HOUSE OF ASSEMBLY

Wednesday, November 28, 1973

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

PETITION: HUGHES ESTATE

Dr. TONKIN presented a petition signed by 50 persons who suggested that Hughes Estate, at the corner of Fullarton Road and Fisher Street, Fullarton, should continue to be used as an area for community activities and prayed that the Government would compulsorily acquire the estate to enable it to be retained as open space and used for community services.

Petition received and read.

MINISTERIAL STATEMENT: CONTAMINATED WATER

The Hon. J. D. CORCORAN (Minister of Works): I seek leave to make a statement.

Leave granted.

The Hon. J. D. CORCORAN: As a result of a report of contaminated water from the Murray River at Mildura, officers of the Engineering and Water Supply Department, at my direction, have been in touch with the Mildura Urban Water Trust. The trust confirmed that there had been contamination of the Murray River from a source which has not been positively identified but which could possibly be seepage water discharging into the main stream. Tests taken by the trust yesterday showed a high bacteriological count in the treated water being supplied to Mildura, and the chlorination rate was increased immediately. Tests today indicate that the treated supply is again safe for domestic use. However, local people have been asked to observe caution in the use of water from the reticulated system for the next few days.

Tests are being taken of water downstream from Mildura and the results relayed to the Engineering and Water Supply Department. Officers of the department inform me that it is extremely unlikely that the slug of contaminated waler that affected Mildura will reach the South Australian border, which is 164 river miles (264 km) from Mildura. The river is flowing at the rate of about 30 miles (48 km) a day, and the slug would be quickly dissipated. My officers also assure me that our regular testing programme would immediately pick up any alteration in the bacteriological content of the river. I point out that water supplies to towns along or supplied from the Murray River are chlorinated. In recent months the chlorine dosage rate has been increased to ensure protection of these supplies.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

WHEAT QUOTAS

In reply to Mr. GUNN (October 18).

The Hon. J. D. CORCORAN: In his second reading speech introducing the Income Tax Assessment Bill (No. 5), 1973, in the House of Representatives the Treasurer stated that since the proposals were announced the Government has received and carefully considered representations on most of them. In so far as most taxation concessions are concerned, the Government has decided to hold to its decision in the interests of rational tax reform and the nation as a whole. It should be noted that a few concessions only were withdrawn. Some concessions were modified to equal those generally available outside the rural sector, while others, such as the deductibility of capital expenditure on non-depreciable items, which are not available outside the rural sector, were retained in a modified form. Furthermore, some important concessions such as income averaging and indefinite carry forward of losses, were unaffected by the Budget.

The Government has increased the first advance on wheat from the coming harvest by 10c to $1.20 a bushel and accepted the highest delivery quota on record 514 000bush., as the amount to qualify for the first advance. In addition, a special pool of 20 000 000 bush was provided for States that exceeded their proportion of the national quota. The Commonwealth Government has also provided Government funds amounting to $852 715 for wheat research in 1973-74. This grant is an increase of $52 370 on the 1972-73 allocation. It is relevant to note that the total wheat quota has not been filled since 1969-70, despite the various forms and levels of concessions that were available hitherto to primary producers. While the main reason for the short-falls can be attributed to the poor seasons in recent years, there is no reason to believe that, given good seasons, the reduction of concessions will discourage wheatgrowers to increase production in the light of buoyant world markets and the special taxation concessions which are still available to primary producers.

As members are aware, the Budget announced the adoption of measures affecting manufacturing and mining companies as well as primary producers. These proposals followed detailed consideration and involved the removal of concessions that place burdens on other taxpayers. In a recent address given by the Prime Minister to the Australian Farmers Federation he summarized the Government’s broad intentions by quoting a statement by the Australian Woolgrowers and Graziers Council as follows:

The most important long-term step the Government can take is to improve the efficiency of national resource allocation by encouraging the expansion of less protected industries in the economy (whether primary or secondary), and discouraging the growth of those industries which can only produce with the help of massive levels of assistance, either subsidy or tariff. This will increase the level of real economic growth for the betterment of the whole community.

CLARE HIGH SCHOOL

In reply to Mr. VENNING (November 14).

The Hon. HUGH HUDSON: Two areas of land have been inspected by the Regional Superintendent of Education and an inspector of secondary schools, and have also been assessed by the Survey Branch of the Public Buildings Department. A recommendation as to which of these areas is considered most suitable has been made, and I have approved of negotiations being entered into between the Education Department and the owners with a view to the purchase for agricultural science purposes for the Clare High School.

PAMPHLETS

In reply to Mr. McANANEY (November 8).

The Hon. HUGH HUDSON: Because of the vagueness of the information contained in the honourable member’s question, it has not been possible for my officers to make a report. However, no head of a primary school has reported any attempt to distribute *Upyrse* at his school, and I am advised that, if this were done, the head would do his best to prevent it.

TRIAL COSTS

In reply to Mr. MILLHOUSE (November 13) and Mr. BECKER (September 18).

The Hon. L. J. KING: 1. The reply given on November 13 to the question “What has been the cost, so far, to the

Government of the trials and appeals of Fritz Van Beelen?" made clear that the total cost to the Government to that time could not be indicated, but that the legal costs had been $161 750. The reply was neither misleading nor inaccurate.

2.In that reply I pointed out that the costs quoted did not include the running costs of the courts, police investigations. and clerical attendances and other work.

3. The total amount of legal costs cannot yet be ascertained. Payments have been made to Van Beelen's solicitors on account of costs in respect of both trials. Such payments are included in the amounts referred to in my reply given on November 13, 1973.

4. The final amount of costs that will become payable by the Government in respect of legal and other costs in respect of the defence on Van Beelen's two trials has not yet been fixed. The final costs payable will be the subject of an order by the court in each instance. These orders have not yet been made.

5.In relation to the total costs of the prosecution, including investigations and consultations with experts, there are many intangibles, and it is not possible to estimate with any degree of accuracy the total costs to the Government of the trials and appeals. Departments do not segregate cost of services performed for other departments in a way that enables the cost of a specific job to be ascertained.

