spoke. In fact, I do not know exactly what type of copper jewellery he may be talking about. All I can do is refer him to the definition of "artifacts" in the *Oxford Dictionary*, which is as follows:

A product of human art and workmanship; a product of prehistoric art as distinct from a similar object naturally produced.

I think that covers the question raised by the honourable member.

Mr. HALL: Would that definition cover home-made furniture?

The Hon. G. R. BROOMHILL: I will indicate once again that I cannot give a definition of these matters. I am not legally qualified to answer the questions now coming up. I suggest that if members had felt strongly enough about the things they are now discussing they would have examined the Bill at their leisure and come forward with proper amendments. I have tried to co-operate with members, but they have obviously not been too concerned with these matters or they would have made arrangements to have amendments on the file. I cannot give assurances of the type they seek.

Mr. MILLHOUSE: Opposition members have asked questions about what is covered by a particular word in the fourth schedule. No amendment is required: we are simply seeking information. The way out of the Minister's difficulty is for him to undertake to examine this matter and, if the various items which have been suggested by honourable members and which are, in themselves, unobjectionable should be included, to have amendments introduced in another place, if they are required.

The Hon. G. R. BROOMHILL: If members opposite have any queries in relation to the list of exempted goods, they can refer them to the member for Mitcham, who prepared the list, introduced it into this Chamber last year, and obviously knows all about it.

Dr. EASTICK: I should like the Minister's interpretation of "Souvenirs (identified by inscription, stamping or marking)". Is the Minister sure that that is sound enough to prevent circumvention by the normal process of simply applying a rubber stamp or transfer, as is quite often used with respect to other items of merchandise?

The Hon. G. R. BROOMHILL: Yes, I think it is adequately covered.

Clause as amended passed.

New clause 1a—"Commencement."

The Hon. G. R. BROOMHILL: I move to insert the following new clause:

1a. (1) This Act (with the exception of sections 2, 44, 45 and 46) shall come into operation on the day on which it is assented to.

(2) Sections 2, 44, 45 and 46 of this Act shall come into operation on the first day of January, 1971.

This clause provides that the Act generally will operate on the day that assent is given to it, but that the sections concerning the restriction of trading hours to 5.30 p.m. on Fridays in areas that now enjoy 9 p.m. closing will not operate until January 1. The Government considers that this will provide time for shopkeepers in these areas to become aware of their responsibilities and give the public the chance to become accustomed to the new provisions. It will provide for those persons in these areas the chance to adjust themselves to the new hours which will not operate until after the Christmas trading period.

New clause inserted.

Title passed.

Clause 4—"Interpretation"—reconsidered.

Dr. EASTICK: I move:

To strike out "Gawler".

Earlier I indicated that differentials apply to Gawler. Because it is recognized as being in a country area it is necessary to pay 43c a gallon for regular petrol compared to 42c in the metropolitan area. Special petrol costs 47c compared to 46c in the metropolitan area; bottled beer costs 42c a bottle compared to 40c; a butcher glass of beer costs 15c compared to 14c; cement, waterpipe, galvanized iron and similar commodities cost \$2 a ton more than in the municipal areas; canned drinks cost 2c a can extra; wrapped bread is 24c compared to 23c; cake is $\frac{1}{2}$ c to 1c dearer; a bottle of milk costs 9 $\frac{1}{2}$ c in the metropolitan area but 10c in the Gawler area; and clothing and drapery costs are higher because of transport charges. The cost of a telephone call is 4c for 45 seconds between 9 a.m. and 6 p.m. for S.T.D., and 4c for 60 seconds from 6 p.m. to 9 a.m. S.T.D. In this area the wholesale price to the dealer of a popular make of motor car produced at Elizabeth is \$64 a unit greater, although the retail price to the purchaser is the same. Under this legislation Gawler will come into the metropolitan classification for awards, and from now on there will be an increase in wages, although earlier the Minister denied this. Officers of this Parliament have said that their interpretation is the same as mine, that the increased wage will apply to the Gawler area. These considerations, including the inequality for the people of Gawler, cause me to move the amendment.

