HOUSE OF ASSEMBLY

Wednesday, November 18, 1970

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

QUESTIONS

STUDY LEAVE

Mr. HALL: I have a question for the Premier but, as he is not present, I direct it to the Minister of Works as Deputy Premier. As the previous Secretary to the Leader of the Opposition (Mr. Claessen), who is now employed in the Premier's Department, is to take study leave, I believe in Sydney, to study criminology, can the Minister of Works say what conditions were attached to this study leave and whether or not Mr. Claessen will be paid during his absence from South Australia?

The Hon. J. D. CORCORAN: Although I cannot off the cuff give the Leader the information he seeks, I shall be happy to obtain it for him and bring down a report as soon as possible.

SHIPPING COMPANY

Mr. RYAN: In the temporary absence of the Premier, I direct my question to the Minister of Works. Will he ask the Premier to make officers of the Industrial Development Branch available for discussions with the Adelaide Ship Construction company for the purpose of making representations to the Commonwealth Minister for Shipping and Transport in the hope of saving a valuable South Australian industry? This has been a thriving industry and, when orders have been available, it has employed on a 24-hour basis more than 1,000 employees at a time. However, orders, which must be approved by the Australian Shipping Board, have now dropped off to such an extent that at present this company employs only about 400 employees. Possibly early in 1971 the company will employ practically no-one and almost go out of existence. It is necessary for the representations to be made to the Commonwealth Minister because the Australian Shipping Board is an instrumentality of the Commonwealth Government.

The Hon. J. D. CORCORAN: I am aware that the Government has been informed of the position with respect to this company. I am not aware of what specific steps have been taken by the Industrial Development Branch, which comes under the Premier's control, but I am sure that the Premier will be only too willing to accede to the honourable member's request and that the Government will be willing to do whatever it can in order to restore this industry to its previous position.

SEAT BELTS

Mr. MILLHOUSE: In the continued absence of the Premier, I desire to ask a question of the Minister of Works. Does the Government intend to consider introducing legislation to make compulsory the wearing of seat belts? The lead story in this morning's paper is that legislation will be introduced in Victoria to make compulsory the wearing of seat belts, and the report contains a comment by our Minister of Roads and Transport as follows:

At this time, we are not considering making it compulsory to wear seat belts.

Undoubtedly, the Victorian decision has been prompted by alarm at the growing toll on the roads there, an alarm that we, of course, on both sides share regarding the growing toll in this State. I need say nothing about the efficacy of wearing seat belts and the fact that, if they were worn more widely, the incidence of injury would at least be reduced. I remember that, when I introduced an amendment to the Road Traffic Act providing for the installation of seat belts in new cars in South Australia, the then Leader of the Opposition (the late Hon. Francis Henry Walsh) on behalf of the Opposition, moved an amendment to make compulsory the wearing of seat belts, and it was acknowledged then that the policy of the Australian Labor Party was to that effect.

The SPEAKER: The honourable member is discussing policy, not explaining his question.

Mr. MILLHOUSE: Not in effect: it was only an explanation of what at that time was the policy of that Party, and I presume that it still is its policy. In the circumstances, therefore, I ask whether the Government intends, despite the comment by the Minister of Roads and Transport, to consider this matter in relation to South Australia.

The Hon. J. D. CORCORAN: The honourable member would be fully aware that this matter was within the province of the Minister of Roads and Transport, and it was perfectly proper for that Minister to make the comment that he made. The honourable member has said that members on both sides are alarmed and concerned about the carnage occurring on the roads in this State and, indeed, over the whole nation. However, regarding the Government's present intentions as to the compulsory wearing of seat belts, the matter has not been

discussed and, doubtless, the Minister of Roads and Transport will see that Cabinet discusses it soon.

ISLINGTON CROSSING

Mr. JENNINGS: Has the Minister of Roads and Transport a reply to the question I asked on November 3 about the widening of Regency Road at the Islington railway crossing?

The Hon. G. T. VIRGO: The Highways Department is anxious that planning of a bridge over this crossing proceed as expeditiously as possible, and it is currently negotiating with the South Australian Railways concerning clearances, access under the bridge, and associated matters. However, progress depends on results of consultations between Commonwealth and State Governments on rail standardization.

INDEPENDENT SCHOOLS

Mr. LANGLEY: Can the Minister of Education say when needy independent schools will commence to receive the benefit of the Government's $250,000 grant, which is additional to assistance previously given?

The Hon. HUGH HUDSON: The work of the committee that is making recommendations to the Government on this matter is fairly well advanced and I am confident that the committee's recommendations will be received so that the first part of the payment can be made at the normal time that payments are made to independent schools, namely, in the first term next year. Certainly, this was the charter that the committee had when it undertook its work, and I have no doubt that we will be able to meet the time table that I have set.

KIDNEY TRANSPLANTS

Mr. EVANS: Will the Minister of Roads and Transport consider having a legally accepted statement printed on new drivers' licence covers that would give drivers the opportunity to nominate whether they would be prepared to donate organs in the event of their death through a road accident? It has been put to me by several people that this would be a good move. This week, the parents of a young man who died in a road accident apparently gave their consent to his kidneys being used in transplant operations. This must be a tremendous decision for parents to make, particularly when it has to be made under such emotional stress. One constituent in particular, who lost his son in a road accident, has told me that he and his wife have discussed this matter at great length but have decided that in no circumstances would they have agreed to allowing their son's organs to be used in this way, and they consider that it would be unfair for parents to have to make this decision. On the other hand, if a driver were able to make this decision himself and recorded that decision on his driver's licence, this would relieve the next of kin of this burden and also would enable doctors to act quickly if transplants were possible. As drivers' licences are renewed each year, drivers, particularly young people, have the opportunity to change their minds as they grow older and as they perhaps change their outlook.

The Hon. G. T. VIRGO: Although I will certainly look into this matter, I am not certain that the driver's licence would be the best place to have such information. Also, I am not sure just what would be the legal position in this matter. The Government, through the Attorney-General, is considering whether a provision of this type could be incorporated in a will. Also, I understand that an organization, the name of which escapes me at the moment, provides a facility whereby a person may elect to make certain organs available for transplant purposes on his death. The weakness that I see in the honourable member's suggestion is that it is not compulsory to carry a licence, so that, if a licence were not available at the relevant time, the purpose of having this endorsement would be defeated. However, I deem it sufficient to say that the matter is being considered by the Attorney-General in relation to an aspect different from that referred to by the honourable member, but the matter raised by him will be considered when decisions are made.

RAIL EXCURSIONS

Mr. CLARK: Can the Minister of Roads and Transport say whether excursions similar to the successful Victor Harbour rail excursion that took place some weeks ago will be carried out in the future? Over the last week or two, several of my constituents who took part in that excursion have asked whether other excursions to Victor Harbour or other areas will be arranged, and other people who are also interested in this matter have asked me a similar question.

The Hon. G. T. VIRGO: Following the successful trial of the excursion trip to Victor Harbour, I had consultations with the Railways Commissioner with a view to having further excursions arranged. I know that some excursion trips, particularly to Victor Harbour, are conducted during the school holidays. However, these are not conducted

on the same lines as the one that was conducted a few weeks ago. This matter is at present being examined by the Railways Commissioner, and I hope soon to have some further information to supply to the House. However, one of the difficulties in arranging these excursions is that there is a grave shortage of rolling stock for other than normal services.

PRODUCE DEPARTMENT

Dr. EASTICK: Will the Minister of Works ask the Minister of Agriculture as soon as possible what are the circumstances surrounding the alleged deteriorating staff position in the Government Produce Department? People involved in intensive poultry production must move all their poultry at a given time to make way for replacement stock ordered some months previously. They therefore arrange in advance for the removal of the stock, much of which is disposed of through the Government Produce Department. One of my constituents arranged for half his stock to be removed on November 9 and for the other half to be removed on November 23. However, he has been told by the Manager of the Government Produce Department during the last three days that, because of staff losses within the department, it could not honour its previous undertaking to remove stock. With the pressure of other stock being brought in, this represents a serious problem for the owner of this poultry shed, particularly as it is difficult for him to obtain the services of another slaughtering organization when part of his flock has already been taken by another organization.

The Hon. J. D. CORCORAN: I will refer the honourable member's question to my colleague and obtain a report for him as soon as possible.

EXCESS WATER

Mr. HARRISON: Will the Minister of Works say how much water may be used before tenants of Housing Trust rental houses are charged excess water rates?

The Hon. J. D. CORCORAN: This depends entirely on the valuation placed on the property by officers of the Valuation Department, as the sum fixed by that department determines the amount of rebate water that can be used before excess charges are incurred. However, I will examine the honourable member's question and if further information is available I will let him have a report.

DENTAL CLINICS

Mr. BURDON: Will the Attorney-General, representing the Minister of Health, say what is to be the policy of school dental clinics now being established, and whether these clinics intend to treat or advise pensioners?

The Hon. L. J. KING: I will obtain a reply from my colleague for the honourable member.

BUILDING CONTRACT

Mr. HOPGOOD: Has the Premier a reply to my recent question concerning a building contract?

The Hon. D. A. DUNSTAN: The Prices Commissioner has reported that inquiries have revealed that statements made by the honourable member's constituent regarding undisclosed defects in a relatively new home were substantially correct. The builder claims, however, that prior to the home being offered for resale, it was repaired and work carried out, which it is expected will prevent further cracking. Following discussions, the builder has agreed to cancel the purchase contract and to allow the tenant to remain in the house on a rental basis. He has expressed satisfaction with these arrangements.

RENTAL HOUSING

Mr. McRAE: Can the Premier say whether discussions could take place between the Governments of South Australia and the Commonwealth in an effort to secure additional funds for rental housing? It is well known that there is a housing crisis in this State, as indeed there is in other States. It is well known also that in the outer metropolitan area there is a desperate need for low rental housing. My attention was drawn to this recently when I was approached by a young family comprising a husband, wife and one child, with another child expected. This family has found it impossible to obtain accommodation because they have a child: the flats they could afford would not take children, and flats that would take children they could not afford. They came to me and I approached the Housing Trust. I am certain that the trust investigated the matter properly before informing me that there were so many more urgent cases than this one that nothing could be done for the family. I believe that this is a very grave situation which could lead to the splitting up of the family for a considerable time. This did in fact happen to this family: the wife went back to her mother's home and the husband

went to his family home. Yet such a case as this was not even near the top of the priority list; I was informed that there were hundreds of cases above it. Will the Premier see whether in these circumstances something cannot be done to help solve this problem?

The Hon. D. A. DUNSTAN: The Housing Trust reports that the applications for rental houses are at present at the highest rate since 1950; that we have had an enormous increase in applications for rental housing in the last 12 months; and that the delay in consequence in the provision of rental houses is severe at this stage and is getting greater and greater with the increase in the number of applications. At a meeting in Canberra a fortnight ago Ministers of Housing had this problem before them. The fact is that with the increase in the interest rate in Australia the provision of funds to the States for housing is at a rate that is higher than that at which economic housing can be provided on a rental basis. We are provided with moneys under the Commonwealth-State Housing Agreement at 1 per cent below the ruling bond rate. That means that we have to pay 6 per cent on our money. If we pay 6 per cent on the money and build a unit at a cost of $10,000 (and that is about the average cost of a unit in South Australia at present as our costs are lower than those in the other States), and we amortize this over 53 years, then, given the general costs of servicing the loan, maintenance, repairs, and rates and taxes on a rental house, we are faced with a minimum charge on an economic weekly rental of $16.85 for such a unit. If we take the recommendation of the 1944 Housing Commission report that rentals should not be at more than one-fifth of the family income, $16.85 is well above what can be provided by the average worker's family in the way of rental. The unanimous view of State Ministers is that the situation which now arises under the Commonwealth-State Housing Agreement is such that, if the Commonwealth keeps these provisions going, Australia will be faced with the position where it cannot provide for the average citizen housing at a rate which he can conceivably afford. This is a completely unanimous view and all of us have made submissions to the Commonwealth Government that it should, under the next five-year agreement, provide housing money for the States at no more than 4 per cent interest. If we can get money at 4 per cent, we can provide rental housing at a rate people can afford.

Mr. Coumbe: When will that begin?

The Hon. D. A. DUNSTAN: It will begin next year.

Mr. Rodda: Has the Commonwealth Government agreed?

The Hon. D. A. DUNSTAN: The Commonwealth Government has not yet told us its views on this, but this is a unanimous submission of all State Ministers of Housing to the Commonwealth. We are unanimous that present interest rates are preventing the erection of houses at an economic rental rate. The great difficulty in this State, where we have committed a higher proportion of moneys to housing than has any other State, is that, given the interest rates that we must pay, unless we markedly put up the rentals to people in existing houses, which we do not want to do, we will have to subsidize, from what should otherwise be the revolving capital funds of the trust, the existing rentals that we are charging on new housing, and that reduces our capacity for house construction. This matter must be resolved with the Commonwealth Government, and we have agreed on the unanimous approach I have outlined for the honourable member.

PARA VISTA SCHOOL

Mrs. BYRNE: Can the Minister of Education arrange for an officer or officers of the Public Buildings Department (if that is the appropriate department) to visit the Para Vista Primary School to check the precise area that is to be developed for an oval or playing field? On November 11, in reply to a question, the Minister said that 10,400 sq. yds. was the area to be top-dressed and seeded at the school. This information was appreciated, but members of the school committee seek information as to the exact area that is to be grassed so that they can plan other improvements.

The Hon. HUGH HUDSON: I will look into the whole vexed question of this oval to see that the precise information on all necessary matters associated with it is made available to the school committee, and I will try to see that the work is carried out as soon as possible.

PORT GERMEIN BRIDGE

Mr. McKEE: Can the Minister of Roads and Transport say whether the department has decided to replace the bridge on the road leading into the township of Port Germein? I understand that this bridge is in a state of disrepair, being considered unsafe for vehicles, particularly heavy vehicles, passing through Port Germein, and that the department has a proposal to replace the bridge with a ford or causeway.

The Hon. G. T. VIRGO: As I do not know about this, I will have inquiries made and bring down the information for the honourable member.

WINE TAX

Mr. CURREN: Will the Premier, on behalf of the wine grapegrowing and winemaking industries of South Australia, again protest to the Prime Minister, expressing the Government's grave concern at the adverse effect that imposing an excise tax on wine has had on these two important industries? I have had reports from the two major co-operatives that operate in my district. The latest report from one of them is that, as at last Monday, at three of its points of wholesale selling in Sydney the sale figures indicated that, compared with figures for October, 1969, at one point there was a drop in sales of 25 per cent; at the second there was a drop of 40 per cent; and at the third there was a drop of 60 per cent. This trend was apparent, even though sales trends in previous years had shown a steady monthly percentage increase. The other major co-operative has expressed grave concern at the down-turn in sales during the past few months. Both co-operatives have expressed the view that a far more satisfactory way of raising revenue from the industry would have been to impose a sales tax at retail level, because this would have obviated the trade mark-ups that have occurred at each point of sale in the marketing process.

The Hon. D. A. DUNSTAN: I will take up the matter with the Prime Minister. I hope that our representations at this stage have more effect than had the previous representations which were made not only by the Government but by the whole Parliament. It is obvious now, from information received from the wine industry, that the imposition of a tax on the industry has had an adverse effect on wine sales from South Australia, and that what was the one major buoyant area of our primary industry has had a very severe knock indeed, as a result of the policy adopted by the Commonwealth Government in its last Budget. We will be taking up with the Prime Minister the reduction in wine sales, which is already evident from reports from many areas engaged in the wine industry.

EFFLUENT DISPOSAL

Mr. HOPGOOD: Will the Minister of Works make available to Mr. Muhlack, of Lot 21, Garema Drive, Morphett Vale, a departmental officer to advise him on difficulties he is experiencing regarding effluent disposal from his septic tank? I am grateful to the Minister for the interest that he has taken in the programme for providing sewerage facilities in the Morphett Vale area. However, as this project will not be completed for some time, in the meantime Mr. Muhlack and other residents of Garema Drive have special problems with effluent disposal, because of the topography of the area and the nature of the soil. When Mr. Muhlack last contacted me, he was contemplating the extreme action of digging up his front driveway to try to control the situation.

The Hon. J. D. CORCORAN: I shall be pleased to consider the matter for the honourable member. However, I think it may more properly be for the Minister of Health, who has inspectors to deal with this sort of problem, to advise the honourable member's constituent on the matter. If it is necessary for an officer of my department to inspect, I shall be pleased to send him but, if that is not the case, I shall ask the Minister of Health whether an officer of his department can be made available.

SUNDAY REVIEW

Mr. McRAE: Is the Premier aware that daily newspapers in South Australia have acted to prevent the ready distribution of the Sunday newspaper known as the *Sunday Review* and, if the daily newspapers have done this, can action be taken about the matter? Newsagents that wish to distribute the *Sunday Review* have told me that, if they do so, their distributorship for the *Advertiser*, the *News* and the *Sunday Mail* will be removed, and I have been told that this has been put to the newsagents very bluntly indeed. I make no comment as to the quality of the *Sunday Review*, but it seems to be at least as good a newspaper as the *Sunday Mail* and to contain informative and instructive reports. I see no reason, in principle, why the people of South Australia should not have ready access to the newspaper, should they wish to buy it.

The SPEAKER: The honourable member is starting to comment now.

Mr. McRAE: I will refrain from debating the question, Mr. Speaker. My explanation—

Members interjecting:

The SPEAKER: Order! I cannot hear what the honourable member is saying.

Mr. McRAE: I should only like to add that I regard the freedom of the press as

being extremely important, and that is why I have asked this question today, for the Premier's consideration.

The Hon. D. A. DUNSTAN: The position in this matter was that, when the *Sunday Review* was about to be distributed in South Australia, the newspaper proprietors in this State, who had an agreement with the Authorized Newsagents' Association, wrote to the association, drawing attention to the fact that a requirement of newsagents' existing agreements was that permission be obtained for the distribution of a competitor newspaper, and there was in that letter an implied threat that provision of newspapers might be withdrawn from authorized newsagents who distributed a competitor newspaper. I was extremely concerned that this should be the case and immediately instituted an inquiry by the Prices Commissioner into the matter. As a result of negotiation between the proprietors of the *Sunday Review* and the Authorized Newsagents' Association and between that association and the board of the *Sunday Mail*, the letter that had been sent to the Authorized Newsagents' Association was, I understood, withdrawn, and it was then made clear, I was assured by an executive officer of the *Sunday Mail*, that South Australian newspaper proprietors would raise no objection to the distribution by authorized newsagents of the *Sunday Review*. Then the proprietors of the *Sunday Review* told me that they were satisfied with that position, and since then I have not had any further complaints. If, in fact, there was some restrictive trade operation of this kind indulged in regarding distribution of publications by authorized newsagents in this State, the Government would act in the matter. I assure the honourable member of that but, so far as I am aware, the position has been resolved.

MOTION FOR ADJOURNMENT: AUTOMOTIVE INDUSTRY

The SPEAKER: I have received the following letter, dated November 18, from the Leader of the Opposition (Mr. Hall):

I desire today to move the following motion of urgency: That this House at its rising this day adjourn until tomorrow at 1 o'clock p.m. for the purpose of discussing a matter of urgency, namely, that in view of the importance of the automotive industry to South Australia, the industrial unrest in that industry, and the threat posed to South Australia's whole economy by agitation for a 35-hour week, the Government should immediately use its influence with the trade union movement to ensure that no direct industrial action will be taken in this matter outside of the arbitration system established by law.

Does any honourable member support the proposed motion?

Several members having risen:

Mr. HALL (Leader of the Opposition): I move:

That the House at its rising do adjourn until tomorrow at 1 o'clock,

for the purpose of discussing a matter of urgency, namely, that in view of the importance of the automotive industry to South Australia, the industrial unrest in that industry, and the threat posed to South Australia's whole economy by agitation for a 35-hour week, the Government should immediately use its influence with the trade union movement to ensure that no direct industrial action will be taken in this matter outside of the arbitration system established by law. The moving of this motion is the proper way for the Opposition to ventilate its concern about a course of events that could be disastrous for South Australia and the whole economy of this country. Because of the initial impact of the motion on members opposite and the shock they would have received when they heard it, I have repeated it. Several events in the industrial field in the last few weeks seem to be culminating in a collision course with common sense and the future of South Australia. This morning's *Advertiser* contains a report headed "Car Plants face a Mass Walkout for Meeting." Then follows a report of incidents leading up to what is, apparently, a campaign in the vehicle building industry and the automotive field for a stopwork meeting, with the primary object of achieving a 35-hour week in that industry. The report states:

Sixty-four shop stewards from the six unions with members in the industry put forward the stopwork plan at a special meeting at the Gepps Cross Hotel. It was the biggest combined meeting ever held of shop stewards from the four South Australian motor plants—General Motors-Holden's Elizabeth and Woodville works and Chrysler Australia Limited's Tonsley Park and Lonsdale plants.

I think all members will recognize the economic impact on the State of those four plants. The report goes on to refer to what has apparently been building up in the last few weeks to what appears at present to be a confrontation concerning whether or not a 35-hour week shall be instituted within the automotive industry in South Australia. The report continues:

The plan is the culmination of unrest in the car industry over union fears of retrenchments (which are denied by both companies) and the interstate vehicle committee's log of claims which primarily are based around a 35-hour week.

We do not have to continue reading this to know that here are not the first shots but perhaps the middle-battle shots of the 35-hour-week campaign and it is as well to consider, before we venture to make a detailed examination of the impact of a 35-hour week on all individual South Australians, what South Australia is today industrially, that is, whence we have come and where we are going. South Australia today relies on secondary industry and on the commerce and general activity surrounding that industry for nearly all of the increased employment that takes place within our community, a community which I believe is proud of its record of forward thinking and which intentionally builds up its population through encouraging proper social conditions and attracting as many migrants as possible. It behoves us to look carefully at the impact that a 35-hour week will have on the community.

We have come from an agricultural community to a community that relies on secondary industry for nearly all its increased employment. Indeed, we have come along this path so successfully that in many areas we have become the envy of those in other parts of Australia, particularly in relation to the provision of housing, despite the difficulties outlined by the Premier in reply to a question asked today. We are pre-eminent in Australia in providing housing of a better quality and at a lower rental cost than can be provided anywhere in the other capital cities. We have achieved the industrial growth of which Sir Thomas Playford, as a previous Premier, was so much a part and which emanated from the actions of a former Liberal Government in this State. We have achieved this progress because of a number of factors, including this State's low cost factor of operation which we have been able to offer those coming here to establish or those existing operators who desire to expand their activity.

It is no use members opposite claiming that this is a low-wage State and that we will therefore lose our workers to other States, when, for example, terrace houses in Sydney are selling for $40,000 but one can buy a house in South Australia relatively close to the centre of the city for a fraction of that price. In the circumstances it is futile for members opposite to claim that we are facing the difficulties associated with a low-wage State. Many people in Australia, whether they be those in Perth who face a tremendous handicap in respect of housing costs or those in the Eastern States who are involved in a higher cost of commodities generally, envy the lower cost of living in this State and the convenience that it affords.