6. The following further information relates to costs of the prosecution and defence:

Prosecution costs: The following are amounts that were paid out by the Sheriff's Office in respect of the first and second trial for jurors' fees, meals, and witness fees payable to witnesses called by the prosecution. The amount originally referred to for witness fees has now been found to have included amounts that were advanced to prospective witnesses but have since been refunded. In addition, some small amounts were originally paid by the Lands Department and not through the Sheriff's Office. The figures are as follows:

	First trial	Second trial	
	$	$	$
Jurors' fees . .	16 486.50	8 197.80	24 684.30
Jurors' meals .	45.05	467.95	513.00
Witness fees . .	703.40	215.50	918.90
	17 234.95	8 881.25	26 116.20

Defence costs: The Government is not in possession of information that would enable a break-up to be made between the costs and disbursements paid to solicitors acting for Van Beelen. The practice was that, from lime to time, application would be made to the court for an order for payment of a sum for the purposes of the defence. The order was usually made in the form of an order for a specified lump sum to be applied for the purposes of the defence, and, in particular, in payment of solicitors' costs and disbursements and counsel fees. The Government has in its possession no information that would enable it to say what amounts had been applied in payment of solicitors' costs, what amounts had been applied in respect of counsel fees, and what amounts had been applied in respect of disbursements out of the lump sum which was specified in any particular order. There were, however, specific orders made on occasions in respect of particular witnesses.

On September 15, 1972, a witness, Malin, was supplied with a return air fare, Sydney to Adelaide, and, in addition, sustenance payments amounting to $140.60. On the same day, a similar amount was paid in respect of a witness, Lang. On October 6, 1972, a return air fare from London to Adelaide amounting to $1 187 was paid in respect of a defence witness Fish, together with accommodation and sustenance expenses amounting to $52.50. On May 23, 1973, a further air fare of $904.60 in respect of defence witness Fish, was advanced and on June 26, 1973, the sum of $257.78 was advanced in respect of witness Malin. On the same day a return air fare from London to Adelaide was advanced in respect of a witness, Tippett. In addition to the above-mentioned specific amounts, three separate amounts of $500 were ordered to be paid for the purpose of the defence other than solicitors' costs or counsel fees. These amounts were paid to the defendant's solicitors for the trials and are included in the sum of $60 435 shown in the reply of November 13 as "payment to defence counsel for trials".

7. Police costs: The following further information relates to information concerning police costs given in reply to Mr. Becker's question of September 18, 1973. The figure of $15 699 so given referred to the amount that was actually disbursed by the Police Department direct to Amdel after June. 1972. Tn addition to that amount, however, there were costs incurred in investigations by Amdel prior to June, 1972. These costs were paid, first, out of the grant to Amdel by the Mines Department in accordance with previous arrangements and, secondly, amounts paid direct by the Mines Department. The total costs incurred by the Government, including the amount of $15 699 previously mentioned, is made up of:

Grant to Amdel by Mines Department	$11 014
Paid by Mines Department or Police Department	$18 870
	$29 884

The only other costs incurred by the Police Department were normal salaries, wages, travelling expenses, etc. No record is kept debiting such expenses against any particular police investigation and it is not possible to give particulars of the amount of these expenses attributable to the Van Beelen case.

BOAT MOORINGS

In reply to Mr. BECKER (November 14).

The Hon. G. R. BROOMHILL: I am pleased to advise that the Coast Protection Board has already initiated an investigation in conjunction with the Marine and Harbors Department on the possibility of establishing boat moorings inside the old breakwater at Glenelg. I will keep the honourable member advised on the progress of this investigation.

MOTOR CYCLING

In reply to Mr. EVANS (October 9).

The Hon. G. R. BROOMHILL: Regarding the requirements of recreational motor cycling, all that can be said at this stage is that, in preparing management plans for the reserves being purchased by the State Planning Authority for recreation purposes, the various sporting needs associated with motor cycling will be borne in mind. However, the areas of land so far acquired have formed part of the open-space proposals of the Metropolitan Development Plan, and these areas were selected either for their strategic location to serve general recreational needs of large sections of the metropolitan population or for their natural character and amenity. Tn general, therefore, it is doubtful whether any of these areas could accommodate

motor cycling activities without some detriment, although further information is being sought from one organization that has asked for use of State Planning Authority land near Onkaparinga Gorge.

HILLS RESERVE

In reply to Mr. EVANS (October 18).

The Hon. G. R. BROOMHILL: The only information I can add to what I previously gave the honourable member is that the State Planning Authority Recreation Areas Committee, which is advising the State Planning Authority on the ways in which particular reserves of the authority should be developed and managed, has included the Scott Creek reserve in the group of reserves for development in the short term (0-5 years). The Director of Planning has been asked to produce a scheme of development as soon as possible.

ROADSIDE FLORA

In reply to Mr. CHAPMAN (October 17).

The Hon. G. R. BROOMHILL: No objection is raised by the Minister of Transport to local residents gathering and replanting any native shrubs and wild-flower plants that are likely to be affected by the roadworks between Willunga Hill and Mt. Compass. I point out that only a very small area of the native vegetation is likely to be disturbed, and this does not contain any particularly uncommon or rare species. However, before any action is taken by any such local resident, he should confirm the area and species likely to be affected by consultation with the Landscape Officer from the Highways Department.

TEA TREE GULLY QUARRY

In reply to Mrs. BYRNE (November 6).

The Hon. G. R. BROOMHILL: The proposals adopted by the State Planning Authority have been correctly summarized by the honourable member. The initial stages of rehabilitation have been undertaken by Quarry Industries Proprietary Limited, which consists of the replacement of overburden material on benches where quarrying activity has ceased. Seeds of indigenous trees have been planted, and a recent inspection showed that such planting has been successful. Rehabilitation of other areas will be progressively undertaken on cessation of quarry operation in each area.

PETROL PUMPS

In reply to Dr. TONKIN (November 13).

The Hon. D. H. McKEE: Investigations have shown that the present nozzles attached to self-service petrol pumps develop leaks after having been in service for some time. The South Australian Petrol Resellers Co-operative Limited, the owners of the pumps concerned, have for some time been giving this problem attention. A modified nozzle has now been developed and was recently approved by the National Standards Commission. From information that has been given to me it seems that replacement of all the earlier type nozzles will be completed by February, 1974.

PETRO-CHEMICAL PLANT

Dr. EASTICK: The Deputy Premier having informed the House yesterday that the future of the Redcliffs project depends on funds being received from the Australian Industry Development Corporation, will he say what percentage of the funds is to be supplied by the corporation and also by each member of the consortium? I believe these figures would be virtually at the Deputy Premier's fingertips, as only as recently as yesterday he indicated that the corporation would be the source of the supply of funds.