The Hon. G. R. BROOMHILL: The Government certainly cannot accept the proposal. Doubtless, the honourable member does not expect us to accept it, because it is in accordance with similar matters that the Committee has discussed. If we accepted the amendment we would have, within what we consider to be the developed metropolitan area, a section that would have an unfair trading advantage over other sections, and that would be contrary to what we have been pursuing in the Bill.

The honourable member would like the part of the metropolitan area that he represents to have an advantage over the remainder of the metropolitan area, and that is probably a natural attitude to adopt. However, I do not think he really expects that this could possibly work. It is obvious that retailers would be developing within this area specifically to have an advantage over other parts of the metropolitan area, because custom would come from as far away as Salisbury and Elizabeth. The amendment would destroy the principle we have set out to achieve, and we cannot accept it.

Dr. EASTICK: I ask the Minister whether he accepts the responsibility for the increased costs to the people of the Gawler area arising from the inclusion of Gawler in the definition of "metropolitan area". I also draw his attention to the fact that the shopping centres south of the Gawler area are about seven miles away, if we take Smithfield into account, and about 11 miles away if we take Elizabeth into account. It can hardly be said that this area is part of the metropolitan area shopping complex.

The Hon. G. R. BROOMHILL: I cannot give the honourable member much information about why the cost of living in Gawler is higher than that in the metropolitan area. However, the extended hours worked may tend to increase costs. I sympathize with the residents of that area but I cannot give a reason other than that. The honourable member points out that Gawler is seven miles from the nearest built-up area. This is quite close, considering transport available today, and this has led to the type of problem that we now have, as people will travel this distance to shop. I think that what the honourable member has said supports our rejection of the amendment.

Mr. EVANS: The Minister has said that the people of Gawler should not have an advantage over people of any other area. If we leave the situation as it is they will be operating at a disadvantage, because their costs on

many articles are already higher. The member for Mawson made the same kind of comment in regard to his district, and it applies to my district, too. Can the Minister explain his statement that he does not want Gawler people to be at an advantage when, in fact, they will be at a disadvantage, compared with other areas, because of the extra cost they pay on articles and because of higher award wages?

The Hon. G. R. BROOMHILL: The honourable member's questions are fairly wide and difficult for me to understand completely. I have not been able to make specific inquiries in the time at my disposal, but I am aware of a slight differential between the shop assistants award for the metropolitan area and that for the country. However, in my recollection, the differential is insignificant. I have already said that I cannot understand the honourable member's point about a trading disadvantage. If Elizabeth traders are required to work the normal hours of the metropolitan area, it is obvious there will be less overtime and, consequently, smaller wage costs. Therefore, their prices should be reduced.

Dr. EASTICK: I think the Minister has missed the point completely. Gawler traders are not charging higher prices by choice: they are charging them because of the directions given by certain authorities. They are charging prices commensurate with the cartage involved. The sum of \$2 a ton in relation to galvanized iron is totally a cartage cost. The increased costs of milk, bread, petrol and most of the other commodities I have mentioned were laid down by the appropriate authorities. They have no relation to increased costs in respect of night trading. In fact, many products, such as electrical products and clothing, are purchased at rates that are very competitive with those in other areas.

The Hon. G. R. BROOMHILL: I do not know whether Gawler prices have much relevance to the attitude that the Government is adopting to uniform trading hours in the district. If the honourable member provides me with additional details in relation to the comparison between Gawler and Adelaide prices, I shall be happy to consider them. I think he referred to 9½¢ a bottle for milk in the metropolitan area.

Dr. Eastick: It is 10¢ for a single bottle of milk.

The Hon. G. R. BROOMHILL: I think the price of each bottle of milk is now 10¢, regardless of the number of bottles purchased. If the honourable member cares to provide me

with this information, I shall certainly be prepared to forward the details to the Prices Commissioner, because a similar matter was raised by the member for Mawson, and we gave an undertaking in this regard. However, I point out that this matter has not been a factor in determining the Government's opposition to the amendment.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allen, Becker, Brookman, Carnie, Eastick (teller), Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (23)—Messrs. Broomhill (teller), Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Majority of 4 for the Noes.

Amendment thus negatived.

Bill read a third time and passed.

EVIDENCE ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

ADJOURNMENT

At 12.59 a.m. the House adjourned until Wednesday, October 28, at 2 p.m.