The very basis of this convenience is the fact that we still have in this State an advantage (a significant advantage) to offer industrialists whether they be from overseas or from another State or whether, in fact, they be situated in this State. Once we destroy the incentive which exists in regard to many significant industries and which has been able to counter the fact that the other States have most of the population of Australia, expansion in South Australia will cease, and no-one in this House can deny that simple truth. We look to the future, geared to a migration programme in Australia that will at least provide the average number of people required to expand existing industry at the rate to which we have previously been accustomed. We look, for the sake of the viability of the industries concerned, to a continual importation of techniques, technologies and expertise that will make the South Australian industrial scene a continually widening one and enable us to develop our own ideas and innovations.

If we are to look forward to this active, viable and expanding development, we must provide the industrial incentives that we have been able to provide in the past. However, our future progress is threatened at present by the agitation for a 35-hour-week in industry. It is no accident that South Australia has the only Labor Government in the continent. It is no accident, therefore, that South Australia, which is the spearhead in this regard, would introduce a 35-hour-week for the whole nation under the plans of Mr. Hawke. We have a Government that will apparently stand idly by while this agitation takes place and while direct industrial action outside the arbitration system may undermine existing conditions and destroy everyone's living standards in this State, destroying also our ability to compete and to provide the incentives on which this State has been able to develop. The productive outlook of the other States and of the nation as a whole will be undermined by a tremendous cost increase. This, therefore, is the situation we are facing. What is the basis for the claim? Do we have a depressed work force in the community? Do we have people out of work

to such an extent? Is there a need to divide the existing jobs? The answer is "No".

Like most forward-thinking, active industrial communities, we are experiencing a shortage of labour and, as has been experienced by the industrial leaders in Europe and as is being experienced in Japan, we shall find that as technology grows it will produce jobs that will be unfilled. We can fully expect that if we are to maintain this position we shall not have sufficient people to fill the jobs available. This is not merely a theoretical calculation: it is a statement based on the observation of those countries that have made great technological advances. The percentage of unemployed in South Australia at present is .98 per cent, an admirable figure, although it is not as good as the figure that obtained during the term of the previous Liberal Government. However, as the junior Minister (the Minister of Labour and Industry) knows, we are experiencing a situation of effective full employment. Therefore, despite denials by the automotive industry that it will retrench significantly; despite the nation-wide figures, showing that .98 per cent of South Australia's work force is unemployed, the same as in Queensland, a little higher than New South Wales and Victoria, with their booming economies led by Liberal and Country Party Governments, and below Tasmania's percentage of 1.19 per cent, with its peculiar employment position; despite an increasing demand for goods; despite the position in the rural industries; and despite the fact that our economy is being saved by increased industrial exports, a tremendous increase in the mineral exports and an intensive demand for labour and goods: despite all these things, our trade union leaders are saying, "Divide the profits." This is indeed a crisis for Australia.

It is obvious that the strategy is for the leftist group of the trade union movement in South Australia, a radical group, to choose South Australia, where there is a Socialist Government in control (the soft under-belly of Australia's economic front) to put its plan into effect. This plan is apparent to everyone: it has been decided that South Australia, particularly its tightly organized industries such as the automotive industry, should be aimed at first. These steps are being taken with a benign Socialist Government in control, every member of which is bound at the threat of expulsion to support a 35-hour week. The same applied in respect of the shopping hours legislation, which cannot compare in importance to this nationally important subject.

Members interjecting:

The SPEAKER: Order! Interjections are out of order.

Mr. HALL: The strategy is not a concealed one, and members opposite need not apologize for it, yet they stand up and take full responsibility for the pledge they have signed. The following report appears in the *Sydney Morning Herald* on November 6 (only 12 days ago):

The A.C.T.U. President (Mr. Hawke) gave impetus to the campaign with his dramatic announcement to a conference of metal industry unions in Sydney last month when he said that 1971 would be the year of the 35-hour week.

The Federal Secretary of the A.E.U. was reported as having said that his union planned to build the campaign to a crescendo next year, before the Federal Budget and the next A.C.T.U. congress. The report continues:

"The motor vehicle building industry has been highly mechanized; an engine block which once took 54 hours to build can now be turned out in four hours without being touched by human hands," he said. "Twelve years ago a large Sydney metal factory had a strip mill operated by 140 men: now the mill is completely automated and requires only 10 men."

Assuming that the social complex that goes with this industrial production stands still, he and you, Sir, understand that, while these dramatic technological improvements have been proceeding, so too have the general standards in the community risen substantially. The improvements in social services are direct, real and additional benefits for the community, as was realized by that gentleman when he referred to the physical and productivity capacity. Yet we want our benefits twice; we want to spend the same money twice. I believe the comment made by Mr. Darling (Executive Director of the Employers Federation of New South Wales) is indeed pertinent. He said that, if we try to impose a 1990 economy on our 1970 resources, Australia must crash. On what do we build our 30 per cent additional exports in secondary industries that we experienced last year? How many members have asked themselves what Australia, a newcomer to the industrial field, can export? How can we export goods to the rest of the world in view of such a tremendous increase in volume last year?

If members travel internationally they will find the reason for this: there are countries that have a higher cost of production than has South Australia or Australia as a whole. If one goes to America, as I did last year, and compares the wage for a fitter and turner of $200 a week in America with the $65 a week wage in Australia, one will see why South Australia can export goods to the United States—goods that require a high content of

labour input. Do we or do we not want to retain that advantage? Will we be able each year to continue to increase our export earnings by 30 per cent? Do we want that continued expansion? Of course we do. Do I need to ask the House about the advantages that will accrue to us in this respect? I do not think so.

If we move precipitately to increase our costs from 12 per cent to 15 per cent by just one stroke of the pen, not by industrial arbitration but by direct militant industrial action, we will destroy the very factor on which our prosperity is based. At this point of its development, Australia is peculiarly vulnerable to a lack of export income, although at present it is doing extremely well for a number of reasons. Many aspects of our secondary industries must be considered; we have good leadership and employees to respond to it and, despite some of the criticism that is levelled against the industries which earn much for us overseas, we have the capacity to expand. We also have had a great stroke of luck with the mineral export industries of this nation, industries that are taking up the slack provided by the hard-pressed rural industries. We are still receiving much oversea capital to help establish new enterprises. This combination of factors must be looked after at all costs. Why any individual or Government should support a move immediately to depreciate our competitive capacity by between 12 per cent and 15 per cent is completely beyond me. In whose name is it asked: the fixed-income person? Does Mr. Whitlam ask it on behalf of the pensioners? Does he want to depreciate with one stroke of the pen the purchasing power of every fixed-income body or social service recipient by that amount? Does anyone want to do this?

The Gallup polls conducted show clearly what the Australian public requires. People have enough sense to know that every increase in living standards that occurs and every additional social service we can provide must be based not on a book entry but on our productive capacity, and the latter is worth nothing unless we can sell the goods we produce. Australia is apparently to become an island in the international community; it is to isolate itself. We criticize the United States and Great Britain, and we wonder about the market of Japan. We shiver economically if they show signs of becoming isolationist. We are such a tremendous trading nation in relation to our population that we rely on them, yet they are the ones who would immediately isolate us by internal action from these tremendously important trading connections on which each individual in the Australian community depends. How often has the Premier criticized the Commonwealth leaders and leaders in other States, yet we have members of his own Party remaining silent today whilst the trade union movement decides to begin militant action to destroy our existing capacity and thereby to threaten the whole of the Australian economy with this increased price structure. It is with dismay that I look opposite and note that members opposite are tied to the great discipline which they feely admit applied during the shop trading hours debate in this State. The Federal conference decision of the Party, under the heading "Industrial", states:

A working week to consist of not more than five consecutive days with a maximum of 35 hours with a progressive reduction to 30 hours.

Will this Government in this State, which has been chosen for the national confrontation on the 35-hour-week issue, remain silent in the knowledge that the community of this State knows enough about economics to realize that this move will simply increase the cost of articles without giving a commensurate increase in productivity? If we are a community that is fully employed, there can be no increased productivity beyond the normal increase resulting from technology and population growth. There can be no increase resulting solely from the introduction of a 35-hour week. Will the Government ignore the *News* editorial of November 2 which states:

The fact is that Australia is not ready for a 35-hour week.

If Australia is not ready for a 35-hour week I am sure that South Australia is not ready, because any study of the cities of Melbourne and Sydney will show where the wealth of Australia is and where most industrial and building activity is centred. If Australia is not ready, South Australia is even less ready. The costs of such an innovation can be left to the economists. Those in several important industries estimate the immediate cost at between 10 per cent and 15 per cent on production costs on the factory floor, not on retail costs that will multiply with the application of various margins. One estimate given of the costs in South Australia with production maintained by employing additional labour, assuming it is available, is as follows: immediate additional cost, $123,000,000; increase in unit cost of production, 9 per cent; maximum additional cost, $178,000,000; and increase in unit cost of production, 13 per cent.

Another estimate, based on the knowledge that we have a fully-employed industrial community and that production can be maintained only by working overtime is as follows: minimum additional cost $177,000,000; increase in unit cost of production, 13 per cent; maximum additional cost, $256,000,000; and increase in unit cost of production, 19 per cent. These are South Australian figures only. I believe that this Government has a very real responsibility: it is under a test which other State Governments at present do not have to stand as much as does South Australia. It is a test as to what it is going to do about the matter.

Is this confrontation with the motor vehicle industry to go on? Will the Government do anything about it? Will the Minister of Labour and Industry, in consultation with his Premier, use what is obviously a very close connection with the union movement and use his influence to protect South Australia's one real industrial competitive advantage? If the Government will do something, what will it do? Its intervention must not be on the level of simply an interchange of insults in the newspapers in which the Minister of Labour and Industry seems to be involved at the moment with Mr. Scott. This is not the sort of management that is required. What the Minister and the Premier will have to do is start afresh in this matter and use their influence with the trade union movement to remind its members that any additional achievement of improved conditions relating to hours of work should come through the arbitration system.

The one thing that comes out of reports today is that the trade union movement has lost control of the argument. At last night's meeting there were 64 shop stewards and only one union secretary representing six unions. If the trade union movement has lost control of this argument there could be a crisis for South Australian industry just around the corner. Is it any wonder, then, that I move this motion?

Mr. MILLHOUSE (Mitcham): I strongly support the Leader of the Opposition in the motion he has moved on what is a very important matter indeed. I express my very great disappointment that the Government Party, apparently arrogant in its knowledge of its numerical superiority in this place, is treating the matter so lightly that for some time there has been no-one on the centre bench on the Government side and now only the Government Whip is there. Many fewer than half of the full number of the members of the Government Party are in the Chamber to take part in this debate. Only two of the six Ministers are present and nearly every member of the Government Party who is present in the Chamber at the moment is a new member. This matter is of such importance that it deserves the presence in this place of all members unless they are absent on pressing matters of State. I express my very great regret that this is so.

Members interjecting:

Mr. MILLHOUSE: The Premier and other Government members know that their Party is bound to press for a 35-hour week as a preliminary to a 30-hour week. That is in their State platform and it is also in their Federal platform. As the Leader of the Opposition reminded members, it is in a resolution of the 1969 conference of the Australian Labor Party. At this time, however, just a few days before an election, the Labor Party tries to get away from this policy and to hide it from the people of this State.

Mr. Hopgood: Rubbish!

Mr. MILLHOUSE: If any member on the other side has been embarrassed by the policy of his Party and its application, it is the member for Mawson, who has just interjected. Members opposite know their embarrassment in this matter has come to a head just before an election. I have no doubt that this is why the Premier has prevaricated on every occasion on which I have asked him questions about the matter. I have asked him about this three times. In the middle of October, when I asked him whether the Government intended to legislate for a 35-hour week, he said that no such decision had been made. About a week ago, when I asked him again about the matter, after his usual abuse of me in answering the question (a tactic he always adopts if he does not want to give a straight answer to a question I have asked), he said that the South Australian Government did not intend to legislate for a 35-hour week. Last Thursday, when I asked him whether the Government would use its good offices with the trade union movement to discourage it from seeking a 35-hour week, he said that he did not know what was meant by "good offices", and then said:

> I do not have the slightest intention of having the honourable member tell this Government the way in which it should conduct its relations with the working people of this State.

He avoided answering my question. If he intends to speak in this debate, I challenge him to deny that the reason why he is not

prepared to answer a question and come straight out and say what are the Government's intentions in this matter is that he wants to hide the policy of his Party, particularly at this time. Now that he is back in office, he knows, as we know, the paramount importance of keeping costs down in South Australia. The junior Minister (the Minister of Labour and Industry) who, incidentally, has a record in office that is hardly a shining one so far—

The Hon. D. A. Dunstan: You don't abuse people!

Mr. MILLHOUSE: —knows, too, the importance of keeping costs down. As the Leader has dealt with this, I need not say anything more about it. There is in this State a problem of rising costs, and this represents a danger of our losing the advantage we have as a low-cost State. The effect of the unrest in the motor vehicle industry, if it is allowed to continue, will be to create confusion and chaos in that industry, with a danger that it will spread to other industries. If a 35-hour week were to be introduced it would inevitably increase costs by about 15 per cent, as the Leader has said.

This morning's newspaper reports that, at a meeting of shop stewards and one union secretary last evening, it was decided that there would be mass lunchtime meetings in all plants within the next week to tell workers of the stop-work plan, that plan being a deliberate tactic to introduce confusion into industry in South Australia as part of the campaign for a 35-hour week. We ask the Government to use its influence (and members opposite cannot deny that they do have influence with trade unionists) to stop this projected disruption, the harm that it will cause to the economy of the State in the short run, and the very great harm it will do to all South Australians in the long run through an increase in costs in this State. We ask the Government to do that confident that, if the Government will do it, it can have some influence in the matter, for it is beyond argument that there is a strong link between the Government, the Australian Labor Party and the trade union movement. The A.L.P. is the political arm of the trade union movement. All its actions and activities are influenced by its trade union background and the wishes of the trade union movement. We hope that on this occasion at least the traffic can be the other way and that members opposite, whether on the front bench or on the back benches, can use their influence with trade unionists for the benefit of the State for once, instead of it being the other way around.

We have seen repeatedly in the six months since the Government came to office the influence of trade unionism on the decisions that have been made. We saw in the trading hours debacle, which followed the unexpected result of the referendum, the strong influence of the trade union movement, which has forced the Government to abide by the policy of the movement and the A.L.P. against its own political interests. More recently we saw the refusal of the Minister of Labour and Industry (again this was oblique; he did not come straight out and say it) to intervene in a most unjust action on Kangaroo Island where a farmer was being victimized. In this case every element of justice would demand intervention but action was not taken because it would be against the trade unionists and their interests. Let us hope that on this occasion the Government will put the State before the Party and will do something about this matter.

A most serious situation is developing in South Australia. If we have industrial anarchy and chaos we will all suffer, quite apart from the fact that this is against the law, which contains arbitration machinery to resolve disputes. If trade unionists and others want to change their working conditions, that is the way it should be done, and the Premier said as much in reply to me last week in this House. If the Government refuses to take any action in this matter it is condoning lawlessness. Of course, the Premier's record in this matter is hardly the best, but there are other members of Cabinet and I hope that they will exert their influence on the Premier. These are the reasons why we have brought forward this motion, which is urgent because these lunchtime meetings are to take place within the next week. If, in the interests of the State, members opposite are to take any action, it must be taken within the next few days. I hope that in spite of our lack of numbers at present, and in spite of the arrogance of members opposite, they will heed for once what we are saying, because this is in the best interests of all South Australians.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The cynical nature of the political exercise we have seen this afternoon could not have been better exposed than it was by the speech we have just heard. The honourable member has been less than concerned with the progress of this State and the provision of sound and suitable working conditions. As was the case with the Leader of the Opposition,

the whole of the honourable member's speech has been designed to try to extract some political advantage on the eve of a Senate election in which members opposite know they will not have the support of the majority of the people of the State.

The Hon. G. R. Broomhill: The member for Mitcham criticized some of our members for leaving, too!

Mr. Venning: Very fair comment.

The Hon. D. A. DUNSTAN: Where is the Leader at present if he is so concerned about this?

Mr. Rodda: Where were you earlier?

The Hon. D. A. DUNSTAN: I was out on business concerning the State, dealing with contracts on its behalf. Let us turn to the question of the soundness of industrial relations. On the occasions when they seek a political advantage in one direction and are talking to their rural constituents, hoping to be able to make a political point, members opposite condemn bitterly, denigrate and constantly express concern about the connection between members on this side and the working people of the State. They say that it is shocking and disgraceful, that we are ruled from elsewhere, and that we should not have with the trade union movement of this State the connections that we have. However, when members opposite want a political advantage in the opposite direction, they get up here with emotion and say, "Please, would you use your good offices (which apparently they think we have) with the working people of this State to get some particular political result which we cannot get but which we think you can get because of your relations with the trade union people?" We would like some consistency.

The Hon. G. T. Virgo: They wouldn't know what the word meant.

The Hon. D. A. DUNSTAN: No. I will be urging on the people of this State a sensible attitude to this whole matter, and that arises from the fact that, in order to get stable labour relations in South Australia, we must have adequate labour conditions and provision in the economic policies of this whole country to provide the maximum employment opportunity in this State. These are the two things that should concern any Government and any Opposition but, unfortunately, so far this has not adequately concerned honourable members opposite. Let me give the House the history of this matter. Time lost in industrial disputes in South Australia in 1967, the last year of office of a Labor Government, was 2.7 per cent of the total in Australia. In 1968, the first year of a Government comprising members opposite, it increased to 4.7 per cent and, in 1969, it increased to 6.6 per cent. It has now fallen to 4.5 per cent.

What is happening in South Australia is that the present Government has provided for the working people of this State conditions that accord with a reasonable provision of the needs of working people, comparable with those elsewhere in Australia. When this Government took office, it immediately brought about improvements in working conditions for people in this State that were bitterly condemned by the Leader of the Opposition and the Deputy Leader. They said that we were wasting public money. If we had not made those improvements, this State would have had a general strike, and that is what members opposite were hoping for.

The Hon. G. T. Virgo: They would have liked to see it, too.

Dr. Tonkin: People wouldn't strike while you're in Government.

The Hon. D. A. DUNSTAN: We try to see that provisions are there that do not give them cause for strikes.

Dr. Tonkin: We'll see.

The Hon. D. A. DUNSTAN: However, that does not require action by only the Government of this State. At present we are trying to provide for the working people of this State the conditions that will give them stability and satisfaction in their work, but in addition to that there must be adequate employment opportunities. Members opposite were given an opportunity earlier in this session to take up the very matter that is now concerning workers in the automotive industry in South Australia. I am referring to adequate employment for them.

When we took office the credit squeeze in this country, instituted by the Commonwealth Government, had already decreased the course of sales of motor cars and home appliances, the major industrial projects of this State, and as a result the first thing that we did in office was write to the Prime Minister, pointing out the effects of the course he was taking. That approach was backed by industry in this State but condemned by the Leader of the Opposition, on behalf of honourable members opposite.

The matters that we raised concerning the interest rate and the effect on South Australia of an extra conceivable sales tax on motor cars and home appliances from South Australia were the subject of the most derisive remarks

from honourable members opposite. They said that it was utterly useless for us to tell the Commonwealth Government that it ought not to impose additional sales tax, and when members opposite were given the opportunity to stand up in this House for the people of South Australia and demand that the Commonwealth Government adopt economic policies that would provide stability of employment for people in this most important area of industry, all they could do was oppose it!

What has been the result of the action of members opposite and their Commonwealth colleagues? Let me deal with the present position regarding retail sales of our major products. Preliminary figures for retail sales in September, 1970, suggest a 5.9 per cent gain over the figures for September, 1969, when seasonally corrected values are used. This is a marked reduction from the annual rate of growth in August and July.

For South Australia the retail sales figures are not immediately available: we have only the overall figure for Australia. However, I shall now deal with motor vehicle registrations. The September monthly level of new motor vehicle registrations was 41,133, or 6 per cent below the level of new registrations for September, 1969. When seasonally adjusted, September figures were equal to an annual rate of just under 493,000, a significant drop from the 507,000 and the 510,000 rates established in the previous two months. It would have to be assumed that most of that 3 per cent drop in the market would be due to higher car prices resulting from the 2½ per cent increase in sales tax imposed in the August Commonwealth Budget.

In South Australia the September, 1970, level of new registrations showed a 7.9 per cent fall compared with the September, 1969, registration rate. In the September quarter of 1970, the number of new vehicles registered represented only 8.74 per cent of the Australian total, whereas a 9.35 per cent ratio was achieved in the corresponding period in 1969.

Mr. McAnaney: That happened last time you were in Government.

The Hon. D. A. DUNSTAN: I cannot imagine any more stupid statement than that. How has any action of the South Australian Government (and I invite the honourable member to name one) produced the situation in which people in South Australia do not have money in their pockets to buy the goods that this State produces? This Government has taken no action that would cause that. The only action has come from the Commonwealth Government, supported by the honourable member.

Mr. McAnaney: You talk about a credit squeeze when there's full employment.

The Hon. D. A. DUNSTAN: If the honourable member does not think that there is any credit squeeze, I suggest that he talk to the people who are trying to sell motor cars at present on time payment. Chrysler Australia Adelaide-built vehicles gained .4 per cent of the market share in September, but the share of General Motors-Holden's was not showing anything like as satisfactory a position. There has been a small absolute fall in the number registered as unemployed but the figure for the motor vehicle industry shows that a most unhappy situation faces us. People employed in the motor vehicle industry in South Australia are expressing the gravest concern about their future, as a result of the policies of the Commonwealth Government, but members opposite deny these people even the right to meet and express that concern.

The Hon. G. R. Broomhill: The member for Mitcham says it's lawlessness.

The Hon. D. A. DUNSTAN: Yes, he calls it lawlessness that people should be able to get together and express concern for their future as a result of policies adopted by the Commonwealth Government and supported by members opposite.

Mr. Millhouse: You know that's not true.

The Hon. D. A. DUNSTAN: Where were members opposite in regard to the protest made on behalf of the people of South Australia by Government and industry concerning this matter? All they could do was criticize our speaking on behalf of South Australia, its workers and industries. I suggest to members opposite that, if good offices are to be used, good offices should be used on behalf of the people of this State. Members opposite ought to be speaking up to Canberra and saying, "The people of this State have a reason to be concerned about your policies, which have had a significantly adverse effect on the people of this State, far beyond those effects on any other State and, therefore, take this into account. Have a look at the figures! See what is the result of your policies, and do something about it!" I suggest to members opposite that the attitude they have expressed today does nothing for South Australia but divide it and, if they are interested, they should be with the workers of South Australia in expressing concern about the future employment of this State in this most important area of our industry.