The Hon. J. D. CORCORAN: It is a pity that the Leader did not ask yesterday what would be the percentage of funds required from the corporation for this development. I am not aware of the exact proportion of funds provided by members of the consortium, but it is expected that the corporation will provide about $45 000 000 towards this development.

Mr. COUMBE: In view of the Government's recent announcement of assurances that 51 per cent of Australian equity could be reached on the Redcliffs proposals, can the Deputy Premier say whether any new information has been made available that has given the Government cause to think that 51 per cent equity may not now be achievable? The Deputy Premier is reported (I hope correctly) in today's *News* as having stated:

> What the South Australian Government wants is to know the Australian Industry Development Corporation is there and can be called on, particularly if the consortium to build Redcliffs cannot reach the required 51 per cent Australian equity.

The announcement about the 51 per cent equity was made several weeks ago and assurances were given in this House.

The Hon. J. D. CORCORAN: It seems that the Leader and the Deputy Leader are desperately trying to justify the stand they took yesterday on this issue, and that they are trying to find a reason why they can say that the Government, in moving as it did yesterday, was not justified.

Dr. Eastick: It was a political spoof yesterday, and it still is.

The Hon. J. D. CORCORAN: That is what the Leader said yesterday, and he will answer for that later. It was a bad mistake on his part, and he knows that. I am sorry for members opposite in their dilemma.

Mr. Millhouse: Not us!

The Hon. J. D. CORCORAN: I should not have said "members opposite" and I regret that I should have included members of the Liberal Movement, who quite rightly supported the Government in the move it made yesterday.

Mr. Coumbe: Would you say—

The SPEAKER: Order! The honourable member for Torrens was given permission of this House to ask one question. He must not ask another.

The Hon. J. D. CORCORAN: I know that the Country Party is moving closely towards the Liberal and Country League on this issue and does not seem to be concerned about the establishment of Redcliffs, in this State. The Deputy Leader has asked me whether anything has happened in the past fortnight to cause the Government concern about whether 51 per cent Australian equity can be achieved for this project. I tell him clearly and concisely that the South Australian Government is concerned to ensure that that equity can be reached and surpassed, if possible, as easily as that can be done. One way this can be achieved is by using the facility that the Australian Industry Development Corporation provides, and that facility can be used effectively .only if the amending legislation proposed by the Australian Government and already passed by the House of Representatives is passed by the Senate to allow the corporation to borrow from Australian resources, not only from oversea resources. That is the point.

Dr. Eastick: Do you know—

The Hon. J. D. CORCORAN: The Leader does not know what he is talking about.

Dr. Eastick: Neither do you.

The Hon. J. D. CORCORAN: I tell the Leader that, if we are to use the corporation effectively, we want it to be able to borrow from Australian resources in order to invest in Australian industry and give Australian equity to industry.

Dr. Eastick: It can do that.

The Hon. J. D. CORCORAN: It cannot do it, and the Leader knows it cannot. That is why it is so important that the two measures now before the Senate be passed by that House. I may tell the Leader that, as a result of the motion that was carried by this House yesterday, I have sent a telegram to all South Australian members of the Senate, conveying to them the text of the motion and requesting them to support the legislation now before the Senate. I sincerely hope that they do that. We have to get not only 51 per cent but, if possible, more than that. We would like about $45 000 000 from the corporation and we hope to get it. We also hope that it is money borrowed from Australians for Australians.

AUSTRALIAN SCHOOLS COMMISSION

Mr. DUNCAN: Can the Minister of Education say whether the Australian Education Council is an appropriate body to nominate members to the Australian Schools Commission?

Mr. Millhouse: You've got it the wrong way round.

The SPEAKER: Order!

Mr. DUNCAN: I understand that the Australian Senate has moved amendments to the Commonwealth Government's Bill to set up an Australian Schools Commission. In part, the amendments seek to have the Australian Education Council appoint members to the Australian Schools Commission. As I understand that the Minister of Education is a member of the Australian Education Council, I seek his opinion about the matter.

Mr. GOLDSWORTHY: On a point of order, Mr. Speaker. I understand that the question seeks from the Minister of Education an opinion, and I believe that it is contrary to Standing Orders to seek an opinion from a Minister.

The SPEAKER: I think that the word "opinion" was used, but the question was about legislation elsewhere and was addressed to the honourable Minister in his capacity as a member of some education body.

Mr. DUNCAN: If I can—

The SPEAKER: Order! The honourable member may not rise on a point of order. The honourable Minister of Education.

The Hon. HUGH HUDSON: I am grateful to the honourable member for asking this question, which is a valid question to raise at this time—

Mr. Mathwin: It was asked in Caucus this morning.

The SPEAKER: Order!

The Hon. HUGH HUDSON: —because for the first time in the history of this country proposals have been made for the determination of financial support for education to be taken out of the realm of Party politics through the proposed work of an Australian Schools Commission. However, unfortunately there is difficulty with regard to the legislation because of amendments which have been moved in the Senate of the Australian Parliament and which alter to some extent the terms of reference of the proposed Australian Schools Commission; more importantly, they alter the manner in which it is to be constituted. One of the amendments provides that about six members of the Australian Schools Commission should be appointed by the Australian Education Council. Of course, the council sounds an impressive and reputable body, just from its general title, but in fact it comprises the six State Ministers of Education and the Australian Minister for Education, so that, despite its nice title, it actually consists of seven politicians, of whom I am one.

Members interjecting:

The SPEAKER: Order!

The Hon. HUGH HUDSON: If the member for Torrens is offended by that remark, I am happy to amend it by saying that the Australian Education Council consists of five politicians and two statesmen. However, the truth is that, if members of the general public knew of the composition of the council, they would regard it as a body consisting of seven political representatives. It is a grossly ridiculous proposition that seven Ministers of Education throughout the country should comprise the group responsible for appointing the largest section of the Australian Schools Commission. The political composition of the council changes over the years. The political arguments that occur within the council because of the different Party affiliations of the members alter, depending on who is in power at the Commonwealth level and the nature of the political processes at the State level. When I first became a member of the Australian Education Council in 1970, of the seven members I was the only one representing the Australian Labor Party. The other members started on me straight away, out-voting me six to one, very rapidly, and I got the message that I was there to mind my own business.

Dr. Eastick: Do you think you could get the message now to sit down?

The Hon. HUGH HUDSON: No, I would not, because I never got the message from the Liberal Ministers of Education. They got used to the fact that, after a while, if they wanted to get things through, they had to be willing to consider legitimate arguments that were put up, and they could not raise matters and deal with them in a railroading fashion. Nevertheless, during the period in which I have been a member of the council, we have moved from a situation where one member of the council was from the Labor Party and six were from the Liberal and Country Parties to the present situation where four of the seven council members represent the Australian Labor Party. However, that does not convince me that the council is the appropriate body to be appointing members of the Australian Schools Commission, which is supposed to act in a non-Party-political way in recommending grants for Government and non-government schools throughout Australia.

It is important that the public of South Australia be aware of the nature of these amendments, as well as being aware that a majority of the Australian Education Council is opposed to the amendments: most of the council members are opposed to the proposition that the council should be appointing members of the Australian Schools Commission. I want to see a situation where the whole matter of grants to Government and non-government schools is taken completely out of the realm of Party politics—

Mr. Mathwin: Why don't you—

The Hon. HUGH HUDSON: —because of the nature of the Party-political controversy, which the member for Glenelg often demonstrates in this House.

Mr. Mathwin: You're taking up 10 minutes of private members' time.

The SPEAKER: Order! The honourable member for Davenport.

Mr. DEAN BROWN: I rise on a point of order, Mr. Speaker. I refer to Standing Order 125. The Minister cannot debate the issue but, according to the amplification by Erskine May, must give a brief and concise answer.

The SPEAKER: The Minister is replying to a question and I ask him to be as brief as possible.

The Hon. HUGH HUDSON: I realize that the member for Davenport is never interested in the essential issues of education.

Members interjecting:

The SPEAKER: Order! If honourable members only realize it, they are eating into their own time.

Mr. Goldsworthy: Why don't—

The SPEAKER: Order! The honourable member for Kavel should know better.

The Hon. HUGH HUDSON: The point that should be made as forcibly as possible is this: we have reached the stage where the funds that are provided for Government and non-government schools, for the educational future of the next generation of Australians, should be taken out of the realm of Party politics. It is absolutely vital that that be done.

Dr. Eastick: Can you do that?

The Hon. HUGH HUDSON: We will not do it if the Australian Education Council nominates about 40 per cent or 50 per cent of the members of the Australian Schools Commission, because the Australian Education Council is a Party-political body that often acts in a Party-political fashion. It is vital that the public in South Australia and throughout the Commonwealth appreciate the need to determine these matters through the basic recommendations of people who are involved in education without Parly-political affiliation. It is for that basic reason that I object to these amendments and will walk out of the Australian Education Council should they ever become the law of the land.

I will not participate in the Australian Education Council if that body is required to make Party-political appointments to the Australian Schools Commission, and I will encourage other members of the Australian Education Council to walk out with me. In other words, I will take action to ensure that the Australian Education Council ceases to function.

EDUCATION FINANCE

Mr. PAYNE: I wish to ask a question of the Minister of Education.

Mr. Mathwin: Oh, no!

The SPEAKER: Order!

Mr. PAYNE: I can understand the honourable member not wanting to hear the question but, if he would not mind, I understand—

Mr. Mathwin: It's not the question but the reply that worries me.

The SPEAKER: Order! The honourable member for Glenelg is out of order. The honourable member for Mitchell.

Mr. PAYNE: I will begin again, I hope without interruption this time from the Opposition.

The SPEAKER: Order! Interruptions are out of order.

Mr. PAYNE: Thank you, Mr. Speaker. Can the Minister of Education say whether funds can be provided from State sources if mooted action in the Australian Senate defeats the financial proposals of the Interim Committee of the Australian Schools Commission to provide finance for Government and non-government schools? It has been brought to my attention that there is now considerable doubt about the availability of commission funds as from January 1, 1974, as a result of opposition to the repeal of flat per capita grants for all non-government schools. The seriousness of the position relating to non-government schools in South Australia is clear to all members.

The Hon. HUGH HUDSON: The position is complicated. The proposals of the Interim Committee of the Australian Schools Commission involve grants to non-government schools on a needs basis and, in turn, this would require the repeal of legislation in the Australian Parliament providing for the payment of flat per capita grants to all non-government schools. It is over this issue that it seems that the whole matter of the recommendations of the interim committee is now under threat. The recommendations of the interim committee for the two calendar years 1974 and 1975 involve an additional sum of $41 000 000 for Government schools and a further $3 000 000 for non-government schools, which will take the total expenditure for non-government schools from $6 500 000 to $9 500 000. For this financial year, which extends until the end of June, 1974, a period of six months of the calendar years of 1974 and 1975 is involved. The Australian Government's Budget provides, as a consequence of these recommendations, about $8 200 000 for capital and recurrent purposes in Government schools and about $750 000 for non-government schools in South Australia. I cannot say that, if this money is not available, we shall be able to provide funds from State sources.

However, one thing already clear is that, as a result of the Australian Government's Budget, the South Australian Education Department has already made commitments in certain areas that will result in the expenditure of additional funds, whether or not that money is in fact provided for us. We reckoned that as a result of the money's being included in the Australian Budget we would get it. On the capital side, we have provided this year, or expect to provide, $4 500 000. I am sure that members will appreciate that in order to spend $4 500 000 this financial year commitments have been made and contracts already let. Therefore, it is highly unlikely that we shall be able to avoid spending on capital works any of that $4 500 000. That means that if, as a consequence of action by the Australian Senate, the funds are not provided the State deficit will increase by $4 500 000. In addition, some of the recurrent funds have been used for the ordering of additional equipment to the extent that, if the additional equipment ordered arrives before the end of the financial year, we will be committed to pay the bills.

Mr. Mathwin: That's four minutes.

The SPEAKER: Order!

Mr. Gunn: You're using Question Time for sheer political skulduggery, and you know it.

The SPEAKER: Order!

The Hon. HUGH HUDSON: I am using Question Time to tell the truth, and it is about time the truth was told on education matters, even if the members for Glenelg and Eyre could not care less.

Mr. Mathwin: That's five minutes.