The Hon. G. R. BROOMHILL (Minister of Labour and Industry): I support entirely the remarks of the Premier in this matter. It is significant that the Leader of the Opposition and the Deputy Leader, who have spoken in this debate, can gain no support whatsoever from the members sitting behind them, despite the remarks they may have made. Particularly from what the Deputy Leader said, I think the reason for this motion is abundantly clear, because he said at least six times that we were fearful of having this matter raised at this stage, just prior to a Commonwealth election. I have noted with some amusement the attitude of the Prime Minister, who has been hard pressed to put forward any positive policies in connection with the forthcoming Senate election. Attempts have been made through such people as the member for Mitcham and through the newspapers to make some form of election issue out of the attitude of the Australian Council of Trade Unions towards a 35-hour week.

Obviously, this is the reason why the Leader yesterday did not worry about seeking a reply to a question which I had indicated I had for him concerning this industry. It seems that on every possible occasion that the Leader can attack the trade union movement he is determined to do so, and this is another occasion on which he has taken this opportunity. The Premier has pointed out that, despite what has been said by Opposition members, the situation in South Australia concerning the industrial relations of employees in this industry compares more than favourably with that existing in any other State. The motion moved by the Leader would suggest that the trade union movement in this State is unlike that in any other State and that it is taking actions in this State as though it were some sort of evil. However, when asking a question on November 11 about the motor vehicle industry, the Leader said:

In 1968, I visited the headquarters of the Chrysler and General Motors organizations at Detroit. In speaking to the leaders of those companies I stressed the advantages of operating their industries in South Australia. In return, the leaders of the groups said that they were highly pleased with the operation of their factories in South Australia, the main reason for this being the very good level of industrial relations applying here at that time. In fact, this was the main reason for operating in this State and governed many of the reasons for the expansion of existing factories.

We have the Leader making it clear on November 11 that he had been informed by oversea leaders that the South Australian trade union movement, because of its responsibility, had created a situation in South Australia that compared not only favourably with the situation existing in other parts of the world but was certainly the best in Australia. The Leader's trying to single out the trade union movement in South Australia does him no credit, and it is certainly far from being honest. As I pointed out to him the other day, if the Leader were genuine in his attempts to sort out some of the difficulties facing the motor vehicle industry in this State (an industry that he as well as Government members readily appreciate is an important industry in South Australia), he could well be using his influence, rather than wasting the time of this Parliament, on his Commonwealth colleagues to see that proper protections are afforded this industry. The Premier has referred to the attitude of the Commonwealth Government towards sales tax on motor vehicles, and criticisms have properly been levelled against the Commonwealth Government and against the former Liberal Government, the Leader of the Opposition, as the then Premier, having been prepared to cut completely from the standard gauge line all of the major motor-manufacturing plants in this State.

Yet the Leader today tries to show that he has much interest in protecting this industry. I think the member for Mitcham really summarized the attitude of members opposite when he referred to a press report in this morning's *Advertiser* and indicated that employees in the motor vehicle industry intended to hold lunch-hour meetings over the next week or two, implying that this was some sort of criminal activity on their part. The member for Mitcham used the term "lawlessness" in relation to the activities of the trade union movement and to the intended lunch-hour meetings. I believe this is an indication of the type of restriction the member for Mitcham would place on members of the community who sought to express their point of view among themselves so that that point of view could be passed on to management.

Considerable problems confront the industry in South Australia, the employees concerned being aware of and naturally concerned about some of these problems. It seems to me that the member for Mitcham should be sufficiently aware of the normal practices adopted in the trade union movement when this sort of situation occurs and that he should know that members of the various organizations discuss the various matters, approach management, and see whether management can give the answers

they are seeking. If the employees concerned are not successful in this regard, they can then take their claim before an arbitration commission, a step that seems to be clearly outlined concerning the future of this matter. If the Leader of the Opposition and the Deputy Leader do not like the form of conciliation and arbitration that we have in Australia, they should say so, but they should not move this type of motion simply because of their hatred for the trade union movement or because of the political gain they believe they can achieve in connection with the forthcoming Senate election.

I believe that their judgment on this issue is badly misplaced and that people within the community recognize that workers, whether they be in the car industry or in any other industry, have the right to be concerned about their future employment, to meet and to discuss the steps that they consider are required to correct this situation. If we reach the position advocated by the member for Victoria, of denying employees the right to take this step, we may be in the ideal position in which members opposite would like us to be. However, that position would certainly not be acceptable to this Government. I therefore oppose the motion.

Mr. HARRISON (Albert Park): Once again, the House has been subjected to what I consider to be a comic opera act by the Leader of the Opposition. As usual, he stood up and tried to show us something from the *Advertiser*, the *News* or some other paper, most of the contents of which he regards as the gospel truth. However, I shall attempt to put the Leader back on the rails, where he ought to be. Having had 35 years in the vehicle industry, and having been an official for 11 years and an office-bearer for some years, I can speak with some authority in this connection. There have been some expressions of thought regarding what is happening in the industry today. However, what is happening in this industry today is exactly the same as always happens in any industry in which there are discontented workers.

Mr. Millhouse: That isn't what was reported in the press before the election.

Mr. HARRISON: I have had dealings with the men on the floor. Indeed, this happened only this morning. I do not deny anyone their democratic right to say what they like, when and where they like. The people who attend those meetings and make suggestions have to influence the rest of their members and the executive in control of the union; this has not yet been done. Particular reference was made to the proper legal approach that can be made to the Industrial Court, and it was said that we do not want to see a 35-hour week introduced here. The Leader of the Opposition undoubtedly would not have read the paper to which I am referring, but at the recent Federal conference of my organization we decided to serve a claim on all vehicle industry employers, in which we are asking not for a 35-hour week but for a 30-hour week. Therefore, the people who are raving and ranting at the moment are out of order, because the executive of the Federal congress of our organization took that decision. Not only that: we are also asking for a minimum weekly wage of $200. Members opposite may laugh at that, but if they refer to statistics released by the Commonwealth Bureau of Census and Statistics last December, they will find that the value of money (money which they are so worried about losing and of which they say they have not enough to spend) has fallen drastically, and that $1 is really only worth 35c.

I should like now to return to the situation in South Australia. This industry is like all other industries: it is suffering as a result of infiltration and outside influences. The Leader of the Opposition, knowing what was happening during the last few years, did not express concern previously when the same problem was being experienced: he merely turned his back on it. When it was suggested to him as Premier that the provisions of the Workmen's Compensation Act should be amended to improve employer-employee relationships, he just turned his back on our unions.

Members opposite referred to shopping hours. In this respect, however, when deputations were led to the Leader of the Opposition when he was Premier and to his Ministers last year, when it was suggested that this position could be alleviated to help not only the people who buy in the shops but also those who work in them, the then Premier once again turned his back on the situation. Now he has the audacity to ask the Government to use its good offices to alleviate a problem that does not even exist. I can say that it does not exist because people are merely talking about rumours when referring to retrenchments and lay-offs. Does anyone think for a moment that an organization with any sense of responsibility for its members would argue the point merely on rumours? Of course it would not. It would only argue on facts, of which we have none at present.

The Leader of the Opposition read a press report, but referred only to the part of it that suited him. Had he read the full report, I would have not have raised the matter now. He referred to the meeting attended by 60-odd shop stewards, and made much of the fact that it was attended by only one union secretary. However, he did not mention the other people who did not attend. That meeting was unauthorized, which illustrates the interference being caused by some people who would like to see the industry not only in this State but also in other States destroyed. No doubt, if this problem were cleared up members opposite would find something else about which to complain. During its term of office, the Liberal Government turned its back on approaches made by the trade union movement. As President of my organization, I acted as leader of many deputations, just as other presidents did. Members opposite should certainly not talk about this Government's using its good offices, because we were unable in our deputation to get the Liberal Government to use its good offices in any way especially in improving the relationship between employees and employers.

When the trade unions tried to have the 48-hour week reduced to a 44-hour week, they received the same replies that they are getting now in their efforts to obtain a 35-hour working week: they were told that employers would go broke and would have to close down. The same argument was used when the unions tried to obtain a 40-hour week. However, the workshops were more highly automated and the screws were put on. We are now faced with the suggestion that a 35-hour week be implemented. This goal has been before the trade union movement for many years, and it will remain in the forefront until it is attained. The time is not far away when an all-out effort will be made to improve the lot of our workers. Indeed, the Vehicle Builders Employees Federation of Australia has served on employers a log of claims requesting a 30-hour week. The major industries in this State, looked after by six main organizations, have not considered this matter; nor has it been dealt with by other executives. Nevertheless, I do not deny anyone the democratic right to conduct a meeting and to speak his mind, because something can always result from it. However, one has to face facts fairly and squarely, and to ask the Government to use its good offices in this respect (something which the Liberal Government would not do when it was in office) is too silly for words. This is nothing but a hypocritical motion.

The Hon. D. N. BROOKMAN (Alexandra): Neither the Premier nor the Minister of Labour and Industry has made any reference to the motion, which simply asks that the Government use its influence with the trade union movement. The Government has refused to do this and it is not the first time it has refused to do so. It has refused to discuss the subject matter of the motion: all it has done is complain about the Commonwealth Government or the Liberals or something else. The Playford Government, of which I was a Minister, had the greatest industrial peace record in Australia in recent times, but this Government will not achieve the same objective the way it is going at the moment. Only recently the Premier came into this House and moved a motion, about which he did not even warn the Leader of the Opposition, to abuse the Commonwealth Government in respect of its Budget, although that Budget had at least the basis of economic stability.

Members interjecting:

The Hon. D. N. BROOKMAN: The Commonwealth Government had the right and the duty to bring about economic stability, and this Premier is the same Premier who refused a $50,000,000 offer on the railways.

The Hon. G. T. Virgo: That is untrue.

Members interjecting:

The SPEAKER: Order! Members will have to cease interjecting, and that applies to both sides of the Chamber.

Mr. McKee: If he tells the truth he will have no trouble.

The SPEAKER: Order! I will not continually order members to cease interjecting; I want to make that perfectly clear.

The Hon. D. N. BROOKMAN: We face a possible increase in costs far greater than the direct cost of a mere reduction in hours, because the ultimate effect of the 35-hour week will not be just the cost of a shorter week: it will entail increased overtime payments, so that there will be infinitely greater costs involved than the mere percentage cost of a reduction in hours. The Premier, in his motion a few months ago, pointed to the competition in the motor vehicle industry and said there was pressure to sell vehicles. We know very well that we are under pressure to sell in the world markets and even in the markets in Australia. Even the United States of America, which is in a tremendously strong position commercially, has

pressure on it from imported vehicles, particularly of the smaller models from the Continent, and we in Australia are far more vulnerable in this regard.

This surely is a matter of tremendous importance. It is something about which the Minister of Labour and Industry could say, "I am worried about it. I agree that we should try to use our influence to restrain the wilder elements." We know very well, however, that Labor's success depends on having attractive policies that are forgotten when it suits the Party. We know very well that the Labor Party stands for a 30-hour week, yet it does not want to say so because it knows it would be disastrous to bring it in at present. Members opposite refuse even to consider this motion, which simply asks the Government to use the influence it claims to have with the trade union movement.

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

The SPEAKER: In accordance with Standing Order 60, the motion is withdrawn. Call on the business of the day.

LEAVE OF ABSENCE: MR. ALLEN

Mr. EVANS moved:

That one month's leave of absence be granted to the honourable member for Frome (Mr. E. C. Allen) on account of ill health.

Motion carried.

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act relating to the administration of laws of the Commonwealth and of the State in Commonwealth places and for other purposes. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It is part of a legislative scheme that attempts to minimize the effects of the decision of the High Court of Australia in the case of *Worthing v. Rowell and Others,* judgment in which was handed down early in July of this year. The effect of that decision was to throw in doubt the extent of the operation of the laws of the State in and in relation to places acquired by the Commonwealth Government for public purposes. For the 70 years since Federation it had been accepted that the general laws of the States would, subject to any particular Commonwealth law, apply in these areas.

Under section 52 of the Commonwealth Constitution it is provided that the Commonwealth Parliament shall subject to the Constitution "have exclusive power to make laws for the peace and order and good government of the Commonwealth with respect to" . . . (*inter alia*) "all places acquired by the Commonwealth for public purposes". The majority decision of the High Court dealt with the particular problem of the application of the New South Wales Scaffolding Regulations in relation to building work being carried out at Richmond Air Force Base by a private contractor for the Commonwealth. The majority of the court decided that the Scaffolding Regulations did not apply. Of the majority, the Chief Justice (Sir Garfield Barwick), Mr. Justice Windeyer, and Mr. Justice Menzies appeared to take an extremely wide view of the exclusive power conferred upon the Commonwealth and therefore a correspondingly wide view of the field of legislative power that is withdrawn from the States. Mr. Justice McTiernan, Mr. Justice Kitto, and Mr. Justice Owen, who dissented, took the traditional view which would have allowed general State laws to continue to operate in relation to Commonwealth places. Mr. Justice Walsh, although concurring with the majority in this case, seemed to take a much more limited view of the scope of the Commonwealth's power.

It may well take many further cases before the new doctrines are finally settled, and it would be most unfortunate if an area of uncertainty were allowed to develop especially in relation to the criminal law and to the laws relating to industrial safety in Commonwealth places. Unfortunately, the reasoning of three of the judges would appear to indicate that virtually no State laws would apply in Commonwealth places. This would have the unfortunate effect of turning hundreds, if not thousands, of small and large areas of land in this State into places in which the ordinary State law would not apply. Such a situation is obviously undesirable and the Commonwealth and State Attorneys-General, through their standing committee, agreed at once that every effort should be made to restore the position as it was thought to exist before the High Court's decision.

However, there are many uncertainties in relation to the scope and effect of the High Court's decision. It is not clear what, if any, laws made by the State before the place was acquired by the Commonwealth will continue to operate. It is not clear what constitutes a Commonwealth place. Is it only a place that has been acquired for something in the nature of a fee simple interest, or does it extend to property that is leased or held under

a licence of the Commonwealth? What is meant by a place? Does it extend to vehicles, boats and other property, or is it limited to land? What is meant by the Commonwealth? Is it only land held by the Commonwealth, or does it extend to land vested in statutory corporations or holders of offices created by Statute? The position of persons such as the Official Receiver in Bankruptcy and the Director of War Service Homes is quite obscure. One thing is, however, clear: that is, whatever may be the extent of the High Court's decision, the State Parliaments can do nothing on their own to overcome the problems. It must be a matter for the Commonwealth Parliament to determine what laws will apply in Commonwealth places.

I am pleased to say that the Commonwealth Government has agreed that it would be absurd to apply in Commonwealth places different laws from those that apply outside them. However, the Commonwealth is subject to significant constitutional restrictions that do not apply to States. It is therefore beyond Commonwealth power to adopt all State laws. For example, the Commonwealth cannot confer judicial powers on any body except State courts. It is by no means certain that all the judicial functions under the laws of the States are vested in bodies that would be considered courts in the sense in which the term is used in the Commonwealth Constitution. It will therefore be necessary for the Commonwealth to vary some State laws by conferring jurisdiction which, under the law of the State, resides in a specialist tribunal on a court such as the Supreme Court or the Local Court. Certain taxing Statutes, too, impose their own special problems.

For these reasons, it is just not possible to overcome completely the effects of the High Court's decision. Apart from these difficulties, there would be enormous practical difficulties if in every prosecution or legal action it was necessary to determine whether the matter related to a Commonwealth place and so came under Commonwealth law or whether it came under the ordinary law of the State. The legal advisers of the various Governments have accordingly worked out an intricate scheme designed to apply existing State law to Commonwealth places as far as is legally possible, and to obviate as far as possible the need to determine whether the matter relates to a Commonwealth place or not.

This scheme rests on the enactment by the Commonwealth of the Commonwealth Places (Application of Laws) Bill, 1970, which for convenience I shall refer to as "the Commonwealth Bill". Shortly, this measure, so far as is constitutionally possible, picks up and applies in Commonwealth places State law that would otherwise not operate in Commonwealth places. Thus this Bill can be appreciated only when viewed against the Commonwealth Bill, and I have arranged for copies of the Commonwealth Bill, which has now passed into law, to be available to members. This Bill is truly complementary to the Commonwealth Act and without the Commonwealth legislation it would have little or no effect. Despite the care and skill that has been devoted to the preparation of this legislative scheme it is by no means impossible that the scheme will be found to be seriously wanting in some respect that is impossible to make good by further legislation. If this be so, the only remedy is an alteration to the Constitution to restore the situation as it was thought to exist before the High Court decision. This would necessarily involve a referendum. The Government believes that it is essential that the Constitution be amended as soon as practicable. All State Attorneys-General share this view and have pressed the Commonwealth Attorney-General to initiate the necessary action for a constitutional change.

At this stage, the Commonwealth Government has not been prepared to concede that the situation should be resolved by constitutional amendment. However, the Commonwealth Attorney-General has undertaken to keep the matter under review and it is intended that the States and Commonwealth will continue to work closely together to watch for legal and practical difficulties in relation to the administration of the law in Commonwealth places. Of its nature, this measure lends itself to consideration in Committee, and any such consideration may well involve consideration of the clauses of the Commonwealth Bill that this measure is intended to complement. Accordingly, it may be of assistance to honourable members if, in my explanation of each clause of this Bill, I refer to the clauses of the Commonwealth Bill that the clause is intended to complement.

Clauses 1 and 2 are formal. Clause 3 provides appropriate definitions for the purposes of the Bill. It will be noted that the definition of "Commonwealth place" has been drafted in the constitutional terms set out in section 52 of the Constitution. The effect of this amendment is that a place will be a "Commonwealth place" for the purpose of this measure if the courts, in their future decisions, say it is a

Commonwealth place. This is an attempt to overcome one of the uncertainties inherent in the High Court decision. The corresponding provision in the Commonwealth Bill is clause 3. Clause 4 will empower the Governor to enter into arrangements for the carrying out by an authority of this State, as defined, of functions under the applied State laws that are similar to the functions carried out under the ordinary State law. The corresponding clauses of the Commonwealth Bill are clauses 6 and 18.

Clause 5 is complementary to clause 4 and will enable the authority to carry out two distinct legal functions even though the factual difference between the functions will be generally imperceptible. Clause 6 provides for the fairly unusual situation where a person has, on the same facts, a cause of action under both the State and applied law. The effect of this section is that the extinction of one action will act to extinguish the other. The mirror provision in the Commonwealth Bill is clause 9. Clause 7 is intended to protect authorities of the State when, say, by reason of some doubt as to the legal status of the place in relation to which they acted, they purported to act under the applied law when they should have acted under the ordinary State law. This provision is mirrored in the Commonwealth Bill at clause 10.

Clause 8 (1) is intended to prevent a person being tried twice for what is, on the facts, the same offence, although in strict law the act may have constituted an offence against a Commonwealth law that is in identical terms with the State law. Clause 9 provides that references in instruments to the applied law shall, where that law is not applicable, be read as references to the State law, that is, in terms the same as the applied law. This clause corresponds to clause 11 of the Commonwealth Bill. Clause 10 prevents objection, on the ground of duplicity, to a charge that alleges two offences, one under the State law and one under the corresponding Commonwealth law. In the nature of things it may be impossible to avoid this duplication when the status of the place in connection with which the offence occurred is in doubt. The corresponding Commonwealth provision is clause 13.

Clauses 11 and 12 carry the principle expressed in relation to clause 11 through to the trial and appeal stages in criminal proceedings. In short, where it is made to appear that what was thought to be an offence against the applied provisions, which are Commonwealth law, was in fact an offence against the corresponding State law, the proceedings may continue as if the person had been charged under State law. Clauses 14 and 15 of the Commonwealth Bill mirror these provisions. Clause 13 is a fairly straightforward evidentiary provision and should enable questions of fact, which a court may have to consider in determining whether a place is or is not a Commonwealth place, to be determined expeditiously. The corresponding provision in the Commonwealth Bill is clause 17. Clause 14 is an attempt to provide, within the limits of the constitutional power of the State, for the legal consequence of: (*a*) a place becoming a Commonwealth place; or (*b*) a place ceasing to be a Commonwealth place; and the mirror provision in the Commonwealth Bill is clause 19.

Finally, I must repeat that the Government does not feel that the complex and sophisticated scheme of which this Bill forms a subordinate though useful part is a really satisfactory solution to the problems adverted to here. In common with the Governments of the other States, we believe that the proper solution would be an amendment to the Constitution. However, such a solution is clearly not possible without the co-operation of the Commonwealth and until that co-operation is forthcoming the Government believes that the only responsible course it can follow is to participate in the scheme. The responsibility for this situation therefore rests fairly and squarely with the Commonwealth.

Mr. MILLHOUSE secured the adjournment of the debate.

SOUTH-WESTERN SUBURBS DRAINAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 2716.)

Mr. MATHWIN (Glenelg): I support the Bill which, among other things, ratifies the bringing forward of Drain No. 10 from Stage 2 to Stage 1. At one time there was a crisis regarding the amount of floodwater that could reach the outlets to the sea, mainly because of the rapid development in the hilly areas, such as at Seacombe Heights and to the south. As this is a hybrid Bill, any submissions about doubts or concern will be considered by the Select Committee, and I wish to speak again when the report of the committee is brought down.

Bill read a second time and referred to a Select Committee consisting of the Hon. G.

F. Virgo, Messrs. Langley, McAnaney, Mathwin, and Payne; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on November 26.

LOTTERY AND GAMING ACT AMENDMENT BILL (BETTING)

In Committee.

(Continued from November 4. Page 2381.)

Clauses 2 to 5 passed.

Clause 6—"Limitation on use of totalizator."

Mr. WARDLE: Although this legislation gives metropolitan clubs permission to hold additional race days, it seems that country clubs will lose certain days. I have not been able to get details of what is expected to result from this Bill. In my district, racing is an industry (although a small industry), involving about 20 people on a full-time basis and attracting about 160 horses to meetings throughout the year. I have been told that there is a danger under this clause that country clubs will be robbed of certain feature days, and I should like the Minister to assure me that these days will be protected for country clubs. I understand that feature race days provide clubs with money to enable them to increase prize money, to provide necessary facilities, and to meet other costs. I should like an assurance that feature days for country clubs will be protected and that any days that are taken from them will be the days on which the financial return to the club has been the lowest.

The Hon. L. J. KING (Attorney-General): I appreciate the anxiety of some near-country clubs that the allocation of additional mid-week dates to metropolitan clubs may result in the near-country clubs losing better days, days on which feature races being conducted in other States provide an additional attraction to the racegoer. I understand the problem to be that the control of the allocation of racing dates rests not with the Government under our legislative scheme (and I do not know of any agitation or movement to suggest that the Government should take over such a responsibility) but with the South Australian Jockey Club. As the premier club, that club has the responsibility of considering the wishes of other racing organizations and the general health of racing. It seems to me that any uneasiness or anxiety that may be felt by country clubs can be usefully expressed only to the S.A.J.C. I consider that I should not express any opinion on something which is not my responsibility nor the Government's responsibility but which is the responsibility of the S.A.J.C. Indeed, I know that there are different points of view on this subject. The case that the honourable member makes for the country clubs is persuasive. However, I have heard metropolitan racegoers complain that on feature days such as Melbourne Cup day there is no metropolitan meeting they can attend.