The Hon. HUGH HUDSON: One minute has been contributed by the member for Glenelg. The remainder of the funds is largely tied up in our plans to employ additional ancillary staff from the beginning of next year. If we are notified in time that the funds are not available, I presume that, in view of the overall financial position of the State, we will have to tell the schools that the additional 1 500 ancillary staff appointments we had intended to make will not in fact be made. That is the consequence that faces us. Similar consequences face

every non-government school that has been placed in category E, F, G or H (and there are many of those) because, if the legislation does not go through, (he money they expect to get will be reduced and they will have to cut back on planned expenditure.

OYSTER FARMING

Mr. HALL: Does the Minister of Development and Mines know of any Japanese interest that is reputed to be involved in oyster farming in the north of the State, particularly in the district of Port Broughton?

The Hon. D. J. HOPGOOD: I understand that a development is occurring there and I will get more specific information for the honourable member tomorrow.

HUGHES ESTATE

Dr. TONKIN: Can the Minister of Local Government say what action is being taken by the Government to help the Corporation of the City of Unley acquire the Hughes Estate on the corner of Fullarton Road and Fisher Street? Can he also say whether money from the Planning and Development Fund will be made available to help the corporation purchase this estate and what progress has been made in the acquisition? I think the wording of the petition presented to the House today sums up the situation very well. As long as I can remember (and I was brought up in that area) the property known as Hughes Estate, particularly Hughes paddock, has been regarded as a children's paradise. It has been used for more formal activities such as church fetes and other gatherings, and this use has been encouraged by members of the Hughes family. The belief has existed within the district that it was the desire of the Hughes family that this property remain for the use of the people of the surrounding areas. As long ago as 1968 the Unley council negotiated to purchase the property, which was acquired by the Hughes family in 1914, and the council is well aware of the amenity it can provide. An offer for the land has been made by a shopping developer and I understand that another petition, containing 2 000 names, will soon be available for presentation. There is obviously much disquiet about this.

In reply to a question recently, the Minister of Environment and Conservation said that the Planning and Development Fund was being used to provide open spaces in inner suburbs, but the four suburbs he referred to (Regency Park, Campbelltown, Salisbury and O’Halloran Hill) could hardly be called inner suburbs. It would seem to the numerous people who have made strong representations to me that Hughes Estate would come ideally within the ambit of the use of the fund.

The Hon. G. T. VIRGO: I am rather surprised at the final comment of the member for Bragg. He refers to the numerous people who have made strong representation to him about this property, but he has not taken the opportunity to raise the matter with me before now. One would have thought he would do that, unless he was trying to make political capital out of it. It is not possible, as the honourable member should know, to use the Planning and Development Fund for this purpose. The Corporation of the City of Unley is in contact with my office on this matter. Certain negotiations are proceeding and when they have been finalized the honourable member will be told.

BALAKLAVA BUILDINGS

Mr. RUSSACK: Will the Minister of Works say whether the Government has any plans to upgrade or replace Engineering and Water Supply Department buildings at Balaklava?

The Hon. J. D. CORCORAN: I am pleased to be able to inform the honourable member that the Engineering and Water Supply Department depot at Balaklava, comprising a residence, office, store and minor buildings, is substandard and requires rebuilding. Approval has been given for an expenditure of about $80 000 to erect a new departmental depot at Balaklava, consisting of a departmental office, workshop and district foreman’s residence, and fronting Edith Terrace. It is expected that work on the new facilities will begin in June, 1974.

O’HALLORAN HILL SEWERAGE

Mr. MILLHOUSE: Will the Minister of Works say when sewering of Roundaway Crescent, O’Halloran Hill, will be completed? I have been sent, presumably with the knowledge of the member for the district (the Minister of Development and Mines), a copy of a letter, dated November 22 last, addressed to the Minister and signed by about 20 residents in that street, complaining bitterly that the sewering of that area, and especially that street, has begun but that now all the equipment has been taken away. The residents have been told that it will not be returned to complete the work until some time in February. The letter states, in part:

> Further to our conversation this afternoon, we the residents of Roundaway Crescent decided to put the matter in writing to you—

it starts off “Dear Mr. Hopgood”—

> and send copies to the Engineering and Water Supply Department, channel 9’s *Newsbeat*, whose help we are seeking to gain publicity, and Robin Millhouse.

The Hon. G. T. Virgo: Why you of all people?

Mr. MILLHOUSE: Well, people know where to come to get some action.

The SPEAKER: Order!

Mr. MILLHOUSE: The letter continues:

> O’Halloran Hill has been subdivided for eight years and has been without sewerage until three months ago, when the Engineering and Water Supply Department started laying the connection pipes. The equipment carrying out this work has now entered Roundaway Crescent, but the whole operation has been called to a halt.

I may say that I do not know any of the people who signed the letter, but one of them has since followed it up with a telephone call to me asking for my help and the help of the Liberal Movement in having action taken. It is for those reasons that I ask the Minister of Works the question.

The Hon. J. D. CORCORAN: One would almost think that this was a Dorothy Dixer, because I have with me a report on the matter.

Mr. Millhouse: You must have been alerted.

The Hon. J. D. CORCORAN: As a result of the assiduous attention paid to his district by the Minister of Development and Mines, the matter was raised long before the honourable member, channel 9 or anyone else got around to it, and consequently I have been able to obtain this report. It is a fairly lengthy report but I refer to part of it to explain why work in the area was delayed but will recommence next February. I regret as much as anyone else the delays that occur from time to time. In order to meet commitments under the Planning and Development Act, one gang was withdrawn on November 26 to construct sewers in stages 26 and 27 of the Hooker Rex subdivision at Flagstaff Hill. The honourable member will be aware that the department has various gangs, and he will be pleased to know that the number of gangs will shortly be increased (I think before next June) by three, which will markedly increase the amount of work that can be done.

Some of the gangs are actually engaged full time on subdivisional work (that is, work which is carried out for subdividers by departmental gangs but which is paid for by the subdividers) and that is the case here. A gang was taken off this work to work on the Hooker Rex subdivision at Flagstaff Hill. That gang had previously worked on this project before being transferred to Braeview. It is not expected that it will carry out further work in this area. The second gang will be required in about two weeks time to lay sewers in Aberfoyle Park for a subdivision by T. M. Burke. The whole gang will not be moved, as a nucleus will be left in Braeview to start the first of the three new gangs, the formation of which has just been approved, as I just said.

The build-up of this gang will commence after the Christmas close-down, that is, at about the end of January. I should personally like to see gangs work over the Christmas period when the weather is fine, but unfortunately it has been traditional for people to take their holidays during this period and, in spite of representations made to the various unions involved, I have not been able to obtain agreement for people to work over this period. Consequently, we lose time in the winter which we should not really lose, but I have not been able to alter that position. It is expected that the scheme will be completed in the latter part of 1974.

Mr. Millhouse: The latter part?

The Hon. J. D. CORCORAN: Yes. I am referring to the complete scheme, not just to the work in this street. There was a complaint that the gang had moved into this street, commenced digging and laid pipes, and the machinery was then taken away. This would naturally frustrate the residents of the street.

Mr. Millhouse: It has.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: It has obviously frustrated them, and probably for good reason. However, the little digging that took place was evidently at the request of the local council, and reasons are given for that in the report that I have. It was not. as some people thought, that the department had started to dig and had then decided to leave the area: the digging was done deliberately at the request of the council. However, I assure the honourable member, along with the Minister as member for the district, that I am as anxious as they are to see not only this area but also other areas around the fringes of the metropolitan area connected to sewerage as soon as possible.

TRAILERS

Mr. NANKIVELL: Can the Minister of Transport say whether, when regulations are framed under the proposed amendments to the Road Traffic Act, consideration will be given to the special trailers used by fruit blockers for carting fruit from their blocks to the local packing shed? These special trailers, which are used to carry oranges and fruit, have a single cranked axle and carry about 1½ tons (l.5t) in special boxes. Normally such trailers are towed by utilities or cars and are not fitted with brakes or turning lights. I ask this question because, although the trailers are now drawn without any let or hindrance, under the terms of the recommendations of the Flint committee's report, as the gross vehicle weight of these trailers would exceed 1¾ tons (1.75t) and as the towing vehicle would be lighter than the trailer being towed, it would be necessary for brakes to be fitted to such trailers.

The Hon. G. T. VIRGO: Mr. Speaker, I assume that, having allowed the honourable member to complete his question, you will permit me to reply to the question, which relates to a matter included in a Bill currently before the House. I refer to the Road Traffic Act Amendment Bill (Weights), which has been passed by this House, amended by the Legislative Council, and is now on the Notice Paper for us to consider those amendments and perhaps disagree to them. If I am permitted to continue, I will explain that the situation under the Bill currently before the House is that provision is made for the Road Traffic Board to consider providing exemptions where it believes exemptions are desirable.

Dr. Tonkin: This is out of order.

The Hon. G. T. VIRGO: It may be out of order, but so was the question.

The SPEAKER: Order! I take it that in his question the honourable member for Mallee sought information about a Bill now before the House. If that is the case, his question is out of order.

Mr. Nankivell: My question related to the Flint committee's report.

The SPEAKER: The question is out of order.

FAMILY PLANNING CLINIC

Mrs. BYRNE: Will the Attorney-General ask the Minister of Health to say what stage has been reached in establishing a family planning clinic at Modbury Hospital? It is the aim of the Family Planning Association (S.A.) Inc. to expand its work by opening new clinics in metropolitan and country areas. The State Government finances the operations of clinics operated by the Royal Adelaide Hospital, the Queen Elizabeth Hospital and the Queen Victoria Hospital. The Government is to use $26 000 of the Commonwealth Government grant of $720 000 for community health services in South Australia, to extend an already established private medical centre at St. Agnes which is well run and progressive and which has a family planning clinic. However, because of the increasing population in the district, an additional clinic at Modbury Hospital would benefit the community as well as hospital patients.

The Hon. L. J. KING: I will obtain a reply from my colleague.

CRIPPLED CHILDREN

Mr. MATHWIN: I thank you, Mr. Speaker, for giving me the call; I thought I was going to miss out as I did yesterday.

The SPEAKER: Order!

Mr. MATHWIN: I wish to ask a question of he who represents the Minister of Health, the Attorney-General. Will the Attorney-General ask his colleague to investigate the possibility of acquiring, for future use as a geriatric home or day centre, the premises now occupied by the Somerton Home for Crippled Children at Esplanade, Somerton Park, when that property becomes available? The Minister will be aware that the home expects to vacate the properly in 1974. As this building is most suitable for the purpose to which I have referred, being easy to adapt and in a good position, will the Attorney ask the Minister to conduct this investigation and bring down a report?

The Hon. L. J. KING: If the honourable member for Glenelg insists on imitating the foolish syntax of the member for Mitcham in the way he addresses questions to me, he should at least get his grammar correct. I will forward the question to my colleague.

SOUTH AUSTRALIAN BARYTES LIMITED

Mr. DEAN BROWN: Will the Attorney-General appoint inspectors to investigate the affairs of South Australian Barytes Limited under section 170 of the Companies Act? The South Australian Government has guaranteed repayment of a bank loan made to this company, which now appears to have collapsed in spite of public statements made by its directors over the last three years that its trading prospects were sound. South Australian Barytes Limited is a South Australian-based mining company which was placed in receivership on October 11, 1973. I seek this investigation for four reasons. The first reason is that a loss of $1 330 000 for the year ended June 30, 1972, was announced after shares were suspended from trading on the Stock Exchange on December 13, 1972. This loss followed several consecutive annual profits: in 1968-69, $121 000, in 1969-70, $174 000, and in 1970-71, $116000, although it was later claimed by the auditors that this last profit was over-stated by about $56 000. Secondly, a National Bank fully-drawn loan of $200 000 is secured by South Australian Government guarantee and registered debenture. Thirdly, there was a mine collapse of the No. 2 level and above at the Oraparinna mine in July, 1972, but this was not reported to shareholders until February 28, 1973. Fourthly, preliminary searches of the share register indicate that interests closely associated with the company sold shares just before the announcement that dividend payment would not be made for the 1971-72 financial year. Instead of continuing to take up our valuable Question Time with further details, I ask leave to have a brief synopsis of directors' statements, production figures and sales figures incorporated in *Hansard* without my reading them.

The SPEAKER: Leave cannot be granted.

Mr. DEAN BROWN: I seek this urgent investigation to ensure that the public moneys made available through the South Australian Government guarantee, and the interests of the many shareholders, many of whom live in South Australia, are adequately safeguarded. I believe this investigation should cover the entire activities of the company, rather than just the abovementioned points.

The Hon. L. J. KING: I will consider the matters raised by the honourable member.