I suppose the S.A.J.C. has to consider more than one point of view and, of course, there is the point of view of those who own and train horses in the city and race them in the country. Also, there is the considerable army or ordinary racegoers who come from the metropolitan area and patronize country clubs. I think it is sufficient for me to say that the responsibility for reconciling and adjudicating on, if necessary, the differing points of view within the racing industry itself and within the racing public is the responsibility of the S.A.J.C. I do not consider that I can give any assurances. I would not attempt to advise the S.A.J.C. how it should allocate dates. I should hope that in dealing with these new dates the S.A.J.C. will take into account (and I am sure it will) the genuine wishes and needs of the various competing interests, including the country clubs, for which the honourable member is so naturally and properly concerned.

Mr. EVANS: I oppose this clause. I refer to racing not as an industry but as a sport, and I submit that it should be considered in that light. I am wondering why Parliament should have to decide whether or not there should be more race meetings during the week, although we know the reason. In the main, Parliament and the community generally in the past have considered that gambling in excess was unnecessary and that we should not create any more avenues for gambling. Although we may have increased avenues for gambling in recent years, these avenues existed more widely about 50 years ago. Here, we are considering whether metropolitan racing clubs should be allowed to conduct six more mid-week meetings during the year, at the same time as we are faced with increased costs throughout the State. No doubt, an increase in the number of meetings will further increase costs, because some people will take time off from their work, rightly or wrongly, to attend meetings. I can see no merit in increasing the number of race days. Indeed, the only people who are asking for this increase are those in the racing industry, if it is to be called an industry.

If, as in other sports, there was no legalized gambling on racing, the people concerned would not desire this increased number of meetings, because there would be no attendance. It is not the sport that encourages attendance: it is the legalized gambling associated with the sport. It is wrong for us to encourage people to take time off from work to attend mid-week meetings, and for that reason I will oppose the clause. Although I do not condemn those people who wish to gamble, I do not think that we should open up this facility during the week. Does the Attorney-General honestly think that the metropolitan clubs will consider the country clubs in regard to their having special days on which race meetings can take place? The Attorney-General has spoken at times about trying to decentralize and to help country areas, but he is providing an opportunity for racing to be kept even more to the metropolitan area, saying that it is in the hands of the metropolitan clubs. I believe he is finding the easy way out, as is also the Government, and is bowing to the pressure from the interests to which I will not refer now but from which it hopes to gain some support in the future.

Mr. McANANEY: I, too, oppose this clause, although I disagree with the member for Fisher, who says that racing is not an industry: I think that any activity that employs labour and provides an interest to people must be called an industry. Taking away country race days is not in the best interests of racing. One racing club controls racing in this State, and perhaps there should be better management. It is not necessary to have so many city racecourses, which are uneconomical and create an additional burden. I think bookmakers are the biggest drag on the racing industry in Australia today. Indeed, other countries are beginning to learn that bookmakers are a liability to the clubs. Clubs and the Government receive less revenue from the money invested with bookmakers than is received from totalizator investments. I hope that the tendency to take away race days from the country clubs is not allowed to continue.

Dr. EASTICK: I agree with the Attorney-General that the Government has no say in the allocation of dates, but I think we should consider that some dates given to country clubs could almost be called disaster dates, that is, Wednesdays that occur between the carnivals held at Port Augusta, Port Lincoln and Mount Gambier. If a country club is unfortunate enough to be allocated a meeting to be held on a Wednesday occurring between these carnivals, it invariably follows that there is a poor attendance, and many expenses are incurred that cannot be covered. At the same time metropolitan courses, with access to a far bigger group of people interested in racing, may have a successful day. If three of the six days allocated to the new city meetings were so arranged, it would at least ensure that the country clubs on the days they raced would not clash in this awkward situation. Although I appreciate that neither the Attorney-General nor the Chief Secretary can require the South Australian Jockey Club to heed the requests made by the country clubs, the fact that the requests have been recorded will, I hope, mean that they will be considered in the places that matter.

The ACTING CHAIRMAN (Mr. Ryan): The question is "That clause 6 stand as printed." Those for the question say "Aye"; those against say "No". I think the "Ayes" have it.

Mr. WARDLE: I desired to speak to clause 6, Sir.

The ACTING CHAIRMAN: The honourable member cannot speak to clause 6; it has now been dealt with.

Mr. MILLHOUSE: Are you not allowing the honourable member to speak, Sir?

The ACTING CHAIRMAN: I put the question "That clause 6 stand as printed", and the motion was carried by the Committee.

Mr. MILLHOUSE: With respect, Sir, I was looking his way, and the member for Murray was on his feet before you put the question. He was standing up as you were putting it.

The ACTING CHAIRMAN: Order! The motion was put to the Committee, and I ruled on it. I did not see the member for Murray on his feet.

Mr. EVANS: I ask you to reconsider this, Sir, because some questions were asked in Committee and I wanted to speak again.

The ACTING CHAIRMAN: Order! I put the question. I distinctly looked to the Attorney-General to answer the points raised, and the Attorney did not rise. I cannot force members to rise to speak in Committee. If the Attorney does not rise to speak, I cannot force him to do so.

Mr. MILLHOUSE: But the member for Murray was on his feet when you were putting the question. You may not have seen him, Sir, but he was certainly on his feet expecting to speak. I assure you that I saw him; I was looking in his direction.

The ACTING CHAIRMAN: For the benefit of the Committee, I will now put clause 6: "That clause 6 stands as printed". Those in favour say "Aye".

Mr. WARDLE: I called long before you put the motion, Sir.

The ACTING CHAIRMAN: I will give the honourable member the benefit of the doubt on this occasion, but this will be the last time members will get the benefit of speaking to a motion after it has been put.

Mr. WARDLE: I thank you for your consideration, Sir. The Attorney-General has said (and I can see his point) that he cannot interfere with the allotments of dates for race meetings. However, if this Parliament passes legislation to allow a group or body to make certain plans and to arrange certain dates, it has a responsibility, and members cannot wash their hands on the one hand, saying that the matter is completely out of their control, and yet on the other hand help a certain body or group to fix a list of dates that vitally affect country race meetings. It is inconsistent that we legislate to help a group to do something over which Parliament has no authority or control. Unless I am incorrect, I believe the Chief Secretary has the final authority to decide whether or not to issue a permit under this legislation. I hope that he will consider the opinions of country racing clubs prior to permitting dates to be taken away from them and allotted to the metropolitan area.

The Hon. L. J. KING: I have noted the honourable member's comments. They will be brought to the Chief Secretary's attention and, more importantly, to that of the committee of the South Australian Jockey Club, on whom devolves the responsibility of allocating dates for race meetings. The Bill enables six additional mid-week meetings (with totalizator and betting facilities) to be held. There is nothing in the Bill that seeks to remove the control of racing from the South Australian Jockey Club. This would raise much wider issues than those raised in the Bill. At present the House has to decide whether it will authorize six additional mid-week meetings. The responsibility for the allocation of dates rests with the South Australian Jockey Club, and little else can be done than to bring the remarks of the members for Fisher and Murray to the attention of the South Australian Jockey Club, which must weigh those remarks and the interests represented by them against those of other interests within the racing industry.

In deference to the honourable member for Fisher, I will comment briefly on his remarks. I agree with the member for Heysen that racing is necessarily an industry. It is also a sport and an entertainment, although I prefer to call it an entertainment industry. It partakes of the character of all three. Regarding the suggestion made by the member for Fisher as to whether there should be additional mid-week racing days, it is not the function of this Parliament to judge how people should spend their leisure time. If people have leisure time during the middle of the week, when a country or city race meeting is being held, they should be entitled to attend such a meeting if they wish. When there is a significant demand, as I think there is here, for additional metropolitan mid-week facilities, this Parliament should grant them, leaving it to individuals to decide whether they wish to avail themselves of those facilities.

Mid-week meetings have been held in Victoria and New South Wales, and as far as I know they have not adversely affected industry or resulted in any absenteeism or any of the other things that one fears in these matters. I suppose if any evil consequences flow from this amendment, the evil will merely be transferred from the rural sector to the metropolitan sector. Indeed, from what I hear from members opposite about the rural sector, I rather gather that there would not be any considerable investments at country race meetings if they were held on these additional six dates. My attitude towards the additional mid-week meetings is simply that I think there is a significant demand for facilities of this type. Where the demand exists, this Parliament should cater for it, leaving individuals free to decide for themselves whether or not they wish to patronize this form of entertainment. After all, if we are doing no more than simply transferring this from country courses to metropolitan courses, it is hard to imagine any significant additional evils, if there are evils in this area at present, being likely to arise from additional mid-week dates.

Mr. EVANS: I know that the clause does not take any control away from the racing clubs concerned; actually it puts more control in their hands. They can now decide to have six more mid-week race meetings in the metropolitan area, and that is the point I was making. This may work to the detriment of country clubs; the Attorney-General asked whether this really mattered. If we decide that we should not tell people how to spend their money, why should we have any control at all over the number of race meetings held during the week? The Attorney knows that in some

areas Parliamentarians should accept responsibility. Racing would not be nearly as big a business if gambling facilities were not provided.

Mr. Becker: You'll never stop some people gambling.

Mr. EVANS: I know, but it can be controlled. If the member for Hanson's attitude is followed, racing should be allowed whenever people want it. I totally oppose increasing the number of mid-week race meetings. Racing as a sport, entertainment or industry is only as big as it is because of the gambling facilities available.

Mr. McKEE: I do not oppose the increase in the number of mid-week meetings. However, if the metropolitan clubs are satisfied that there is sufficient demand for these extra days, they should not have to worry about which day they take, and they should be able to leave the country clubs the special days they now have. Country clubs object to days on which they hold feature meetings being taken away from them. I have received an assurance from the Secretary of the South Australian Jockey Club that it will not interfere with the days on which country clubs run feature meetings. However, according to reliable information I have, the Tailem Bend club has lost its cup day meeting, which it holds on the Wednesday before the Adelaide Cup meeting, and a feature day has also been lost to the Gawler club. Although races at Port Pirie are held on a Saturday and I am therefore not directly affected, as a country member I believe I owe some allegiance to country people. I can see the point made by the member for Murray, who said that 24 or more people are engaged in horse-racing at Murray Bridge. If that club loses its racing days, the people involved in this industry will have to transfer their stables to Adelaide. Country clubs should not lose these days.

Mr. McANANEY: Earlier this year I took to the former Chief Secretary a deputation from the country racing clubs' association objecting strongly to any suggestion that racing days should be transferred to metropolitan clubs. Has any deputation been to the present Government objecting to the transfer of these days?

The Hon. L. J. KING: I have no knowledge of it. The Chief Secretary handled negotiations leading to the preparation of the Bill, which I introduced as the Minister representing him in this place. Nevertheless, I have examined the dockets relating to the matter. Although I have not specifically asked this question of the Chief Secretary, now that the matter has been raised I will raise it with him.

The Committee divided on the clause:

Ayes (28)—Messrs. Becker, Brookman, Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Corcoran, Coumbe, Curren, Dunstan, Eastick, Groth, Gunn, Harrison, Hudson, Jennings, King (teller), Langley, Mathwin, McRae, Millhouse, Payne, Simmons, and Slater, Mrs. Steele, Messrs. Tonkin, Virgo, and Wells.

Noes (15)—Messrs. Carnie, Clark, Crimes, Evans (teller), Ferguson, Goldsworthy, Hall, Hopgood, Keneally, McAnanaey, McKee, Nankivell, Rodda, Venning, and Wardle.

Majority of 13 for the Ayes.

Clause thus passed.

Clause 7—"Unit of totalizator ticket to be fifty cents."

Mr. BECKER: I move:

In new subsection (1a), after "totalizator" second occurring to insert ", on payment of fifty cents for each unit of betting."

As this amendment and the next two amendments I have on file are related, do you wish me to deal with each one separately, Mr. Acting Chairman?

The ACTING CHAIRMAN: Yes, we are dealing with the honourable member's first amendment.

Mr. BECKER: This is only a technical amendment, and I have been guided by the Parliamentary Draftsman in drafting it.

The Hon. L. J. KING: The amendment is one of a series that seeks to provide that, where there are mid-week race meetings, the club may open either the Grandstand or the Flat or, alternatively, the Grandstand or Derby, but in the event of the Derby being opened the admission charge shall not be greater than the admission charge to the Flat for a race meeting held by that club on a Saturday. The proposal seems to me to be entirely reasonable. Following this amendment, the honourable member will move—

The ACTING CHAIRMAN: At this stage we are discussing the first amendment only.

The Hon. L. J. KING: This amendment will be understood if members look at the other amendments that the honourable member has on file to—

The ACTING CHAIRMAN: Order! I cannot allow discussion by the Committee of any other amendment. We are dealing with only the first amendment.

The Hon. L. J. KING: My only comment on that is that it will be impossible for members to understand the amendment unless

they refer to the other amendments. I say no more: it is not for me to explain the amendment, anyway. However, I am pleased to accept it.

Mr. McANANEY: This amendment will enable people who normally go in the Flat to enjoy better conditions in another place: I am speaking of the race track, not of Parliament.

The ACTING CHAIRMAN: We are dealing with the amendment before the Committee.

Amendment carried.

Dr. EASTICK: I move:

In new subsection (1*a*), after "use the totalizator on" to insert "any one or more of". It is apparent that there is to be a direction to the clubs concerning which facility they may make available to patrons and it is specifically stated that it will apply to the Grandstand and the Flat. My amendment will provide that a club may decide which facilities it will make available and that at least one charge will be permitted the equivalent of that for the Flat, irrespective of whether the facilities provided relate to the Derby or the Grandstand. Although the Adelaide Racing Club may be in a difficult situation in that, even if it makes facilities available in the Grandstand for all the people attending the meeting, it is unable to charge an entrance fee, that club may consider that there will be an overall benefit resulting from increased betting and from the other by-products of attendance. The amendment takes nothing away from the original intent of the Bill, other than that it allows a club, if it desires, to open only one of the enclosures, and if it does so the fee will be that which normally applies to the Flat.

Mr. BECKER: I oppose the amendment. If the Adelaide Racing Club were to operate the totalizator only in the Grandstand and were to charge the admission price for the Flat, everyone could attend a meeting there free of cost. The main income for a club is through its gate receipts. Here, we can provide an opportunity for clubs to have good public relations. If there are concession prices and certain privileges for people who attend races, I think the clubs will benefit from having an opportunity to provide this facility for their patrons.

The Hon. L. J. KING: I also oppose the amendment, for reasons similar to those advanced by the member for Hanson. I really do not think it is a realistic approach to the matter to imagine that a racing club would open one enclosure and charge only the admission price for the Flat, and I do not think it is really practicable to deal with that sort of situation in legislation. As the member for Hanson said, the Adelaide Racing Club could be conducting a fairly unprofitable meeting, because there would not be very much revenue, from admission charges at any rate. There has never been a suggestion from any source that the clubs would be interested in opening a single enclosure to which the admission charge would be that applicable to the Flat on a Saturday. As it seems to me that this is not a useful amendment, I prefer to see it rejected.

Dr. EASTICK: It is up to the club to decide what facilities it provides and, if it decides to provide for its patrons better facilities than those existing in respect of the Flat by opening the Derby at the Flat price, it may do so, and patrons will benefit. Only the Adelaide Racing Club would be in the position to which other members have referred, because the Port Adelaide Racing Club and the South Australian Jockey Club charge for entry to the Flat. When the Gawler Jockey Club was operating as a city club and its facilities were also being used as a country club by the Barossa and Light Racing Club and by the Licensed Victuallers Association, the total facilities on the racecourse were available at the one entrance fee for country meetings. As the individual clubs are the keepers of their own purse, they will know whether it is practicable or otherwise to make facilities available (albeit at no charge in the case of the Adelaide Racing Club). The amendment is so worded that one or more enclosures may be opened at the discretion of the club conducting the meeting.

The Hon. L. J. KING: No club has suggested that it would be interested in opening one enclosure at the Flat price, and the honourable member has not suggested that any club has proposed this.

Dr. EASTICK: I cannot quote a letter from the secretary of an influential racing club involved, but that organization considered that my amendment should be submitted.

The Committee divided on the amendment:

Ayes (10)—Messrs. Eastick (teller), Evans, Ferguson, Goldsworthy, Hall, Mathwin, Millhouse, Nankivell, Venning, and Wardle.

Noes (32)—Messrs. Becker, Brookman, Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Carnie, Clark, Corcoran, Coumbe, Crimes, Curren, Dunstan, Groth, Gunn,

Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), McAnaney, McKee, McRae, Payne, Rodda, Simmons, and Slater, Mrs. Steele, Messrs. Tonkin, Virgo, and Wells.

Majority of 22 for the Noes.

Amendment thus negatived.

Mr. BECKER: I move:

In new subsection (1a), after "Flat" to insert:

or on those portions of the race-course known as the "Grandstand" and "Derby" and that, where, pursuant to this subsection, the totalizator is to be used on that portion of the racecourse known as the "Derby", the fee for admission to the "Derby" shall not be greater than the fee ordinarily charged for admission to the "Flat" for a race meeting held by that club on a Saturday.

This amendment gives clubs the opportunity during mid-week to operate the totalizator on the Grandstand and Derby or the Grandstand and Flat.

The Hon. L. J. KING: The intention behind the provision was that, if the racing clubs desired to operate two enclosures instead of the three that are used on Saturdays, they should not deprive the public of the advantage it now has of attending the cheapest enclosure, namely, the Flat. If one enclosure is to be eliminated it should be one of the more expensive ones. The honourable member's amendment simply provides that, if the clubs are prepared to let people into the Derby, they should be charged the same price as they would be charged for entering the Flat. I entirely agree with his amendment and am happy to accept it.

Amendment carried.

Mr. BECKER: I move:

In new subsection (1a), after "Flat" to strike out, "on payment of fifty cents for each unit of betting on the totalizator."

This is consequential on my earlier amendment.

Amendment carried; clause as amended passed.

Clauses 8 to 15 passed.

Clause 16—"Enactment of sections 30a and 30b of principal Act."

Mr. BECKER: I move:

In new section 30b (1) to strike out "Except as provided in" and insert "Subject to"; in new section 30 (*b*) (1), after "year" to insert "and shall not authorize the use of the totalizator on any such racecourse by any club other than the Adelaide Greyhound Racing Club Incorporated"; in new section 30b (2), after "the totalizator on" to strike out "the" and insert "any"; and in new section 30b (2), after "racecourse" to strike out "at Bolivar" and insert "situated within a radius of fifteen miles from the General Post Office at Adelaide".

The Adelaide Greyhound Racing Club has been licensed by the National Coursing Association to enable it to conduct greyhound race meetings at Bolivar, and I have moved these amendments so that that club is named in the Bill. The other greyhound racing clubs in the State are named in this new section. To tidy up this provision, the Adelaide Greyhound Racing Club should also be named. My reason for wishing to delete the reference to Bolivar in this clause is that it will then be left at the discretion of the Adelaide Greyhound Racing Club where it races. I have not consulted the club to find out whether it will conduct its meetings at Bolivar or establish a track in the metropolitan area. I know that the main reason the Bolivar site was accepted by the club was that the Metropolitan Adelaide Transportation Study proposed a freeway to service the area. As the M.A.T.S. plan may not be proceeded with, the club should have the opportunity to establish a track, to which there will be easy access, within 15 miles of the General Post Office.

The Hon. L. J. KING: I accept the amendments. The Adelaide Greyhound Racing Club is the only club operating in the metropolitan area, there being no suggestion that any other club will operate in that area. The policy of this Act is to name the clubs. Really, all that the honourable member is doing by the amendment is inserting the name of the metropolitan greyhound racing club in the legislation, and that is entirely reasonable. The provision that the two charity meetings can be held at a course other than Bolivar on which the Adelaide Greyhound Racing Club races is reasonable. It is not really possible to foresee at present that the club will race anywhere other than Bolivar, but circumstances might arise in which it does wish to do so.

Amendments carried; clause as amended passed.

Progress reported; Committee to sit again.

Later:

Clause 17 passed.

Clause 18—"Constitution of the Board."

Mr. BECKER: I move:

After "amended" first occurring to insert: "—

(*a*) by inserting in subsection (4) after the word "shall" the passage ", until the day fixed by proclamation pursuant to subsection (4a) of this section,";

(*b*) by inserting after subsection (4) the following subsection:—

(4a) Subject to this Act, on and after a day to be fixed by proclamation the Board shall consist of nine members who shall be the persons

referred to in subsection (4) of this section and one additional person who shall be nominated by the committee of the National Coursing Association of South Australia Incorporated.;

and

(c)".

I believe that the National Coursing Association should be able to nominate one of its members as an additional member of the Totalizator Agency Board. In New South Wales dog-racing clubs have a representative on that board and I understand that the Chief Secretary in Victoria believes that the clubs should have at least one representative on the board in that State. In New South Wales to June 30, 1968, the sum of $33,500,000 was invested on dog-racing with the board and in 1969 it was $45,750,000. In Victoria the sum held by the board on dog-racing to June 30, 1968, was about $15,000,000; it increased to $22,000,000 in 1969; and to June 30, 1970, it had increased to $25,000,000. I do not believe that betting on dog-racing in this State will reach those proportions, but eventually the sum bet on greyhound racing through the board will become a large proportion of the amount held by that agency. Greyhound-racing clubs should have a representative on the board, and I suggest a nominee from the National Coursing Association because that is the controlling body in this State. I recommend this commonsense amendment to the Committee.

The Hon. L. J. KING: I acknowledge the reasonableness of this suggestion and accept the amendment.

Amendment carried; clause as amended passed.

Clause 19—"Tenure of office".

Mr. BECKER: I move:

After "amended" to insert:

"—

(a) by inserting after the figures "1970" in subsection (1) the passage "and the first member appointed on the nomination of the committee of the National Coursing Association of South Australia Incorporated shall be appointed for a term of office expiring on the thirty-first day of August, 1973";

and

(b)".

This amendment allows the inclusion of the new member of the board and places the expiration of his term of office in line with other members.

The Hon. L. J. KING: This is a consequential amendment to which I agree.

Amendment carried; clause as amended passed.

Clauses 20 to 29 passed.

Clause 30—"Legalization of betting with bookmakers."

Mr. McANANEY: I strongly oppose this clause. The National Coursing Association in a letter to the Chief Secretary early this year specifically stated that it wanted betting in this State on greyhound-racing in other States to be controlled by the Totalizator Agency Board and that on-course totalizator facilities should be provided. Legislation for only on-course and off-course totalizator betting is requested. As the National Coursing Association has not requested bookmakers to be present at its meetings, we should not inflict bookmakers on it. Bookmakers are a privileged class in that they make a smaller contribution to the racing clubs and the Government than does the totalizator. They are the biggest impediment to progress in racing. I admit that betting with bookmakers is popular and that, when I am at the races, I invariably bet with them. When at a racecourse such as Flemington or Caulfield, where there is up-to-date totalizator equipment, one can see the odds available. However, from bookmakers' turnover of $58,165,000, racing clubs received only $549,000, plus the bookmakers' fees. The bookmakers fees at the Strathalbyn racecourse amounted to only one-third of the bookmakers' commission. Out of a total totalizator turnover of $6,198,000, the racing clubs received $554,852, less expenses.