CRASH REPAIR RATES

Mr. WARDLE: Can the Minister of Labour and Industry say whether charges in respect of proprietors of motor vehicle crash repair shops are subject to price control? Is the Minister aware that automobile crash repair companies can do work at an hourly rale of $2 less than the rate applying to mechanical repairs generally? Obviously, the cost applying to the erection of a building, the purchase of maintenance equipment, running costs of power, water, telephone and similar costs are identical, yet this anomaly exists in respect of the price that is charged for work done in these similar areas.

The Hon. D. H. McKEE: If the honourable member gives me further details, I shall obtain a report for him.

PORT PIRIE RAIL SERVICE

Mr. VENNING: Has the Minister of Transport been successful in having the time of the train journey from Port Pirie to Adelaide reduced? Several months ago the Minister, when visiting Port Pirie, was asked to consider this matter. He said that when he returned to Adelaide he would see what could be done. Some time ago I asked the Minister what progress could be reported, but I believe that no action has been taken to expedite this matter. As I have previously explained, I was a passenger on the train when it left Port Pirie 35 minutes late, yet it arrived in Adelaide two minutes ahead of schedule. Therefore, it appears there is room to upgrade this service. I point out that my constituents are pleased that the Minister has been successful in establishing the Bee-line bus service from Adelaide to Victoria Square for their use when they get to Adelaide. However, they would like to get to Adelaide more quickly than they can with the present service.

The Hon. G. T. VIRGO: I am sure the honourable member's constituents are happy with the work the Minister of Transport is doing, and I am glad to hear the member for Rocky River acknowledge it publicly in this House. I assure him that I have had discussions with the Railways Commissioner about the time table, and I have also had discussions with the member for Pirie, who is primarily concerned with this service as it originates in his district, ends in Adelaide, and will shortly connect with the Bee-line bus service from the railway station to Victoria Square. I expect a revised time table to be published soon, and when it is I will make sure that the honourable member receives a free copy.

CEDUNA SCHOOL

Mr. GUNN: In view of the critical situation at Ceduna Area School as a result of the poor condition of the classrooms, can the Minister of Education say when it is expected that transportable units will be made available to that school?

The Hon. HUGH HUDSON: The honourable member has spoken to me about the situation applying at the Ceduna Area School, and he would appreciate that, as a result of my visit to Ceduna, there are now definite plans to replace Ceduna Area School. However, there is an immediate problem in respect of the provision of transportable units. I hope the accommodation required can be made available in time for the beginning of the next school year. I will check on the details and bring down a report for the honourable member as soon as possible.

HOUSING TRUST INSPECTORS

Mr. EVANS: Can the Minister of Development and Mines, as Minister in charge of housing, say whether Housing Trust inspectors use their powers to enter people's houses even though no request or complaint has been received to initiate such entry? Today's *Advertiser* contains a report on flea and other vermin infestation in the metropolitan area, and that report states that Housing Trust inspectors enter houses without any complaint having been lodged or any request made for the entry. This morning two persons have telephoned me expressing concern about this matter. They believe that an inspector could knock on the door of a house and say that he wished to go through the house looking for fleas or other vermin and the person would have no power to tell him to come back in, say, half an hour, an hour, or 24 hours. The inspectors have the right of entry at any time, even though the house may not belong to the trust. People have a fear about this matter and, so that the position can be clarified, I ask the Minister whether inspectors give any warning to occupants of premises where they wish to make an inspection, or whether the inspection is made on the spot. I consider that the newspaper report has some frightening aspects.

The Hon. D. J. HOPGOOD: I think we must consider two aspects of this question. One is the aspect of a tenant of a Housing Trust house, and my reply in that

case would be "No". However, that is not really the aspect that the press report this morning was getting at. Rather, the report was getting at the situation where the trust was using its powers under the Housing Improvement Act when a person asked the trust to consider the rent of a property. Then the trust must inspect the premises to determine whether an order can be made against the landlord for a reduction in the rent if the landlord does not try to upgrade the standard of the property. The report was about the trust's using its powers under the Housing Improvement Act. Again, I think my reply would be "No" anyway, because this action would have been initiated not by the landlord but by the tenant. The trust inspector would come to the house at the tenant's request to determine whether the trust should use its powers under the Housing Improvement Act. That is my understanding of the position, but I will have it further clarified by the trust.

SEWERAGE FINANCE

Mr. McANANEY: Will the Deputy Premier explain further his statement in the House yesterday, when dealing with sewerage facilities, that people living in the major cities of this nation could have rotted as far as the former Commonwealth Government was concerned? That statement seems to be contradicted by the Deputy Premier's later statement that we in this State are fortunate in having between 95 per cent and 97 per cent of the metropolitan area sewered. Of course, this has been done with Commonwealth funds, and I ask what the present Government did in its first three years of office with the $87 000 000 in interest-free grants from the Commonwealth Government. I also ask the question in relation to the $78 000 000 debt taken over. The combined total of revenue on debt services has been $14 800 000 in this State Government's three years of office and this year the amount will be $12 200 000. The Government will be able to spend the latter amount as it wishes.

The Hon. J. D. CORCORAN: I am pleased that the honourable member has raised this question, because he has drawn the attention of the House to the financial mismanagement by the former Liberal and Country Party Government in Canberra over the past 23 years. The very reason why the honourable member has been able to point to the interest-free loans and to the writing off of repayment of loans is that that Government almost sent the States bankrupt through its financial policy. At least Gorton recognized this, and McMahon also realized that, if the Government did not do something about the position, the Commonwealth Government would not have State Governments to bother about. Despite that, the honourable member has the temerity to say that the present Commonwealth Government is centralist in its attitude. He would know better than I that government is finance and finance is government, but the way the former Commonwealth Government was running the show until it came to its senses about two or three years ago was such that, if that had continued, there would be no State Government, and the honourable member knows that. I repeat the statement I made yesterday: the former Commonwealth Government, which was in office for 23 years, showed no real concern for people living in the metropolitan areas of Australia. This can be borne out by the lack of suitable public transport, and to cater for public transport adequately is beyond the capacity of the State Government. It can also be borne out by the lack of sewerage, the high price of land anywhere in the metropolitan areas, and the overcrowding of metropolitan areas in parts of Australia other than Adelaide (and I say that because the present State Government has taken hold of the situation here just in time).

Mr. Coumbe: That's a joke.

The Hon. J. D. CORCORAN: I am not joking. I am replying to the honourable member's question and telling him why the present Commonwealth Government has shown more concern in 12 months and done more to improve the quality of life of people in the urban areas than the former Liberal and Country Party did in 23 years.