If we did not have bookmakers and the turnover increased only to $40,000,000, the expenditure for each dollar of investment would drop considerably. The racing clubs would receive much more from totalizator betting than from bets with bookmakers. From a total turnover of about $6,000,000 the Government received $303,945, or only half the amount it would have received from the bookmakers, who had a turnover nine times as great. In any country that still has bookmakers, the racing industry is not prosperous. In England bookmakers operate in shops and make no contribution to the racing industry; in Australia they make a smaller contribution to the clubs and the Government than is received from a much smaller investment on the totalizator; and in France, where totalizator betting is most successful, the prize money is better.

Although the transferral of six country race meetings to metropolitan courses will make a small contribution to the clubs, the contribution

would be insignificant compared with the amount that the clubs would receive if there were no bookmakers. The dog racing authorities have not asked for bookmakers to be present at their meetings. Indeed, they are fearful that if bookmakers are present it will make it more difficult for them to police their rules. They are attempting to ensure that their sport is carried out honestly. Indeed, veterinary surgeons are present at meetings and test dogs to make sure that they have not lost weight within two hours of a race, and so on. In other words, they take every possible safeguard to ensure that the people who attend their meetings are treated as fairly and as honestly as possible when they make a bet. I must make it clear, however, that I am not attacking bookmakers as a class, because they are likely to be as honest as is any other section of the community. I cannot countenance the fact that bookmakers should have a privilege over the totalizator on any racecourse. Surely in any legislation that is introduced into this Parliament we should try to ensure that there is fair play between the various interests involved. I therefore earnestly ask the Committee to ensure that justice and fair play is done.

Mr. HARRISON: I listened with much interest to the member for Heysen, who has quoted various figures, the origin of which I am unaware. However, I should like to quote some figures which are factual and which can be clarified further by the Betting Control Board. Bookmaking, the same as racing, is a glamorous industry with which many people are associated. Statistics prove that 90 per cent of business conducted on racecourse is conducted through bookmakers. The other 10 per cent goes through the totalizator. Betting Control Board returns substantiate these figures. On the basis of returns, punters lose 5 per cent of the money they invest to bookmakers and 16 per cent to the totalizator. The clubs receive direct by permit, entrance, and car park fees, and race cards $217,305; and by share of turnover tax $531,620. The South Australian Government receives by turnover tax at current rates $494,380; through printing tickets, the Government Printer receives $15,000; and the stamp duty is $130,000; making a total of $639,380. The service fees paid for fluctuations of interstate betting amount to $37,920. Bookmakers employ permanent and casual staff, and wages amount to $12,000 a week. As over 1,400 people are employed each weekend, the total of this is $625,000 a year. There is certain overprinting of tickets and this amounts to $8,500. The slides, which are the horses' names on betting boards, cost $19,000 a year. Sundries, such as licences, sheets, carbons, pencils, and so on, amount to $10,000 a year. As bookmakers travel throughout the State, their expenses amount to $200,000 a year. Telephone and bank charges and so on amount to $40,000 a year. The grand total is $2,328,725, so that this is a considerable industry. I believe bookmakers will bring glamour to greyhound-racing as they have brought it to horse-racing and trotting.

Mr. McANANEY: The honourable member has made no effort to combat my argument that bookmakers are a privileged class, receiving help from the Government and the clubs in that they do not make the contribution they should. The money spent on slides and so on is wasted, as no advantage comes from it. We allow 1¼ per cent of the money collected to be put into better totalizator facilities. The only way we can achieve better standards is for money to be spent productively. The honourable member said that certain money went towards wages, but the totalizator also employs people. If bookmakers employ more people than the totalizator employs, the surplus money can go into some other industry. The fact that bookmakers drive their expensive cars all over South Australia to attend meetings involves another waste of money for no good purpose. The totalizator is worked by local country people. As this affords help to country towns, it is another means of decentralization. Bookmakers create unnecessary expenses and do not create employment.

Mr. EVANS: I oppose the clause. In the debate on the Bill to allow mechanical-lure racing, some members more or less implied that no betting would be asked for in this respect. Now the stage has been reached where people who wish to have betting on mechanical-lure racing have said that all they want is totalizator betting. The member for Albert Park says that bookmakers do not take as much out of the punters' money as the totalizator takes. We do not want to interfere at all with the present activities of bookmakers, but we ask that their activities be not extended to greyhound-racing. The member for Albert Park said that bookmakers took only 5 per cent of the turnover and that the totalizator took 16 per cent.

Mr. Harrison: No, I was not referring to that.

Mr. McKee: What about private enterprise?

Mr. EVANS: Most members are arguing that this is an industry and that, as punters invest their money, they are private investors. I am not against that. I am not against private enterprise, but the persons who have asked for betting facilities at tin-hare or mechanical-lure racing have said that all they want is the totalizator. I do not support the clause.

The Hon. D. N. BROOKMAN: I do not agree with some of my colleagues on this matter. Ayone who goes to a horse-racing meeting will see how strongly the bookmakers are supported, and they would also be supported at any other race meetings. Many persons want to bet with bookmakers and are not concerned about how much the bookmaker contributes to the Treasury, or how much the totalizator contributes or about the difference in odds as between the totalizator and the bookmaker. They are mostly concerned about knowing, when they lodge their bet, what odds they are getting. A person betting on the totalizator does not know at what odds a horse will ultimately start. About 20 minutes before a race, he may bet with the totalizator at odds that seem good at that time but, as a result of later bets, the horse may start at much shorter odds. It is not sensible to lay down that, if we allow betting at dog racing, we will allow only certain types of betting. I support the clause.

Mr. BECKER: I support the clause and commend the member for Albert Park for his explanation of the involvement of bookmakers in racing. I do not follow the reasoning of the member for Fisher. Bookmakers are part of the whole industry and they offer a service that patrons cannot get from the totalizator. Deletion of this clause would embarrass greyhound-racing in South Australia.

Mr. RODDA: I am on the side of the bookmakers in this argument. It was not easy to legalize dog-racing in South Australia. Bookmakers give colour to a sports meeting, whereas the totalizator takes away the personal touch. People enjoy betting with bookmakers, and I oppose taking away something that the people enjoy.

The Hon. L. J. KING: I agree with the members for Alexandra, Hanson, and Albert Park. Anyone who attends a race meeting has no doubt that the presence of the bookmaker is a popular feature. The member for Alexandra has given one good reason for that, namely, that a punter knows the odds that he gets from a bookmaker. I am sure that most race-goers enjoy trying to get from a bookmaker the best odds about a fancied horse. Betting in this way is part of the entertainment at a race meeting, and Parliament should make the facilities available. The member for Heysen seems to be arguing that bookmakers should make a bigger contribution to either the Government or the racing clubs, but on this clause we are concerned only about whether betting by bookmakers at dog-racing should be legalized. If some members at the proper time wish to raise revenue matters, they should be decided at that time, but this evening we are concerned solely with whether or not we have bookmakers at dog-racing meetings. The other argument that was raised against the proposition, I think by the member for Fisher, was that the clubs themselves had not sought to have bookmakers at their meetings. It seems to me that we have to look at this matter not only from the point of view of clubs but also from the point of view of the public.

As I said earlier, this is an entertainment industry, and the business of an entertainment industry is to entertain and to provide the sort of facilities that the public wants. There is no doubt in my mind that the public wants the facilities for betting with bookmakers, whether it concerns horse-racing, trotting or dog-racing, and for those reasons I suggest that Parliament should provide the public with the facilities that it undoubtedly wants.

Mr. WELLS: The main issue here is whether or not a person is prepared to concede the right to an individual to have a bet; I do not believe that the bookmaker, as such, is the issue at all. However, I believe that some people who have spoken against bookmakers' being at a racecourse, trotting track or a dog-racing course merely oppose it because it narrows the possibility of a person's gambling. I believe that the people concerned are opposed to gambling in any circumstances and would close the totalizator if they had such an opportunity. The bookmaker plays an extremely important part in racing in this State and, if we remove him from the various racecourses, we shall find that racing crowds will diminish and that the back-room bookmaker will once again operate. Enormous sums of money are involved in racing in this State, and it will be no different in regard to dog-racing. I suggest that if we take bookmaking out of licensed racing in this State we shall not only hinder racing: we shall kill it, because people will not attend races simply to bet on the totalizator.

Mr. MILLHOUSE: I have in front of me a Government docket on this matter which was laid on the table by the Attorney-General a few weeks ago after, I think, the intervention of the Leader of the Opposition and of the member for Alexandra. Incidentally, it represented a notable victory of the Legislature over the Executive, and I hope that during the life of this Government there will be many more such victories. If one looks at this docket, one finds that, throughout, the National Coursing Association has, in fact, asked only for a totalizator and not for bookmakers to be allowed to operate. This docket began soon after the Walsh Government came into office: it was opened on April 23, 1965, and the first thing in it actually is a letter from our old friend the member for Unley to the then Premier (the late Hon. Frank Walsh). In that letter, dated April 9, 1965, was enclosed a copy of a letter received from Mr. Pridham of the National Coursing Association, asking for a tote.

The then Government found the matter rather difficult, because if we look through the docket we find that it was taken to Cabinet not once but about a dozen times. It reached Cabinet first on May 3, 1965, and it was marked by the late Mr. Walsh "Deferred next meeting"; at the next meeting on May 11 it was deferred to May 17; it was then deferred to July 5; then to August 9; and then a few letters came in until August 9. On August 9 the matter was deferred to September 6; on September 6 it was deferred to October 11, but there was apparently no meeting on October 11 (the Hon. Frank Walsh made a mistake with his dates there); on October 12 it was deferred to November 8; and on November 8 it was deferred to the next session. It was duly served up again on January 4, 1966, when Mr. Walsh marked it "Deferred August, 1966". On August 1, 1966, it was deferred to September 5, and on that day it was adjourned until July 19, 1967. By then it had been before the Labor Cabinet for 16 months. This shows that it is not an easy matter to deal with and that from 1965 to 1968 the Government of the day could not make up its mind on the matter.

Mr. Clark: What happened when your Government came into office?

Mr. MILLHOUSE: The matter came before the new Government, which shows just how much more decisive it was. The National Coursing Association wrote to the former Chief Secretary (Hon. R. C. DeGaris) on June 28, 1970; it was not until it was revised by an outside body that the Government addressed itself to the matter. On January 30, 1970, the National Coursing Association wrote making certain requests. The matter then went before Cabinet and on March 23 the then Chief Secretary addressed a minute to me, as Attorney-General, saying that provision should be made in the Lottery and Gaming Act for bookmakers to operate at dog-racing meetings. I then referred the matter to the Parliamentary Draftsman in the usual way. The present Government, relying upon the Liberal Government decision made some months ago, has introduced this Bill. I intend, as I was a member of the former Cabinet, to support the clause as it stands.

Mr. McANANEY: The member for Florey has said that bookmaking is a glamorous industry. I agree that this is so and that bookmakers are treated more favourably than are other betting bodies. Indeed, the totalizator is the workhorse of the industry, whereas the bookmakers represent the more glamorous side of racing. People have become used to betting with bookmakers, so if the latter were removed from our racecourses it might act as an impediment to the racing clubs, investments being not so high. However, if there was a totalizator at dog-racing meetings, although the turnover would probably be less, the club would receive a greater percentage of the money invested, as a result of which it could award more prize money, provide better facilities, and thereby attract more people.

It is more advantageous for a heavy investor to bet with a bookmaker, from whom he can obtain better odds than he would from the totalizator. However, when he invests with the latter, he must do so on the same basis as a man who does not know so much about racing. I realize from the way members have spoken that this clause will probably pass. However, I object to pampering a certain form of betting whereas one of its counterparts, which is expected to make a greater contribution to the clubs, is penalized by the Government. We should get back to the principle of operating on a decent, honest and straight basis.

Clause passed.

Clauses 31 to 41 passed.

Clause 42—"Licensed bookmakers may sue and be sued."

Mr. McKEE: I oppose the clause, believing that betting should be on a cash rather than on a credit basis. If a bookmaker wishes to give credit to his clientele that is his business, but I do not think we should allow people to take

credit indiscriminately, getting themselves further in the red while they try to recoup their losses.

Mr. McANANEY: I agree with the member for Pirie. People must put cash down to have a bet with the totalizator, and bookmakers should be expected to operate on the same basis. For bookmakers to issue credit is a bad thing.

Mr. MILLHOUSE: I agree with the member for Pirie, too. I do not bet. If other people want to be silly enough to do so that is up to them, but I do not think we should encourage them to get into debt. Traditionally, the law has said that a wagering contract is unenforceable, and I believe that should remain the position. Halsbury states:

All wagers void. All contracts by way of gaming or wagering are void, and no action can be brought by the winner of a wager either against the loser or the stake holder to recover what is alleged to be won. All alike are void and, though not illegal, are of a mutual character, giving rise neither to rights nor liabilities.

I believe that should be the position. One cannot help recalling that contracts of this nature have been a subject of litigation from time to time. One of the leading cases where a wager is defined is the case of *Carlill v. Carbolic Smoke Ball Company*. This case was decided in the 1890's. The report of the case states:

The defendants, who were the proprietors and vendors of a medical preparation called "The Carbolic Smoke Ball" inserted in the *Pall Mall Gazette* of November 13, 1891, and in other newspapers, the following advertisement: £100 reward will be paid by the Carbolic Smoke Ball Company to any person who contracts the increasing epidemic influenza, colds, or any disease caused by taking cold, after having used the ball three times daily for two weeks according to the printed directions supplied with each ball. £1,000 is deposited with the Alliance Bank, Regent Street, showing our sincerity in the matter. During the last epidemic of influenza many thousand carbolic smoke balls were sold as preventives against this disease, and in no ascertained case was the disease contracted by those using the carbolic smoke ball.

The ACTING CHAIRMAN: Order! Can the honourable member link up his remarks with the fact that licensed bookmakers can sue or be sued? If he cannot, he must not continue to refer to the matter to which he is referring.

Mr. MILLHOUSE: I am sure I can, Sir. It was in this case that a wager was defined by Mr. Justice Hawkins. The report continues:

The plaintiff, a lady, on the faith of this advertisement, bought one of the balls at a chemist's, and used it as directed, three times a day, from November 20, 1891.

The ACTING CHAIRMAN: Order! We are dealing with the clause relating to licensed bookmakers being able to sue. I ask the honourable member to link up his remarks with that clause.

Mr. MILLHOUSE: She sued for £100 and they said it was a wager; it was not, and she got her money. I want to correct something said by the Attorney-General. On one occasion he said that the previous Cabinet had agreed to this particular provision. Subsequent to his having said that, he was kind enough to lay on the table Chief Secretary's Docket No. 95 of 1970. Earlier, he said my initials were on it. On April 6 last, the former Cabinet approved of the drafting of the Bill with these provisions in it. I wish to correct the impression that the Attorney-General gave that the Bill would have been introduced in that form. We discussed such matters in Cabinet and, if there was preliminary agreement, we authorized drafting, but the Bill would then come back to Cabinet for final decision on whether to introduce it. In this case, we only got as far as drafting.

The Hon. L. J. King: You almost got your foot into the water, though, didn't you?

Mr. MILLHOUSE: Yes, but it would be very wrong for the Attorney-General, if he deliberately (and, as I say, I do not think he did) implied that we had decided to introduce a Bill with such a provision in it. If we had done that, I would have been diffident about opposing this clause. However, the former Cabinet did not decide to introduce a Bill with this provision in it. I make that clear because of my objection to the clause as it stands.

The Hon. L. J. KING: I do not want to debate with the member for Mitcham the state of the former Government's mind but, if a final decision had not been made (and I suppose it had not, because Cabinet always has the last opportunity to decide not to introduce a Bill) there was no question, from the minute I read, that the previous Government had certainly reached the stage of being satisfied that this clause should be included and had given drafting instructions. There was no indication in the docket the Cabinet had misgivings about it.

The clause is in the Bill because in other States a similar provision is part of the law now, and as far as I know, it has not created

difficulty in those States. However, I certainly respect the point of view that there could be circumstances in which the right of a bookmaker to sue might be the cause of credit being given to persons who would be better off without credit betting facilities. Generally speaking bookmakers are fairly well protected by the means they have of having racing clubs take disciplinary action against defaulters. Further, I do not think a bettor really gains anything by having the right to sue a bookmaker, because a solvent bookmaker will pay, to protect his own credit, and the right to sue an insolvent bookmaker is of no value. As I think the feeling of the Committee is that it is probably unwise to make this alteration in the law, I do not wish to press any argument in support of the clause.

Mr. BECKER: Will the Attorney-General consider a provision that bookmakers may recover up to $500? Some members are probably frightened by the sum of $5,000 provided. Bookmakers lodge with the Betting Control Board a bond, which I think has been for $1,000 and recently I think it has been increased to $2,000. Bookmakers must also submit statements of assets and liabilities to the board so that the board will know their financial position.

Mr. EVANS: As I said on second reading, I oppose the clause because I consider that betting should be done on a cash basis. When I was involved in sporting clubs I tried to help people by borrowing money on a gentleman's agreement so that those people could meet obligations that they had incurred by betting on credit. I do not agree that bookmakers should be able to sue a punter or that they should be able to be sued, except so far as is provided for regarding the bond.

Mr. GUNN: I oppose the clause. We should not give bookmakers the right to sue people who establish credit by making a nod bet at a race meeting for a large amount and then find out, in a more stable moment, that they had endangered the welfare of their families.

The Hon. D. N. BROOKMAN: Is the Attorney-General willing to defeat the clause?

The Hon. L. J. King: Yes.

The Hon. D. N. BROOKMAN: I was about to defend the clause, as it stands. Probably the sum of $5,000 may be too large, but we must not overlook that bets are contracts between a bookmaker and a bettor and, whilst a bookmaker is expected to stand up to his side of the contract, the bettor would be let go if we deleted this clause. Perhaps, if a bookmaker makes enough fuss, the bettor may not be able to return to the racecourse. The member for Hanson has suggested that we provide a figure less than $5,000. I think the Committee will be well advised to accept a figure here, so that Parliament will not merely be taking the side of the people who may wish to wriggle out of a contract. Perhaps $5,000 is too much; I think that a lower figure will still show that this Parliament acknowledges that betting is a serious business and should be treated as such.

Mr. BECKER: I move:

In new section 50a (3) to strike out "thousand" and insert "hundred".

This means that, instead of bookmakers being able to sue for the recovery of a debt of up to $5,000, they will be able to sue up to only $500, and I believe that this is more in line with the bond that bookmakers lodge with the Betting Control Board. Honourable members may be concerned that a reckless individual will engage in $10 and $20 bets, the bookmaker concerned being aware that he has equity in a house. Assuming that most people have equity in a house to the extent of $500, I do not think that under the amendment a person could lose his house if a bookmaker's suit were successful. Rather than a court forcing a man to sell his house, I think that some other arrangement would be made. I do not believe that by deleting this clause altogether we will eliminate nod betting, for it is here to stay.

Professional punters, who are reputable business men, bet in thousands of dollars. We must remember, too, that bookmakers have contributed several thousands of dollars to the Fielders Ward at the Adelaide Children's Hospital and also the jockeys' and trainers' distress funds to assist people employed in the racing industry who are injured. Also, over the years they have sponsored three charity queens in the Miss Australia Quest.

The Hon. L. J. KING: I do not believe that the amendment really solves anything. I do not think anyone who has commented adversely on this clause will disagree with me when I say that no-one suggests that bookmakers are other than reputable members of the community or that they will act in an undesirable or unscrupulous way. I suppose the argument that has been put really is that they are business men and, if they have certain legal rights, they will naturally enforce them. On the one hand, we have the principle that where a bargain is entered into it should be honoured on both sides, and therefore both parties should have

a legally enforceable right arising out of it. This is an attractive argument, and it is the principle that motivated the Government to include this clause. Against that, we have members strongly arguing that this might have the effect of encouraging bookmakers to extend credit to people who would otherwise not get credit, with perhaps disastrous results. The member for Hanson does not really meet that situation by moving to reduce the sum because, as he says, many people may have equity in a house to the extent of about $500, and if they become legally liable to paying a sum of $500 they may lose the house, because when one is given a right of recovery one is given a right not only to obtain a judgment but also to enforce it by execution against assets or by bankruptcy, which would involve assets up to the prescribed amount. Therefore, I cannot support the amendment. If the principle that parties are to be bound by their bargains is accepted, the committee will vote in favour of the clause as it stands. However, if it considers that the other arguments outweigh this aspect, it will vote against the clause. I do not think the acceptance of this amendment will help solve the problem. It is something that members must face up to and decide upon. It is a question of members voting on the principle of legally enforceable gaming bargains or otherwise.

Dr. EASTICK: I oppose the amendment and the clause. The argument advanced by the member for Hanson would be valid if there were only one bookmaker. However, many bookmakers may each claim up to $500 against any person, so the honourable member's argument that, if the amendment were carried, a person's home would not be affected is invalid.

Amendment negatived; clause negatived.

Remaining clauses (43 to 63) and title passed.

Clause 41—"Avoidance of gaming contracts"—reconsidered.

The Hon. L. J. KING: This clause amends section 50 in a way which contemplated that there would be a new section 50a, as provided by clause 42. As clause 42 has been negatived, this clause is redundant.

Clause negatived.

The Hon. L. J. KING (Attorney-General) moved:

That this Bill be now read a third time.

Mr. EVANS (Fisher): In the previous Parliament I supported the motion to allow totalizator betting at dog racing meetings in this State. I mention this because I do not want anyone within the racing industry to think that I am against totalizator betting, because I am not. As many people require this facility, I believe they should have it. However, I am disappointed with two aspects of the Bill, one of which is that metropolitan racing clubs can now conduct six extra race meetings on any weekday they wish, irrespective of whether it is to the detriment of country race clubs. Also, bookmakers are to be permitted to operate at dog racing meetings where there is a mechanical lure. This was not requested by the organizers of that sport or intended by those who supported the motion in the last Parliament. For these two reasons, I reluctantly support the third reading. I hope the Attorney-General will convey to those concerned my wish that metropolitan race clubs do not conduct meetings on days that will be detrimental to country clubs.

Mr. McANANEY (Heysen): I generally support the Bill and am glad to see that dog-racing clubs will now be able to have betting facilities at their meetings. Although I do not consider it to be in the best interest of clubs to have bookmakers at their meetings, the decision to have them has been made by Parliament, and only time will tell whether the outmoded system of betting with bookmakers will continue to operate to the detriment of the industry. I think that in my lifetime we will see no bookmaker operating in Australia; the industry just cannot afford to have them.

Bill read a third time and passed.

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2655.)

Mr. McANANEY (Heysen): I strongly oppose the principle of price control, although I possibly agree to aspects of consumer protection included in the Bill. This legislation is becoming too involved, as it has in it a form of price control to which is being added some consumer protection, facets of which have been in the Act previously. I think the position would be much simplified if price control and consumer protection were dealt with in separate Acts. Price control has never been successful anywhere. If a system of price control is too rigid, it upsets the balance of supply and demand. A good example of this occurred after the Second World War when price control operated throughout Australia, although it did not keep prices down. The control operated only with respect to essential items and not with respect to luxury goods.

In 1948, the stage was reached when it was impossible to buy the things that were essential to carry out a business. On the other hand, people could buy in the shops in Rundle Street any luxury item they wanted. The argument could be advanced that price control should therefore be designed to cover every item. However, if this were done, the price of goods would increase as a result of the number of inspectors that would have to be employed and the paraphernalia that would be required in the department; shops would also be involved in extra work. South Australia has retained price control longer than has any other State. While there was partial price control in South Australia, prices increased to the same level as applied in the States without price control. This fact alone shows that price control is not effective. If the Prices Commissioner does his job he must examine the various costs that go towards determining a price. He must consider such things as a poor economic policy and wage increases, and he would certainly have to consider an increase of about 20 per cent if a 35-hour week were introduced. Rather than price control, we are talking about price stabilization or the adjustment of prices to the general economy.

I have always strongly opposed this legislation, as anyone who has studied these matters opposes it. In some cases there may be genuine competition among three or four firms. Under the Act, the Prices Commissioner may be asked to examine books, and this is an invasion of the rights of the whole community. I mention this matter at this stage only because I am so opposed to price control, although I shall support the restrictive trade practices legislation when it is debated later. The Government is responsible for seeing that groups are not able to get together and agree to restrict an activity or fix a price for an item when such action detrimentally affects or exploits the community. Surely, the Prices Commissioner, when fixing a price level, must consider any adjustment in the cost of the item. The Arbitration Court does its best to increase wages to the extent of the increase in the gross national product.

Mr. Keneally: Wages are pegged, too.

Mr. McANANEY: If the court makes the adjustment accurately, any increase in wages automatically means an increase in prices, provided the Prices Commissioner is doing his job. Normally, I do not take notice of interjections but I remind the member for Stuart that Mr. Hawke stated on television that, if prices were pegged, he would agree to the pegging of wages. However, when over-award payments are made, the Prices Commissioner should consider this. The minimum wage may be increased because of the generosity of employers or because of pressure exerted by sections of the community. If we have an increasing cost structure or pressure on prices, the Prices Commissioner is justified in increasing the price level. When the price of milk for the Adelaide consumers is considered, the authority assesses the costs and, if the industry has become more efficient (as it has in recent years), this is a case for not increasing the price of milk. Despite this, increased productivity in secondary industries is the reason for increased wages, and to me this is completely unjust.

Most members have received complaints from constituents about over-charging and, in most cases, we get satisfaction by approaching the Prices Commissioner and getting what is more or less arbitration. However, cases do arise where people purchase goods without first inquiring about the price. We have been told that the Prices Commissioner has considered 750 cases during the last year, and I think this number is fewer than the number considered in the past. Sometimes misunderstandings arise about prices. I know a person who ordered four bearings for a roller from a firm, without first inquiring about the cost. As the firm had lost the plans for the bearings, the draftsman had to draw new plans and new moulds had to be made. The firm was able to show that the cost of making the four bearings was $300, yet the person wanting them could have purchased them in Rundle Street for $50.

There are other instances, such as the pressure tactics used by door-to-door salesmen who tell people that such appliances as refrigerators are dangerous and then try to sell the person new appliances. I consider these activities to be cases of fraud that should be dealt with under the criminal law. I accept that we should have consumer protection and, possibly, more power should be given to the Prices Commissioner, so that we can eliminate the actions of salesmen who now take advantage of credulous people. Continuing the Prices Act justifies our continuing consumer protection.

The Prices Commissioner must report to the Minister, and in the past one of the great failures of the legislation has been that members of Parliament have not known the principles on which the Prices Commissioner has

worked. Although, admittedly, in certain circumstances, where the Commissioner has to delve into perhaps the private affairs of a company, the information obtained should be completely secret and should not be divulged in any way to the public or even to members of Parliament, surely, if the Commissioner is to administer the additional powers being provided, he must report to Parliament. Without mentioning any names so that they could be traced, the Commissioner should report to Parliament, rather than only to the Minister, on the duties that he has been carrying out in this respect.

It is a good thing that over a lengthy period officers have been distributing to members of the public a pamphlet containing information on the items in respect of which a consumer is protected. If we can educate the consumer in this respect, the work of the Prices Commissioner will be reduced. However, I believe that certain powers given the Commissioner are too wide, in that, once a person has complained about a certain action, all responsibility is then taken away from him, even though he may subsequently say that he is satisfied that the action taken was justified. I think that this is perhaps going too far and that it is interfering with an individual's rights. I should like to vote the present Act out altogether, provided certain provisions were enacted in separate measures, one provision dealing with consumer protection, and another with the price of wine grapes. I believe that the relevant section of the Act has been a tremendous advantage to grapegrowers.

Here, I believe that some form of restriction will have to be stipulated soon; indeed, I believe that now is the time to decide what action should be taken in the event of a surplus of grapes. It is far better to do this now than to have a recurrence of what has happened regarding the wheat industry, which led a charmed life for about 20 years but in which there ultimately had to be a quota system. The quota system has been in many ways badly administered, in certain cases grossly unfair, and responsible for about $250,000 being wasted through ineptitude. Reverting to the Prices Act, however, I agree that section 33c contains a worthwhile provision, namely:

33c. A retail trader shall not by any threat promise or intimidation, induce or procure or attempt to induce or procure a manufacturer or wholesale trader to sell to him for sale by retail any amount number or quantity of goods (whether declared or not) of a particular class grade and quality upon terms or conditions (including conditions as to price and the allowance of discounts) more favourable than those upon which that manufacturer or wholesale trader is selling or offering for sale a like amount, number or quantity of goods of like class grade and quality to other retail traders.

However, I do not think that this provision has been properly policed, and I know of many cases in which retailers have unduly pressured manufacturers in order to obtain an advantage over another group. If this practice were covered in a separate Act, it would be much more practicable than having to refer to it among the many other provisions in the Prices Act. Indeed, in America, this matter is covered in much greater detail, so that the small shopkeeper, for instance, is not at a disadvantage as compared with a large organization that can put pressure on a wholesaler in order to obtain a benefit. I know that terrific pressure has been exerted in many cases here, and this has forced people out of business. This applies to the meat trade as well as to other activities. As I have said, price control has not proved to be effective in this State. If honourable members were to undertake their own research, they would find that over a certain period prices in this State had risen similarly to those in the other States. Although price control was recently lifted from certain items, I understand that when the subsequent quarterly consumer price index figure was published it revealed that the South Australian increase in prices was certainly no higher than in the other States; in fact, I have an idea that the consumer price index concerning South Australia was nearly the lowest. I ask leave to continue my remarks.

Leave granted; debate adjourned.

Later:

Mr. McANANEY: People can become emotional regarding any possible benefits that may result from price control. It was rather interesting to see a report some time ago in which the Prices Commissioner announced that he had increased a certain price because of an increase in wages of 10 per cent. However, the next day the President of the Housewives Association said that the rates ought to be probed and an inquiry made. I think this reaction is typical: even though the Prices Commissioner has investigated a matter thoroughly and has valid reasons for increasing the price, a person (someone who should know better) says that inquiries should be made into the increased charges. The Premier is always claiming that large savings are being made as a result of the activities of the Prices

Commissioner, claiming I think in one statement that $8,000,000 in a year had been saved by consumers as a result of price control. The Premier has also referred to petrol prices. Recently, the Prices Commissioner increased the price of petrol by 1c a gallon, but when, about three weeks later, I received the monthly account from my petrol dealer I noticed that I had received a rebate of 2c a gallon. How can the price fixed be a correct price when petrol resellers can do this? I am opposed to price control because it is ineffective. Although some people are convinced that they are being saved money, it is not so.

The Hon. D. N. BROOKMAN (Alexandra): I support the Bill with certain reservations. I see no reason to interrupt the practice of extending this Act for another year. However, I think one should, at the same time, have the advantage of an inquiry into the effect of this Act. For years members have had examples brought to their notice of the good things about this Act, but some people seem to think that it is not all good. To my knowledge, we have never had a proper inquiry into it since it was first introduced. Whilst I do not expect the Government to accept my suggestion, I think it it fair to suggest that within the next year or two some committee of inquiry into the operations of the Act should be appointed to determine what good it is doing and in what way the law can be improved. It need not necessarily be a Select Committee or anything as grand as a Royal Commission, but it should be some sort of committee of inquiry specifically charged with examining the effect of the Prices Act and the general operations carried out under it. The result of this inquiry would assist this Parliament. When discussing this legislation members use their memory of incidents from the past. Some people defend the Act by quoting the saving to consumers of dollars and cents. A proper inquiry would be fully justified.

I support the general principle of the Bill but I will comment briefly on the protection of the consumer. He has been protected by the law in a fairly comprehensive way, but within the last few weeks much more legislation has been introduced to protect him, and other measures have been foreshadowed. Only a few minutes ago we discussed restrictive trade practices legislation, and the powers under that legislation are specifically designed to assist the consumer and to ensure that he gets a fair deal. A few weeks ago we were told that the Government was to legislate for an ombudsman. The Government has said that this legislation will be introduced sometime during the life of this Parliament, but it has not said how long this Parliament will live or what powers the ombudsman will have.

I do not object to reasonable protection being given the consumer but it seems to me that we will build up a standing army of public officials who are zealously to guard the consumer's interests. Standing armies always have their disadvantages: sometimes they become a nuisance to the community. We are being extremely lavish in providing machinery to protect the consumer. I do not object to all of it or to any individual aspect of it, but collectively it adds up to an extremely extravagant protection, always bearing in mind that the consumer has the advantage of the protection of the law as it has stood for so many years.

Let us consider the powers of the Prices Commissioner in protecting the consumer. He will investigate and conduct research; he will publish reports and disseminate information; he will give such advice that he thinks proper; and he will report to the Minister. In addition, he is to receive and investigate any complaint from a consumer of excessive charges for goods or services. Also, he is to take such action by negotiation or otherwise as, in his opinion, is appropriate and proper in relation to such complaints. Furthermore, he will be entitled to institute legal proceedings on behalf of any consumer where the amount claimed or involved does not exceed $2,500. The Commissioner's powers are limited in that he must have the written consent of the consumer and of the Minister. The Minister's consent can be given with added conditions, but the consent of the consumer, once given, shall be irrevocable except with the consent of the Commissioner. In other words, once the consumer has given his written consent, he cannot change his mind. New section 18a (4) (*c*) provides:

> any moneys (excluding costs) recovered by the Commissioner shall belong and be paid to the consumer without deduction and any amount awarded against the consumer shall be paid by and recoverable from the consumer . . .

Having made his decision and given his consent in writing, the consumer cannot withdraw. One can see the reason behind this provision, but it seems that having launched this matter he is in no position to settle it at any stage if the Commissioner does not want to settle, because the Commissioner may, without consulting or seeking the consent of the consumer, conduct the proceedings in such manner as he thinks appropriate and proper. This is making it

tough for the consumer. He may have acted rashly or perhaps the Commissioner has been unwise, and they may get themselves into trouble, and it may be at the consumer's expense in some cases.

Every member knows how many complaints he receives from people who do not have to pay to make the complaint. The Commissioner will need a considerable staff to listen to these complaints and sift them out to find out whether they are justified. Many complaints are subject to exaggeration, in some cases they have no foundation, and other complaints are not such as to warrant action. Much judgment will be required of the Commissioner, and there will be much risk to the consumer if, in the course of the case that may be brought, things turn out rather badly for him, because he will have lost control of the conduct of the case. This aspect should be considered carefully when we are in Committee. Although I support it, the Bill adds to all the other things the Government says must be done to protect the consumer and will enlarge the administration considerably and expensively. Also, we have apparently found it necessary to hand over some of our powers to the Commonwealth. Where those powers overlap the powers of the Prices Commissioner I do not know, but I am sure they overlap in some instances.

Mr. MILLHOUSE (Mitcham): The Government has been clever in the way it has drafted this legislation, and it obliges me to support the second reading, much as I detest price control, because I support the principles of consumer protection incorporated in the Bill. I can see no way that I can oppose price control, as I always have done (and I feel the same now), and at the same time preserve the new provisions for consumer protection. Therefore, I content myself by saying that I believe price control is unjust and ineffective, and has never been anything else, in its present form.

We were chided for our actions in this regard by members opposite when they were in Opposition during the time of the Hall Government, but we were doing our best to decontrol items as far as we prudently could, bearing in mind that the community had been used to control for 25 years and in the hope that before long we could do away with this aspect of the duties of the Prices Commissioner altogether. None of us made any apology for those actions while we were in office. In his policy speech, the Leader of the Opposition set out what we intended to do with consumer protection, as follows:

My Government will act to protect the buying public by appointing a commissioner of consumer affairs. This is in acceptance of a recommendation of the Rogerson report. The commissioner will be in charge of a consumer affairs bureau and the Government will be advised by a consumer affairs council. The office of Prices Commissioner will be abolished and the remaining responsibilities of his branch, such as price control and the fixation of wine grape prices, will be taken over by the commissioner of consumer affairs.

What the present Government has done is in effect to set up a commissioner of consumer affairs although going further than the recommendations of the Rogerson report, but it has retained the title of Prices Commissioner and the trappings of price control that are in the Prices Act of 1948. I am sorry that we are doing this, but we require consumer protection legislation and therefore, much against my instincts, I am obliged to support the second reading, even though that involves supporting price control at the same time. We are going further than the Rogerson report would go in that we are providing, for the first time that I know of, for a public official to take proceedings on behalf of a private citizen. If there are other instances of this, I do not know of them. I believe this is an uncharted sea.

The member for Alexandra has pointed out one difficulty and I intended to point out several others, so I hope the Premier, if he is in charge of the Bill, will listen to me, because there are matters that should be put right in Committee. I have no amendments on them. What I should like the Premier to do (and I hope he will be compliant enough to do this) is consider the matters I raise and perhaps adjourn the Committee to see whether, on reflection, he thinks there is anything in my suggestions, and he may be prepared to do something about them. As I have said, we are going further than the Rogerson report, which does not recommend giving power to the commissioner of consumer affairs to take proceedings. On page 70, that report states:

Consumers may simply want advice. This they should be able to get. When legal action is unavoidable and imminent, the commissioner should, except in certain cases, refer the consumer to a lawyer or, if one exists, to a legal aid centre.

We are not doing that in this legislation; we are going further. We are providing that the Prices Commissioner can take proceedings. I have several reservations about this. The first is rather more a question than a reservation:

I want to know who will conduct these proceedings. Is it intended that officers of the Crown Law Department will appear in these matters, or will the Prices Commissioner instruct private solicitors to act? This has not been made clear. At this stage, we do not know how many actions there will be, but I imagine that the number of actions that will be taken under this legislation will be quite sizeable; they could run into dozens and maybe hundred a year. In my experience, the Crown Law Department simply has not sufficient staff to cope with the volume of Government business it does. If it is to be given the added duties that will devolve on some legal practitioners, whoever they may be, under this legislation, it will be an increased burden and, anyway, I query the propriety of the Crown acting in these matters for private individuals.

This is something we have always set our faces against in South Australia. The Crown Law Department acts for the Crown, for Government departments, and so on, but does not act for private individuals: Government legal officers do not even give private advice to citizens. I assume there is to be a departure from that principle, although this was not spelt out in the second reading explanation. I hope the Premier will be prepared to say what is proposed in this connection. I come now to several points in the Bill. I will say nothing about the definition of "consumer". I do not know whence it came or whether it is adequate and proper, but it is certainly long. I believe that the reports mention in new section 18a (1) (*e*) should be to Parliament and not merely to the Minister. This provision states:

The functions of the Commissioner include the making of reports to the Minister on matters referred to him by the Minister and matters of importance investigated by him, whether referred to him by the Minister or not.

If my memory serves me correctly, the Rogerson report recommends at page 72, as follows:

As in the case of the Victorian Consumers Protection Council, the Commissioner should be obliged to report regularly to the respective Parliaments.

I believe this should happen here. I think that experience in New South Wales and Victoria has shown that the publicity of a report to Parliament in itself has a salutary effect on traders, who know that there is a likelihood that these things will become public if they are in a report that is tabled in Parliament, in which case they are more likely to be careful than they would otherwise be. I hope we can provide for a report to Parliament in due course. New section 18a (2) provides:

The Commisisoner may, upon being satisfied that there is a cause of action—

presumably, he will act on legal advice, but he does not have to—

and that it is in the public interest or proper so to do, on behalf of any consumer . . .

These are very broad terms. Does the Commissioner have to consider that there is a chance of success in the proceedings being taken? What is meant by the word "proper"? The same new subsection also contains the following phrase:

. . . with a view to enforcing or protecting the rights of the consumer . . .

There is no definition of "rights". That subsection continues:

. . . in relation to any infringement or suspected infringement by that other person of those rights . . .

This is an extremely broad and vague power, and I do not like it. The point made by the member for Alexandra is good. Once the Commisisoner gets a consent from the consumer, it is irrevocable. The consumer may want to draw back, for any of many reasons, but he will not be permitted to draw back unless the Commissioner agrees. This goes much further than applies in the relationship between solicitor and client. In that relationship, it is the client who makes the decision at every step. Certainly, in theory the client acts, in nine case out of 10, on the advice of his solicitor or his counsel, if the matter has gone as far as that. The client makes the decision and at any stage he can draw back in the proceeding.

However, here we are providing that the consumer may not draw back. He may find himself engaged in a battle that has turned sour for him, as I have said, for any number of reasons, but he is powerless to affect the course of proceedings. I think this provision is undesirable and, I should have thought, quite unnecessary. The consumer may even find himself in the position, involuntarily, of facing defeat in an action, perhaps defeat on a counterclaim, and thus having to pay out a large sum of money, when normally he would have had the opportunity to negotiate for a settlement of the claim. I do not consider that we should go as far as we are going.

I think the last point I want to deal with in this particular new section is the question of splitting actions. Here we run the risk of a multiplicity of actions, because new section 18a (4) (*d*) provides for the separate hearing of a counter-claim if the court decides (and pity help the court: I do not know on what criteria it will decide) that the counter-claim

is not related to the cause of action and in no way relates to the interests of the consumer as a consumer. I do not know what that means but, doubtless, the courts will come up with some sort of principle upon which to work. Again, this goes against all our practices, which are to cut down the hearings and to make them as quick and as compact as possible, by providing for them to be split, and I do not like this provision.

One point suggested to me by a member of the profession (and I put it up because it seems to have substance) is that we should provide in the Bill for the Commissioner to be in precisely the same position as the consumer is in and to have the same disabilities, as well as privileges, as the consumer has. The example given to me relates to admissions. If a consumer has made admissions to a trader and then the action is taken by the Commissioner, not by the consumer, it has been suggested to me that the admissions may not be evidence in the actions, although they would have been evidence if the action had been taken by the consumer. The authority for that proposition is the *Nominal Defendant v. Hook,* reported in 113 *Commonwealth Law Reports,* page 641, at page 645, in the judgement of the then Chief Justice, Sir Owen Dixon. I will read a short paragraph from this, because I think it is an important point that I do not think has been covered in the Bill. The judgment states:

The point of wrongful admission of evidence was this: the driver of the uninsured Vauxhall vehicle, who was not himself the owner, made a reply to a question by a policeman and his answer was put in evidence. Coupled with other evidence it might be used to establish liability for negligence in him and therefore in his master. The action against the Nominal Defendant was brought under section 30 (1) of the Motor Vehicles (Third Party Insurance) Act, 1942-1951 (New South Wales). In my opinion the Full Court rightly held that the statement of the driver was not admissible as against the defendant. According to the law prevailing before that Act, his statement out of court might have been admissible against him if he were a defendant in the action. It could not have been admissible against his master had his master been a defendant in the action. It could not be admissible because when he made it he was not the agent of the master to make admissions. It is impossible to see any ground at common law why his statement should be admissible against the Nominal Defendant.

The Hon. L. J. King: But this action would be brought on behalf of the consumer.

Mr. MILLHOUSE: Will it be brought in the consumer's name?

The Hon. L. J. King: Yes.

Mr. MILLHOUSE: Well, what standing will the Commissioner have in the proceedings?

The Hon. L. J. King: He is given power to conduct the proceedings in the same way as an insurance company takes proceedings, and the same evidence would be admissible.

Mr. MILLHOUSE: It may be that the point will be overcome. I should be pleased if the Minister in charge of the Bill would reply and cover the matter, because the point has been made to me by a member of the profession and I cannot quite comprehend at the moment what part the Commissioner will take. Will his name appear on the records?

The Hon. L. J. King: No.

Mr. MILLHOUSE: I see. I am reasonably satisfied that this point has nothing in it, but I should be pleased if the Attorney or the Premier would make clear just what will be the procedure to be followed. I query clause 9, which is on an entirely different matter and which, it seems to me, will put the Prices Commissioner and his officers in a much better position than any other public servant is in now. This clause inserts new section 49a, as follows:

The Commissioner and any authorized officer shall not be personally liable and the Crown shall not be liable for any act done or default made or statement issued by the Commissioner or authorized officer in good faith in the course of the administration of this Act or the performance of his duties or functions thereunder.

No explanation has been given about why this is necessary. Certainly, it is not something that was put to me or to the previous Government, so far as I can recollect, and, as I read that provision, it will give immunity to the Prices Commissioner and his officers for any acts done by them in good faith in the course of administering the Act. I know of no other public servant who is given this immunity, and I can see no reason why it should be given. I see many reasons why it is undesirable to give immunity of this kind to all public servants. It may be supportable, but the Premier did not support it in his explanation, and I am not willing to accept this new section unless some better reason is advanced for it than has been advanced so far.

Mr. CLARK (Elizabeth): For many years my relations with the Prices Commissioner have been most happy and he has been extremely helpful to my constituents through me, allaying their anxiety and worry and saving them substantial sums. I support enthusiastically this legislation. I have always fervently supported the periodical extension of the provisions of the Prices Act, and I see no reason why I should not continue to do so.

This Bill gives increased and, I think, necessary powers to the Prices Commissioner. The two members who have just spoken seem to have different opinions from mine, but I do not criticize them for that. However, I was surprised to hear the member for Alexandra say that he thought the consumer was lavishly protected at present: that is not so.

I can think of many that I have helped who, if someone had not helped them and put their case before the Prices Commissioner, would have lost substantial sums and would have worried about something that the Commissioner helped to avoid. I find it difficult to believe that the consumer has been lavishly protected in the past and I doubt whether he will be lavishly protected in future. However, I think this legislation will provide additional protection for him.

The member for Mitcham referred to the definition of consumer. The Bill includes a most comprehensive definition, as follows:

"consumer" means a person who buys or takes on hire or lease, or is a potential buyer or hirer or lessee of, or borrows money for the purpose of purchasing, goods otherwise than for resale or letting on hire or leasing; and includes a person who uses otherwise than for the purpose of trading or carrying on a business, or is a potential user otherwise than for the purpose of trading or carrying on a business of, any service rendered for fee or reward.

To me that sums up exhaustively what is meant by consumer, and I believe that I represent consumers. My district is much smaller than it used to be, but I am sure that it is the consumers in my district who need help. Everyone knows the present duties or functions of the Prices Commissioner and, although some members may not agree with them, my experience has been that since 1948 (and I became a member in 1952) the Prices Branch has been of substantial benefit to the people of this State.

The Prices Commissioner has fixed the maximum prices of many items but, unfortunately, many items have been removed from his control. Also the Commissioner carefully examines the movement of prices on a wide range of non-controlled goods and services. Members will realize that several arrangements exist at present where advice and discussion is tendered before price increases are recommended. Unfortunately, the prices recommended after these discussions are sometimes high. In addition, the Prices Commissioner is also able to assist those who are being taken down (and I need not explain that expression). I believe that the additional powers given to the Commissioner will be of enormous advantage to the consumers of South Australia (in other words, my constituents), and these are the people with whom I am most closely concerned.

Members who have read the Bill will realize that it widens the powers of the Commissioner in several ways: first, he will be able to conduct research into all aspects of consumer protection; secondly, he will be able to advise consumers on every type of consumer protection; and thirdly, he will be able fully to investigate and deal with complaints from consumers. He has been doing that for me for many years (and no doubt for other members) with marked success. Fourthly, he will be able to institute proceedings on behalf of a consumer and will be able to defend proceedings on behalf of a complainant. I earnestly hope that these proceedings will be brought to their logical conclusion.

In the last two weeks I have had illustrated to me the value of the Prices Commissioner to the ordinary citizen who has not the strength or power to deal with organizations that have all the strength and power in the world. Last week I received a reply from the Commissioner following a case I had taken up with him in which a constituent was saved almost $600. This may not sound a large sum to some people but I assure members that, to the average consumer, a saving of $600 is worth while. Last week I received another reply about a case I had taken up some time ago that meant that another consumer, through the good offices of the Prices Commissioner, had been saved nearly $300. In this instance a gentleman who brought the case to me on behalf of his son believed his son was being wrongfully asked for money. The Prices Commissioner, after investigating the matter, agreed with him and convinced the gentleman seeking the money that he should not seek it any longer. This was a saving of $300 to a young fellow who had no hope of finding the money and to whom the demand for this money was a real tragedy.

A few years ago my son had a car accident in which he suffered concussion and did not know much about the accident. After a while he discovered that the insurance company was not willing to pay, for many reasons that I thought were peculiar. I then wrote to the insurance company. I remember showing to the gentleman who is now Premier and who was then one of my office mates the letter, and he told me he thought it was pretty good. However, it was not good enough to have any

effect at all on the insurance company. One day, I ran into the then Premier (Sir Thomas Playford) in the passage. I told him the story and he said he would take up the matter with the Prices Commissioner. The result was that my son, who had had a crash in the Holden that he had owned for only about one month, was paid the full insurance payment. Apparently the Prices Commissioner agreed with me that my son was completely entitled to that payment.

Mr. Venning: Would this be the type of thing normally handled by the Prices Branch?

Mr. CLARK: It could be handled by the Prices Commissioner, but I think the honourable member will realize that at present the branch has no real legal right to engage in proceedings on behalf of people. In my son's case, had the Prices Commissioner not been able to convince the insurance company by negotiation and in conference that it was in the wrong, I do not think any power on earth would have helped my son. As I said earlier, many people in my district who come to me bless the name of the Prices Commissioner, because they are mainly little people to whom a few hundred dollars is a lot of money. Although they are not fools, often they do not have a great knowledge of business. When they are compared to the people with whom they are dealing, they are almost completely unorganized. They do not have the know-how, and I believe that is just a flash word for "cunning".

Honourable members might say that these people have always been able to go to the Prices Commissioner, but in fact many people do not know that they can do this. Some people approach their members of Parliament, often expecting that he can do the impossible. I hope that this particular legislation will be widely publicized so that people will know just what rights they have and what they can expect. I believe the Bill continues the former valuable work of the Prices Branch, giving to consumers a new and better set of teeth to work with and giving them someone to help them use those teeth.

Mr. COUMBE (Torrens): We cannot separate the two parts of this Bill. Each year the House deals with an amendment to the Prices Act. The member for Mitcham and I have often differed on the question of price control, but I agree with him (and I have consistently believed this) that unnecessary items that are under control should be removed from that control. I believe the Prices Commissioner has carried out a useful function. The Bill also includes reference to consumer protection. In supporting the Bill, I recall that consumer protection was dealt with in my Party's policy speech, as it was dealt with in the Labor Party's policy speech. What this Bill sets out to do with regard to consumer protection is dealt with in our policy speech.

I am glad that the Bill does not provide for the cumbersome set-up that operates in New South Wales. We are providing for a more streamlined organization, because we are using part of a structure that already operates, although I realize that the number of staff will rapidly increase because of the widening of the powers provided by the Bill. The arrangement in New South Wales is that there is a Commissioner and a cumbersome bureau on which are represented all sorts of people. I have spoken to the New South Wales Minister and the Commissioner, and they have told me that several problems are involved. At one time, it was suggested that this type of thing could operate in South Australia; the people in the other States had forgotten that South Australia was the only State at that time with a Prices Commissioner. The Bill provides for a simpler set-up based on some of the recommendations of the Rogerson report. Some recommendations of that report have been omitted in the Bill while others have been included.

The member for Elizabeth gave us the advantage of his erudition in reading out what "consumer" means. As the definition is most comprehensive, I cannot think of much else that could be added. A trader still takes the buyer's risk, because he is excluded. Even though he buys goods that purport to be of reasonable standard, he is not called a consumer and is excluded. A person who takes too many risks in business does not stay in business long, so traders must be careful about the goods they buy. I notice that goods not under control are also covered. This is an all-embracing provision in the protection it affords consumers. I agree with the member for Mitcham that the annual report of the Commissioner would be helpful to members and should be laid on the table. I know that members read each page of the reports that are placed on their files, and this would be a useful addition.

The member for Alexandra has referred to the possibility of the Commissioner's instituting actions that were irrevocable and then conducting these proceedings, and he has referred to the provisions of new paragraph (*c*) about

moneys involved. I am not sure of the position in law. If a consumer, who alleges that he has been misled, makes a false statement that looks good on the face of it but is shown after cross-examination in court to be not in accordance with the facts, I am not sure what the position would be, but perhaps one of the learned counsel opposite could tell us.

The Hon. G. R. Broomhill: What about getting some learned counsel on your side?

Mr. COUMBE: At least the member for Mitcham, when he was Attorney-General, did not make himself a Q.C., as the Premier did when he was Attorney-General.

The Hon. D. A. Dunstan: That's a bloody lie, and you know it.

Mr. COUMBE: I do not like the way—

The Hon. D. A. Dunstan: Well, I don't like what you've said, either, because it is a bloody lie.

Mr. Millhouse: It's not untrue.

Mr. COUMBE: If the statement I made was untrue, Mr. Speaker, I shall apologize to the Premier and discuss the matter with him outside. I did not like the language he used about me.

The Hon. D. A. Dunstan: I ask you to withdraw your statement here. It's untrue, and you know it.

Mr. COUMBE: If the Premier says it is untrue, I withdraw it.

The Hon. D. A. Dunstan: Right.

Mr. COUMBE: Someone said learned counsel should be on this side, and my comment was that my colleague the member for Mitcham did not make himself a Q.C., as the former Attorney-General did. If the Premier says that is untrue, I shall withdraw it.

The Hon. D. A. Dunstan: Right.

Mr. Millhouse: What part of it is untrue?

The SPEAKER: Order! The honourable member is departing from the context of the Bill, and I ask him to keep to the subject.

Members interjecting:

The SPEAKER: Order! Interjections are out of order. The honourable member for Torrens must speak to the Bill.

Mr. COUMBE: Thank you, Mr. Speaker. I have apologized and withdrawn: let us forget the matter. We see that the Commissioner may co-operate, collaborate and consult with other officers of the department, etc. He may consult with State or Commonwealth officers or private organizations. Does this mean that he may demand access to dockets from various departments, in the investigation of consumer matters referred to him, or does it merely mean that he may enlist the aid and assistance of those bodies? I should have thought that the Commissioner would be restricted regarding the availability of certain documents in a department. Certainly, I consider that he should be restricted about what he could investigate in organizations not concerned with a particular case.

The SPEAKER: Order! The honourable member is drifting from the Bill.

Mr. COUMBE: No, Mr. Speaker.

The SPEAKER: There is too much conversation going on, and another honourable member was standing in front of the member for Torrens. There was too much interruption.

Mr. COUMBE: What I am asking is that, when the Minister replies, he explain this clause further so that the House will know what it means. My interpretation of it is that the Commissioner, in making a decision in support of the consumer, may seek assistance from departments or organizations. I hope that the provision does not mean that he will have direct access, and can demand such access, to dockets in various departments or that he can demand information from various organizations. These matters need to be cleared up. I have indicated my support for the measure and will vote for it.

Dr. TONKIN (Bragg): I shall speak only briefly on the Bill. I, too, give qualified support to it. It has two objects to accomplish, and I should like to deal first with the aspect of which I do approve, namely, that of consumer protection. Certainly, there is a need to combat unlawful and unfair trade and commercial practices, and I think that anyone who subscribes to any consumer association journal, such as the Australian Consumers Association, which publishes *Choice*, or reads any other such journals (I think *Which* is one of the journals in the United Kingdom) will be well aware of the great variations in quality, performance and cost of various items.

Of course, they will also be aware of the great service that such organizations give to the community at large. In fact, they do much work and show a commendable degree of care and objectivity in assessing these things. They go to great lengths to ensure that their findings are accurate. I should like to refer, as an example, to the findings on a brand of proprietary tablets called Varemoid, published in a recent issue of *Choice*, after that journal had set up a complete medically controlled assessment of that drug. Incidentally, the finding was that it served no useful purpose for the complaint for which it was advertised, namely, haemorrhoids. I trust that these organizations

will continue to function unhindered in their voluntary service to the community. One also finds instances in everyday life of variations in quality and cost: one thinks of the 15c one must pay for what seems to be an extremely average container of cordial at the local cinemas.

Mr. Millhouse: You don't have to drink it.

Dr. TONKIN: No, but nevertheless the thought occurs to one. There is need for an authority to investigate complaints about quality and performance. It is necessary to establish adequate research facilities and to conduct impartial, independent and objective tests, and I am pleased that this aspect is emphasized in the Bill. In this case, the impartial, independent and objective body will comprise a Government officer and his department. He will not only relieve hardship and cause refunds to be made where excessive charges have been incurred, but will also bring about increased standards of products and services. In fact, he could be defined as a form of ombudsman. I am pleased that the member for Fisher is in the Chamber, because he will appreciate my support, even though his motion is not likely to be considered. Perhaps it will be possible later to transfer the duties of the Prices Commissioner to the ombudsman, if the Government intends to appoint such an officer.

The Prices Commissioner has the responsible duty of telling the public of the results of his research, and he must maintain objectivity and impartiality, as I am sure he will. I am pleased that the Commissioner will exercise some restraint in initiating legal proceedings and that he will use his discretion to ensure that in most cases action will be taken by negotiation.

I support the amendment foreshadowed by the Deputy Leader of the Opposition regarding the submission to Parliament of a report, because I think that such a position and state of affairs requires a responsibility to Parliament. I agree with the member for Alexandra that there is no need for an elaborate department or for empire building, because many consumer organizations do a remarkably fine job with a small staff of mostly voluntary workers. The first object of this Bill is to extend the life of the Act by one year, and I cannot support it with any enthusiasm. I cannot agree that there is a reason for fixing prices. The Premier says that the reasons are well known, but I disagree: I think these apparent reasons are open to discussion. I think prices tend to find their level by balanced competition, particularly when consumer protection is involved.

If the consumer protection aspect of this Bill does what it sets out to do, price control will be no longer necessary. I think this may well be so, but in many cases I am sure that everyone would agree that prices, not only of goods subject to control but also of many other items not controlled, are still well below the levels in other States. It is interesting and reassuring that the Government is so concerned to maintain South Australia's favourable cost advantage, especially since the Labor Party has condemned or ridiculed it, and called it in question at every possible opportunity. It is reassuring to know that the Government is conscious of the importance of maintaining it. The Premier, in his second reading explanation, said that one of the attractions for new industries to become established in South Australia was its favourable cost structure compared with the cost structures of other States.

This cost advantage has been built up carefully over many years, certainly with no question of personal exploitation, and its existence has been due in large measure (and I am pleased that the member for Elizabeth referred to him) to the efforts of the former member for Gumeracha (Sir Thomas Playford), as is this State's present degree of industrial development. It is less reassuring and, indeed disturbing to realize that the Government apparently intends to rely on existing price control measures to maintain our cost advantage, rather than take action to avert the threatened upheaval that has been foreshadowed by the recent meeting of shop stewards representing employees of the automotive industry. In agitating for a 35-hour week, and obviously having no intention—

The SPEAKER: Order! I think the honourable member is departing from the Bill.

Dr. TONKIN: With respect, Sir, I am trying to link up the statement by the Premier that price control is a very potent factor in maintaining South Australia's cost advantage with my belief that we stand to lose that advantage if certain other things happen. I do not think that price control is an adequate way of maintaining our cost advantage in this State. No form of price control can hope to maintain a cost advantage in circumstances where workers of this State, in agitating illegally for a move for a 35-hour week, threaten to destroy the basis and the very source of their prosperity.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Functions and powers of the Commissioner."

Mr. MILLHOUSE: I am disappointed at the Premier's lack of courtesy in not replying to the second reading debate and to the points made by me and other members. However, that is his prerogative and he has the numbers to back up whatever high-handed action, or lack of action, he cares to take. I wonder if he would now be willing to say who will appear or act for consumers through the Prices Commissioner?

The Hon. D. A. DUNSTAN (Premier and Treasurer): At this stage it is expected that officers of the Crown Law Department will appear to give service to the Commissioner as they give service to other departments. It remains to be seen how great a burden this will be on the Crown Law Department and whether additional assistance or briefing out may be necessary. At this stage we do not expect that there will be many cases, because we think that cases will be settled by negotiation beforehand, and it will only be in the most rare instances that cases will be brought to court. It will only be after some period of experience of the new section that we will be able to assess the requirement of legal servicing in the matter. If it is then found that we either have to brief out or have specialists undertake this work, it will be a matter for the Public Service Board. However, it is expected that the Crown Law Department will be able to provide the necessary services.

The ACTING CHAIRMAN (Mr. Ryan): The first amendment on file in the name of the member for Mitcham is consequential on the carrying of the second amendment, so I ask the honourable member to move his second amendment and, if it is carried, I will make the first amendment as a clerical correction.

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

18b. (1) As soon as practicable after the thirty-first day of December, 1971, the Commissioner shall make a report in writing to the Minister setting out what action he has taken during the twelve months preceding that day in relation to the exercise of his powers and functions under section 18a of this Act.

(2) The Minister shall, as soon as practicable after receiving the report from the Commissioner, cause a copy thereof to be laid before each House of Parliament.

My amendment provides for a report to be presented to Parliament by the Commissioner on his activities under this section. It is in line with the recommendation of the Rogerson report and also in line with practices in other States. I see great advantage through the publicity that could follow, depending on the contents of the report.

The Hon. D. A. DUNSTAN: I see no objection to the amendment and support it.

Amendment carried.

Mr. MILLHOUSE: The Premier has now replied to one of my queries, but on several other matters, such as multiplicity of proceedings and the irrevocability of the consent of the consumer, he has not yet replied. I shall be glad if he will explain to the Committee whether he believes there is any danger to the consumer through the irrevocability of his consent. I can see certain difficulties in this amounting to a clash of interests between the Prices Commissioner and the consumer. I have also pointed out the problem of multiplicity of proceedings through the splitting of hearings of counter-claims and original claims, and I imagine in practice that there will be difficulties that we probably have not canvassed this evening.

The Hon. D. A. DUNSTAN: Regarding the irrevocability of the consent given to the Prices Commissioner, a consumer here has to make a choice whether he places this matter in the hands of the Prices Commissioner, who will pursue the remedies for the consumer but at the same time will be acting on a basis of the public interest in the matter. A consumer need not do this. He may choose to pursue his remedies privately. What is being given to the consumer here is a wide power indeed in a public officer to pursue remedies for him. These are powers far beyond what any solicitor would have in acting for the consumer, and I refer to the Commissioner's powers in bringing the proceedings (I do not mean merely powers of representing the consumer), which go far beyond what either the consumer or the solicitor would have in ordinary civil proceedings. In these circumstances, once the matter is put in the hands of the Prices Commissioner to pursue, it would not be a practical proposal that this be subject to constant instructions or the withdrawal of instructions by the consumer himself. I do not think that there are the dangers to the consumer that the honourable member sees, but there are advantages to the consumer that far outweigh any possible difficulty that he might conceivably see there, although I think that these are not real. Regarding the multiplicity of proceedings, again I see little difficulty in this—certainly no difficulty for the

consumer. I believe the courts will be able to sort this out without difficulty. It is obviously not desirable in the public interest that other considerations in relation to other transactions should be brought before the court in a matter being pursued by the Commissioner in this way.

The Hon. D. N. BROOKMAN: I can see that there should be some requirement that the customer should make an irrevocable decision, otherwise there could be all sorts of complication. The Commissioner could be told by a consumer that the consumer does not want to proceed. New section 18a (4) (*c*) states that any moneys recovered by the Commissioner shall be paid to the consumer and that any amount awarded against the consumer shall be paid by and be recoverable from the consumer. A consumer must convince the Prices Commissioner that he has a case. As has been pointed out, a person taking a case to a lawyer has full control: he can take the lawyer's advice or not take it. In this instance, the Commissioner has power to conduct the case. We realize that consumers will raise fairly trivial matters involving small sums. Having done that, they may set in train a series of events in court with the result that they will get into trouble and be involved in large sums. All the consumer wants is the right to get out of it. The way the provision is worded, he must take a risk, and he will probably not understand that risk in the first place. Once he has signed a complaint, the matter will be out of his hands and he will be liable for whatever judgment is awarded against him. If a case goes the whole way, even if the Commissioner wishes to help a consumer in the matter of a court award, he will not be able to do so.

Mr. MILLHOUSE: What if we have a consumer wanting to go on and the Commissioner saying that he will not go on but has decided to drop the case? As far as I can see, there is no provision at all for the consumer to go on with proceedings if the Commissioner decides that the matter should go no further. I suspect that these matters could be real problems, and that the legislation will not work as smoothly as the Premier forecasts.

Clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—"Commissioner not liable for acts done in good faith."

Mr. MILLHOUSE: In the second reading debate, I pointed out that no real explanation had been given of what appeared to be a most unusual immunity for a public servant. I should be pleased if the Premier would explain why this is being done and the extent of the immunity given.

The Hon. D. A. DUNSTAN: It has been done because this is a standard clause in consumer protection legislation elsewhere. The New South Wales provision states:

> A member of the Council, the Commissioner for Consumer Affairs and any officer of the Bureau shall not be personally liable, and the Crown shall not be liable, for any act done or default made or statement issued by the Council, the Commissioner for Consumer Affairs or an officer of the Bureau in good faith in the course of the operations of the Council or of the Bureau.

This is standard practice, because in some cases action by the Commissioner or his officers could otherwise be the subject of civil proceedings, and that would not be proper. The immunity is necessary in this way, and when this measure was being prepared legislation operating elsewhere was examined.

Mr. MILLHOUSE: This provision has been drawn much more widely than the provision that the Premier has referred to. Our provision states:

> . . . . in good faith in the course of the administration of this Act . . .

It does not refer to his acting in consumer protection. In the Bill we are giving the Commissioner immunity for everything that he does under the Prices Act. That provision is wider than the one the Premier has referred to, and I consider that that is undesirable. The Commissioner has not had immunity in the last 22 years, and why should we give it now? If I understood the Premier's explanation correctly, it is necessary for the Commissioner, in his duties regarding the protection of consumer provisions. I accept that, although I do not know why it has been found necessary in other States. However, I do not think the provision should be left as wide as it is now and I suggest to the Premier that we should amend this new section to provide that the immunity shall apply only to the Commissioner's consumer protection duties, if that is required.

The Hon. D. A. DUNSTAN: I could not agree to such an amendment. Although there is a special new section (new section 18a) which relates to the consumer protection provisions, that is inseparable from the remainder of the administration of the Act, and powers under the remainder of the Act will be used in relation to the duties regarding consumer protection. In those circumstances, the clause has been drawn as it stands.

Mr. MILLHOUSE: I move:

In new section 49a after "of" second occurring to insert "sections 18a and 18b of".

That will restrict the immunity to the exercise of those functions. As I understand the Premier's explanation (that is the only immunity that similar officers have in other States) and, presumably, it is sufficient. The Premier has said that the Commissioner's duties under this new section are inextricably mixed up with other duties under the Act, but I cannot accept this. We are putting in these separate powers and, if the Commissioner needs immunity in respect of those powers, we will be giving it. However, in the last 22 years nothing has shown that the Prices Commissioner needs a general immunity from process such as he is being given in the Bill, because, as I pointed out that the provision in the Bill covers everything the Prices Commissioner does. That is extremely bad, and I am surprised at it.

The Hon. D. A. DUNSTAN: I hope the Committee does not accept the amendment. It is clearly desirable that there should be an immunity for the officers of the Prices Commissioner in relation to their activities under the Act if those activities are carried out in good faith, but the immediate result of the amendment is the implication that they do not have any sort of immunity in relation to the remainder of their actions under the Act. The consequences of the amendment to the officers concerned could be severe. I do not think we should write that into the Act, and I cannot see why the honourable member should object to a general provision of immunity, because all the actions of the Council of the Consumer Protection Bureau are immune.

The Hon. D. N. BROOKMAN: The Prices Commissioner and his staff have operated for 22 years without this immunity. Although some immunity may be necessary, this amendment provides it, but it does not extend over the whole Act.

The Committee divided on the amendment:

Ayes (16)—Messrs. Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, McAnaney, Millhouse (teller), and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (22)—Messrs. Broomhill, Brown, Burdon, Clark, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Majority of 6 for the Noes.

Amendment thus negatived; clause passed.

Clause 10 and title passed.

Bill read a third time and passed.

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

BILLS OF SALE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 22. Page 2014.)

Mr. MILLHOUSE (Mitcham): This is a good Bill. I had it drafted when I was in office, and my successor has introduced it. The Bills of Sale Act, which is very old, is in an unsatisfactory condition. Having had cause to study it closely in the last few weeks, I can say that the definition of a bill of sale is particularly unsatisfactory. Having been subject to much judicial interpretation, it is probably not much clearer now than it was before. I would much like to see this Act referred to the Law Reform Commission for report and recommendation on a thoroughgoing overhaul and reform. I hope that the Attorney-General will see his way clear to asking that commission to do this, as I think it is abundantly justified. The Act has always been used extensively, being used more today than it has ever been used. In itself, this would justify an overhaul and up-dating. I hope the Attorney-General will have that done.

The Hon. L. J. KING (Attorney-General): I have listened with interest to the remarks of the honourable member. I agree with him that many aspects of the law on bills of sale need looking at and modernizing. At present I do not intend to refer the matter to the Law Reform Commission, because I am giving close attention to the law on consumer credit generally. I expect that some far-reaching alterations to the law on consumer credit will be before Parliament in the future when studies are completed, decisions made, and legislation drafted. As I think it is likely that the new consumer credit laws will have a real bearing on the law relating to bills of sale, I believe it would be inappropriate at this time to refer to the Law Reform Commission the question relating to bills of sale until the commission is aware of the Government's decisions as to its consumer credit legislation. Nevertheless, I will bear in mind the remarks of the honourable member and at some time certainly the

Bills of Sale Act will be looked at either in connection with consumer credit legislation or in some other way.

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

COMMONWEALTH POWERS (TRADE PRACTICES) BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2585.)

Mr. MILLHOUSE (Mitcham): Although I intend to vote for the second reading, I cannot give this Bill the unqualified support I gave the previous Bill. I make clear at the outset, as I think I did when a similar Bill was before the House in 1967, that I strongly favour measures against restrictive trade practices. We know that such practices go on in South Australia and in any commercial community: they are undesirable. It is an essence of Liberalism, which is the political faith I hold, that there be free competition in the market. We are against monopolies of all kinds. Above all we are against State monopoly, which is supported by members opposite, who are Socialists. As we oppose all sorts of monopolies, both State and private, it follows logically that we want to create conditions in which there is competition and in which restrictive trade practices are not permitted.

The Hon. G. R. Broomhill: You don't like the Bill?

Mr. MILLHOUSE: No, and I will give reasons. I want to make it clear that, whatever criticisms are levelled against me by members opposite for the remarks I make at this stage, I should not be criticized for saying that I favour restriction or that I condone some of the practices that go on now: I do not.

The Hon. G. R. Broomhill: Don't you—

Mr. MILLHOUSE: There are a number of matters which the junior Min—

The Hon. G. R. Broomhill: Better to be a junior Minister than not a Minister at all.

Mr. MILLHOUSE: He could not be other than a junior Minister, as he sits at the bottom end of the row and has yet to prove himself, the only piece of legislation he has introduced so far having been a political disaster. However, that is by way. Regarding this legislation, we have two problems. The first is the constitutional difficulty that the Attorney-General brushes aside, as his predecessor but one tried to do three years ago. The second is a severely practical problem that South Australia will have if we pass this legislation and thus become the only mainland State to have the Commonwealth Act applicable to intrastate as well as interstate transactions.

Mr. GUNN: On a point of order, Mr. Speaker, I draw attention to the state of the House.

The SPEAKER: There being 17 members in the Chamber, a quorum is present.

Mr. MILLHOUSE: When I last spoke on this matter in 1967, I canvassed at some length the constitutional difficulties. I do not intend to go over the same ground again. However, I may say that in the last few weeks I have been mildly surprised that my remarks on that occasion have been roundly criticized by the Adelaide Law School. The criticism is unmerited, because the point I made then (and I make it again now) was that it was by no means free from doubt that, if we refer power under placitum XXXVII of section 51 with a provision for the termination of that referral, that provision is valid. In other words, there is a real argument that, if we once refer a power, even though we provide within the reference itself for the termination of the reference, it will be irrevocable and we will never get it back. It is no good saying that the *Queen* v. *Public Vehicles Licensing Appeal Tribunal (Tasmania), ex parte Australian National Airways Proprietary Limited* decides this point. It does not, and it is no authority for the proposition that the reference could be revoked. At page 226 of Vol. 113 of the *Commonwealth Law Reports,* the High Court states this principle in as many words:

> The question which was discussed at length before us as to whether when the Parliament of a State has made a reference it may repeal the reference does not directly arise in this case. It forms only a subsidiary matter which if decided might throw light on the whole ambit or operation of the paragraph. We do not therefore discuss it or express any final opinion upon it.

I hope that that lays to rest the suggestion by the Attorney General and the present Premier that this is authority for the proposition he has advanced in the second reading explanation. Only today the Attorney had to introduce a Bill (clumsy legislation, as he has said) to try to counteract a decision of the High Court of Australia on a matter which, it was considered, had been decided for 70 years. Suddenly, the High Court, out of the blue, has said that State laws do not apply on Commonwealth property and, thereby, the court has thrown the whole country into some confusion. How can we be certain that the High

Court, in the mood that it is in now, would not rule that, once a reference had been made, it was irrevocable?

I do not think it would do that, but I consider that it is too great a risk for us to take. There is no authority: the matter has not been decided judicially. It is too great a risk to enact this legislation and hope that we could take the power back at some stage, if we wanted to take it back. Another objection I have is that, if South Australia passes this Bill and becomes the only mainland State in Australia to have the Commonwealth Act applicable to intrastate transactions, we will put ourselves at a grave disadvantage *vis-a-vis* New South Wales and Victoria and, indeed, Queensland and Western Australia, if we like to add those States. Trade and commerce do not like this control: they dislike it because of the practices in which they indulge.

If South Australia has this control and the other States do not, this will be a significant reason for not coming to South Australia or not expanding in South Australia. We in this State have done our best for several generations to attract industry and we have been successful in doing that, certainly until 1965. We do not want to do anything that will discourage industry from coming here, when the same provisions do not apply to our competitors.

I should be pleased to see this legislation operative in South Australia if it were operative also in our competitor States. However, it would prejudice our industrial growth if we had it and the other States did not. This is not a negative attitude. There are other references to the power that this Bill gives. Section 8 of the Commonwealth Act contemplates that mirror legislation, as it is becoming fashionable to call it, will be enacted by the States. The side note to that section is "complementary State legislation" and section 8 (1) provides:

> The purpose of this section is the achievement of the orderly and convenient concurrent operation of this Act and complementary laws of the States by means of co-operation between the Commonwealth and the States.

It may have been found difficult to devise such complementary State legislation, but I consider that the effort should be made, if we want to have this provision operating in South Australia, and every effort should be made in preference to making a reference of the power. The Attorney, when he explained the Bill, was kind enough to circulate the Third Annual Report of the Commissioner of Trade Practices. The Commissioner refers to this matter at page 16, and in paragraph 3 (3) of chapter 3 he states:

> Certainly the Act claims to operate generally throughout Australia, although when operating intrastate it can do so only in regard to "trading and financial corporations". As most business is conducted by corporations, it follows that the Act claims to cover nearly as much in the intrastate field as in the interstate field. It cannot, in the intrastate field, cover the trade practices of businesses (including professions) that are not incorporated, e.g. businesses carried on by sole proprietors or by partnerships. Subject to that, the intrastate operation that the Act does claim is very wide. It depends on the "corporations power" (s.51. (xx) of the Commonwealth Constitution). The history of that power is such that the Act's reliance on it cannot be secure unless a challenge is brought and is successfully defended in the High Court. The question of any complementary legislation by the mainland States is of course a matter for those States, but the question does not so squarely arise while the Commonwealth Act claims that the corporations power takes it nearly as far as complementary State legislation could take it.

It is not accurate for the Government to claim that it is powerless in this field except by a reference of the power. The original Commonwealth Act of 1966-67 contemplates complementary legislation, and the Commissioner himself in his report points out that the Act as it stands goes almost as far as complementary legislation could take it. That is the line that I believe we should pursue in South Australia, and I hope the Government will pursue it rather than persist with this second attempt to refer the power to the Commonwealth. This has been done only by Tasmania, and at the time Tasmania had a Labor Government. What the present Government thinks I do not know. It certainly has not tried to terminate the reference. If it had, one of my arguments would either be substantiated or knocked out, but that has not happened. No other State in the Commonwealth, except South Australia, has made any move in this matter, and it is perhaps unfortunate that other States have not. However, I do not believe that South Australia should move on its own and be the only mainland State to refer the power to the Commonwealth, because I believe it would put us at a serious disadvantage with our competitors.

The Hon. D. N. BROOKMAN (Alexandra): I support the remarks of the member for Mitcham. Although there is much merit in trade practices legislation, there are some disadvantages but, whatever happens, we must remember that we as a State, which is trying

to attract and hold industry, should not set up barriers that will discourage industry from coming here or staying here. If we discourage industry to that extent, we shall cause trouble for ourselves. Unless we are willing to wait until the rest of the Commonwealth or most of the States become involved with us, we shall be discouraging industry. The report of the Commissioner of Trade Practices makes interesting reading, and I think that in most cases it is logical. It is interesting to see what the Commissioner has been able to do and what he has not been able to do. Apparently, although only one case was disposed of by the tribunal, there was no final judgment in that case. All the rest of the matters were dealt with by the Commissioner who, under section 48 of his Act, has the duty in most cases to carry out consultations, and he was able to settle some of these matters.

The statistics show the number of cases that have not been dealt with at all or not finished at this stage. The practices referred to in the legislation have been dealt with many times in Commonwealth debates, and so on, and, although I do not intend to discuss them in general, I point out that obvious defects are involved. The Commissioner of Trade Practices, for instance, has pointed out that a case of collusive bidding has never been brought before him. He says:

My office has not had any collusive bidding agreements under examination.

He goes on to point out the difficulties in regard to obtaining evidence, and says:

The pattern of conduct in collusive bidding would be less noticeable, because it involves abstention or partial abstention from bidding.

That is well put, but obviously the Commissioner has considerable difficulties in carrying out certain parts of the Act, and I do not wonder: collusive bidding would be extremely difficult to stop and, if the measure were applied rigorously, I think it would cause many protests because, as the Commissioner says, it merely involves abstention from bidding. I do not think the type of legislation that I have read about existing in oversea countries is attractive at all. Although I am not claiming to understand the measures fully, it seems to me that they have considerable shortcomings and leave the people concerned in doubt regarding when the law applies and when it does not apply. Here, at least, it is much clearer, and the individuals concerned with the Trade Practices Act have every chance to register agreements with the Commissioner of Trade Practices.

I think that if this legislation is administered in the Commonwealth over a number of years such an enormous number of agreements will be registered with the Commissioner that he will not be able to give proper attention to them; he will deal only with matters raised with him by way of complaint, and even that may be difficult for him. Although the idea behind this legislation may be all right, we in South Australia are going too fast in adopting this legislation, leaving all the other mainland States behind. If we adopt this legislation now, we shall create difficulties regarding our industrial future. Although I support the second reading, I will also support the amendments foreshadowed by the member for Mitcham.

Mr. McANANEY (Heysen): Although I have said in Parliament over the years that I am strongly opposed to inefficient price control, I have always been opposed to restrictive trade practices. When various bodies engage in a certain trade in free competition, prices will adjust themselves over a period and will be fair and reasonable. However, I believe that where certain companies or groups of people get together and enter into agreements, every agreement should be examined. I oppose the invasion of a person's liberty by the actions of price control that were demonstrated earlier in South Australia, because it was a form of blackmail that was adopted.

Mr. Jennings: Under the Playford Government!

Mr. McANANEY: It does not matter which Government it was: I oppose these controls. When companies enter into agreements, which may or may not be in the interests of the community but which have to be registered, they can be assessed and where it seems that there may be a possibility of exploiting the consuming public this type of legislation should be able to control the situation. It would be unwise for this legislation to be proclaimed until the other States had agreed to similar legislation. We would have difficulty attracting industries to this State if differential treatment was applied to manufacturers and business people in South Australia.

At the same time I believe it is absolutely essential that other States agree to introduce this type of legislation. Some companies have now separate agreements operating in each State so that they can by-pass the provisions of Commonwealth legislation. I hope that other States will transfer the power to the Commonwealth Government so that there will be uniformity of legislation, which has been proved

to be necessary in the modern business world. We must ensure that there is fair competition between organizations.

The Hon. L. J. KING (Attorney-General): The member for Mitcham and, I think, the other Opposition members, all agreed that it would be desirable if the trade practices legislation of the Commonwealth could apply to intrastate transactions (I think I correctly interpret what they have said), and they have opposed the Bill on two grounds: first, there is a risk that South Australia once having referred the power to the Commonwealth may not be able to get it back; and secondly, there is a disadvantage to the State in being the only mainland State to refer the power to the Commonwealth. As to the first point, I do not suppose that a debate in this House is the place to argue the constitutional point involved, but it is fair to say that the weight of opinion in Australia at present is that a power referred on the basis that it can be determined enables a State to recall that power.

Mr. Millhouse: You would not have thought the High Court would have decided *Worthing v. Powell* as it did, would you?

The Hon. L. J. KING: I do not deny that accepted constitutional doctrine can be reversed and that views held as to constitutional law can prove unfounded. However, I say that, if we accept that it is desirable that there should be legislation to prevent undesirable restrictive trade practices, the only step that can be taken to enable that legislation to apply to intrastate transactions is for a State to refer the power to the Commonwealth, because only the Commonwealth Government can legislate effectively in this area. If it turned out, contrary to some expectations and those of most other lawyers, that it proved impossible for the State to recall the power, in my view it would unquestionably be the lesser of two evils. I cannot see anything inherently wrong in the Commonwealth's having power to make laws in relation to intrastate as well as interstate transactions on restrictive trade practices. It is desirable that the Commonwealth should have that power. If it misuses the power and makes rules that are unacceptable to the people, the people can deal with the Commonwealth Government. Where there is an area in which the only effective law-making power is the Commonwealth Government, the power should reside in the Commonwealth.

The Hon. D. N. Brookman: Have you the attitude of the other States in mind?

The Hon. L. J. KING: All I can say about that is that up to the present they have failed to co-operate with the Commonwealth Government in this regard. It is extremely regrettable that Liberal Governments in the other States have failed to give the co-operation one would expect them to give a Liberal Commonwealth Government on this matter. I know that it is a matter of considerable concern to the Commonwealth Government (that opinion has been expressed to me by the Commonwealth Attorney-General) that the other States have so far been unwilling to refer this power. I hope the Parliament of South Australia will pass this legislation and that the example shown by this State will encourage other States to act in the same way. On the question of the doubts expressed by the member for Mitcham as to the true constitutional position, if the Commonwealth Government does not possess the power the States, in the interest of the people, should refer that power to enable the Commonwealth Government to apply its laws to intrastate transactions.

I turn now to the other argument against the legislation, that it would be a disadvantage to South Australia economically if it were the only State that referred the power. I found the argument of the member for Mitcham on this point somewhat contradictory because, on the one hand, he argued that the legislation was really unnecessary because the corporation power of the Commonwealth would support the application of the Commonwealth legislation to intrastate transactions as carried out by corporations, and that this covered most of the field anyway; whereas it seemed to me that he also argued that, if we passed the Bill, it would put South Australia at a significant economic disadvantage. I cannot see how those two arguments can stand together and, if the Commonwealth now has the power to apply its laws and the Commonwealth law applies to a greater part of intrastate transactions, to refer power, which would have the effect of applying the Commonwealth law to the remaining small area (an area in which the transactions are entered into by individuals and partnerships), would not seem to be likely to have any significant effect economically on South Australia.

Apart from that, no Opposition member made out any case in support of the argument that this would place South Australia at an economic disadvantage. We have had assertions but nothing to support them, and I cannot see how the assumption can be made that, because we introduce in the State proper laws to restrict undesirable trade practices, we

thereby place our State at a disadvantage. This gives the advantage of ensuring that transactions within the State are free from the undesirable trade practices to which I have referred. After all, any industry or enterprise which is of sufficient size to be of significant importance to the South Australian economy and which is coming to South Australia will be based to a considerable extent on interstate as well as intrastate transactions, and the interstate transactions are already subject to the Commonwealth restrictive trade practices legislation. It therefore seems to me fanciful to suggest that any enterprise considering coming to South Australia or expanding in South Australia will be deterred simply because in South Australia the Commonwealth trade practices legislation, which applies to interstate transactions anyway, also applies to intrastate transactions.

I am not an unqualified admirer of the Commonwealth legislation. I think it might even be described as the barest minimum that is called for by the sort of trade practice that exists in this country; but it is all we have, it is the best we have, and it is the only sort of curb on restrictive trade practices that we can import into South Australia by referring the power. It seems to me that nothing has been said by Opposition members which makes out a solid case for depriving the people of South Australia of such advantage as may be derived from the application of the Commonwealth laws to South Australia. The public does suffer from restrictive trade practices very severely. Some interstate transactions are struck at by the Commonwealth law but the Commonwealth cannot touch intrastate transactions. I believe it is our obligation to protect the public from this type of undesirable practice. The only means at our disposal for doing this is to refer power to the Commonwealth, which will allow Commonwealth law to apply to South Australia. For these reasons, I ask the House to support the Bill.

Bill read a second time.

In Committee.

Clause 1—"Short title and commencement."

Mr. MILLHOUSE: I move:

After subclause (2) to insert the following new subclause:

(3) No proclamation shall be made fixing a day for the coming into operation of this Act until legislation substantially to the effect of sections 2 and 3 of this Act has been passed by the Parliament of each of the other States of the Commonwealth and the Governor is satisfied that that legislation will be in force in each of those other States on the day fixed for the coming into operation of this Act.

The amendment will provide that the Act will not operate until the Government is satisfied that other States will come in as well. I think it has much merit, as it means that South Australia will not be at the disadvantage that we would undoubtedly suffer if we were the only State to have this. The Attorney-General has chided me with making an assertion and not proving it. I do not know what proof he wants. It is common sense that where there are provisions that traders hate they will go somewhere else to avoid those provisions. The somewhere else in this case would be any of the other mainland States.

The Hon. L. J. King: They operate to protect traders; it may encourage them to come here.

Mr. MILLHOUSE: That depends on one's point of view. I believe these powers are good, but those in industry and commerce do not share that view, certainly not in an unqualified way, as I know the Attorney agrees. The amendment may mean that we take the risk of losing our power entirely. It is hard to argue against the case the Attorney puts in this connection. Perhaps it is the lesser of two evils to lose the power altogether. I should be prepared to take that risk if the other States were taking it as well, but I should not be prepared to take it if South Australia was going it alone. The object of the amendment is to make sure that if we jump in the others jump in as well, and that South Australia does not suffer the disadvantage of being the only mainland State to refer this power. I hope that the Government will accept the amendment, although I know the previous Labor Government in 1967 was not prepared to do so, and therefore we lost everything. I hope sanity will prevail on this occasion.

Mr. COUMBE: I support the amendment. The Commonwealth provision, which I support, was greatly watered down as it passed through the Commonwealth Parliament. If anything will destroy the incentive of industries to come here it will be these measures. I understood that one of the prime objects of the Government was to attract industries to the State, so we do not want to put impediments in their way. The Attorney-General referred to Tasmania, and he knows the case of the Cascade company. From inquiries I have made, I can say that Tasmania is having second thoughts about the action it took in giving these powers

to the Commonwealth. Of course, that State has peculiar problems because of its insularity.

On the one hand, we have the Attorney-General's postulation about protecting the people and, on the other, we have the question of legitimate traders. I am sure that, if this is the only mainland State to have this legislation in force, business enterprises will not be attracted here. If this provision applies in all States, that will be all right, and that is the purpose of the amendment. If the Government wants to get this Bill through, I suggest that the Attorney-General accept the amendment. The author of the legislation is in an elevated position now and in the High Court has given rulings that have upset existing legislation. The amendment is sensible and realistic, and I support it, because we must attract industries, not put impediments in their way. An industry that is considering coming to Australia will go to a State other than South Australia if it finds that we have a restriction that does not apply elsewhere. When all the other States agree, the provision should apply here.

The Hon. L. J. KING (Attorney-General): I have made my views clear in replying to the second reading debate. No-one would be more pleased than I if the Liberal Governments in the other States agreed to refer this power to the Commonwealth Government. It is a matter for regret that they have not done so, and I hope my friends across the Chamber will use their influence with their Party colleagues in the other States and in Canberra to persuade the other Liberal Governments to take this action. Regrettably, the other States have not acceded to the Commonwealth Government's request to refer this power. We hope that South Australia gives them a lead.

Mr. Coumbe: Have you discussed this with them?

The Hon. L. J. KING: Yes, the matter arises informally at meetings of Attorneys-General, and the Attorneys-General in the other States know well that South Australia intends to take this action. The Commonwealth Attorney-General has been active in trying to persuade the other States about the desirability of doing this. As he has told me in a letter, which is public property in the sense that it is a communication from Government to Government, he welcomes what we are doing.

Mr. Millhouse: Do you think all letters between Governments should be public property? What about letters on Dartmouth?

The ACTING CHAIRMAN: Order! The honourable member is out of order.

The Hon. L. J. KING: There is no doubt that the Commonwealth Attorney-General was pleased that I should disclose that his view was that the Commonwealth Government welcomed the South Australian Government's action in referring this power. The member for Torrens has referred to possible adverse effects upon persons whom he described as *bona fide* traders. Nothing in the Commonwealth legislation can adversely affect such traders engaging in *bona fide* activities, because the legislation provides that a prosecution or arrangement can be proscribed only if it is shown to be contrary to the public interest. The mere fact that it is restrictive is not, in itself, sufficient to bring it within the prohibitive sections of the Commonwealth legislation. It must be lodged for examination, but is not prohibited unless it is contrary to the public interest.

I see no reason why South Australia should permit within this State transactions that are not only restrictive but are also contrary to the public interest. It seems to me that there is a plain detriment to the South Australian public in allowing that type of transaction to take place here, and the suggestion that prohibition of that type of transaction will drive away or discourage business men is fanciful: I have given my reasons for saying that. It must not be overlooked, however, that one effect of the trade practices legislation is to protect traders and business men who otherwise would suffer from restrictive trade practices, not only by collusive tendering or price-fixing arrangements that operated to their detriment and tended to keep out competitors, but also by the type of arrangement that terminated supplies to a trader who would not comply with certain conditions.

I again suggest that the Opposition has put forward nothing to support the mere assertion that the introduction of this legislation unilaterally in South Australia would discourage business from coming here or from expanding. There are solid and self-evident advantages to the South Australian public and to traders who wish to engage in legitimate competitive activity by adopting the legislation and all that has been urged against that is the unsupported and, I suggest, fanciful assertion that the type of legislation in South Australia would have some sort of discouraging effect on the ability of this State to attract enterprise.

Mr. Coumbe: That view is not shared by many people.

The Hon. L. J. KING: I do not know what is shared by many people, but the Opposition has put to the Committee nothing to support the assertions that have been made. Of course, the Government has considered the desirability of this legislation. It is considered desirable, particularly by the Minister directly concerned. The Premier also has the advice of people whose business it is to attract industry to South Australia, and he and the Government have no misgivings about the measure. I ask the Committee to reject the amendment, because to accept it would be tantamount to refusing to pass the Bill. Carrying the amendment would simply put the whole thing off until unanimity could be obtained with the other States at some time in the future.

The Committee divided on the amendment:

Ayes (16)—Messrs. Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, McAnaney, Millhouse (teller), and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

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

Majority of 7 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (2 to 4) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 12 midnight the House adjourned until Thursday, November 19, at 2 p.m.