FLAMMABLE FURNITURE

Mr. BECKER: Can the Minister of Labour and Industry say what investigations his department has made into the claim that many new lounge chairs contain flammable foam filling and could be dangerous? I understand that the Federal Secretary of the Furnishing Trades Society claims that flammable foam filling is being used in some lounge chairs and that a lighted cigarette butt could ignite them. It has been claimed that the burning material gives off toxic gases, including hydrogen cyanide. Can the Minister say whether his department has investigated how dangerous the upholstery padding is and, if the department has not made these investigations, will he examine the claim made by the Federal Secretary of the Furnishing Trades Society?

The Hon. D. H. McKEE: I shall call for a report on the honourable member's question.

MANNUM ROAD

Mr. GOLDSWORTHY: Will the Deputy Premier ask the Minister of Transport, who is temporarily absent from the Chamber, to obtain a report on the likely commencement date of upgrading work on the Adelaide-Mannum Main Road No. 33, particularly the section from Gumeracha to Tea Tree Gully? I have received from the District Council of Mount Pleasant a letter, part of which states:

> This road, as you no doubt are aware, is virtually the only one leading into Adelaide that has not been upgraded. It is almost impossible to pass heavy vehicles on the above section of the road, except on a very limited section of the road, and this is not possible should there be any oncoming traffic at the time, which means one may have to follow these vehicles for miles.

The Hon. J. D. CORCORAN: My colleague will be pleased to obtain that report for the honourable member.

FILM CLASSIFICATION ACT AMENDMENT BILL

The Legislative Council intimated that it had divided the Bill into two Bills, namely, the Film Classification Act Amendment Bill (No. 1) and the Film Classification Act Amendment Bill (No. 2), and that it had agreed to the Film Classification Act Amendment Bill (No. 1), comprising clauses 1 and 2 and that part of clause 3 enacting new section 11b in the Act, without amendment.

LAND SETTLEMENT ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

MOTOR FUEL DISTRIBUTION BILL

The Legislative Council intimated that it did not insist on its amendments Nos. 1 to 6 and that it had made in lieu thereof the following alternative amendment to which it desired the concurrence of the House of Assembly:

Page 11 (clause 25)—After line 30 insert new subclause (3a) as follows:

(3a) A person shall not be obliged to answer any question put to him by an inspector unless he has first been informed by the inspector that he is obliged to answer questions put to him pursuant to this Act and has further been so informed that he is not obliged to answer any such question if the answer to that question would tend to incriminate him.

Consideration in Committee.

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

That the Legislative Council's amendment be agreed to.

This amendment simply places an obligation on the inspector who is requiring a person to answer questions, first, to inform him that he is obliged to answer the questions and, secondly, that he is not obliged to answer any such questions if the answer to the question would tend to incriminate him. I have no objection to the amendment.

Mr. COUMBE: In this Chamber previously, objection was taken with regard to the reversal of the onus of proof and the method of questioning, matters dealt with in this provision. This amendment at least gives some protection to people who are being questioned.

Motion carried.

FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ROAD TRAFFIC ACT AMENDMENT BILL (WEIGHTS)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2—After line 25 insert new clauses 3a and 3b as follow:

3a. *Amendment of principal Act. s.* 11—*Constitution of Road Traffic Board*—Section 11 of the principal Act is amended by inserting after paragraph *(c)* the following paragraph:
and
(d) a person representative of the interests of primary industry nominated by the Minister of Agriculture.

3b. *Amendment of principal Act.* 5.12—*Procedure of Board*—Section 12 of the principal Act is amended by inserting in subsection (4) after the passage "two members of the Board" the passage "or, in the case of an equality of votes, concurred in by the chairman or acting chairman and one other member".

No. 2. Page 4, line 10 (clause 10)—Leave out "The" and insert "Subject to subsection (3a) of this section, the"

No. 3. Page 4 (clause 10)—After line 12 insert new subsection (3a) as follows:

(3a) At least one member of the advisory committee must be a person representative of the interests of primary industry nominated by the Minister of Agriculture;

No. 4. Page 5 (clause 10)—After line 19 insert new subsection (5a) as follows:

(5a) Where—
(a) a vehicle is owned by a person who is engaged in the business of primary production;
(b) the vehicle is being used for the carriage of grain or fruit from the land of that person to a point at which the grain or fruit is to be stored or processed, dr from which the grain or fruit is to be carried by some other form of transportation;
and
(c) the distance to be traversed by the vehicle in the carriage of the grain or fruit does not exceed one hundred kilometres;

then the vehicle shall be exempt from the provisions of subsections (4) and (5) while proceeding upon any such journey.

No. 5. Page 5, line 20 (clause 10)—After "writing" insert or by notice published in the *Gazette*,"

No. 6. Page 5, line 21 (clause 10)—After "class" insert ", or vehicles carrying any class of load,"

No. 7. Page 5, line 23 (clause 10)—After "instrument" insert "or notice".

No. 8. Page 5, line 33 (clause 12)—Leave out "it shall not be necessary" and insert "it shall, subject to subsection (2a) of this section, be unnecessary".

No. 9. Page 5 (clause 12)—After line 36 insert now subsection (2a) as follows:

(2a) where the person in charge of a weighbridge or weighing instrument proposes to take separate measurements of weight in relation to the axles of a vehicle and the driver, or person in charge, of the vehicle makes a reasonable and practicable request that a separate measurement of weight be taken in relation to a certain group of axles, the person in charge of the weighbridge or weighing instrument shall comply with that request.

No. 10. Page 6, line 35 (clause 14)—Leave out "paragraph" and insert "paragraphs".

No. 11. Page 6 (clause 14)—After line 42 insert new paragraph *(ac)* as follows:

(ac) a statement produced by the prosecution and purporting to be signed by a person in charge of a weighbridge or weighing instrument and stating that he has complied with all requirements of this Act in relation to the taking of certain specified measurements of weight shall be proof of the fact so stated in the absence of proof to the contrary;

Amendment No. 1:

The Hon. G. T. VIRGO (Minister of Transport): I move:

That the Legislative Council's amendment No. 1 be disagreed to.

This amendment, which inserts two new clauses in the Bill, seeks to alter the composition of the Road Traffic Board by including on the board a person representative of the interests of primary industry nominated by the Minister of Agriculture. This provision has been debated and was defeated in this Chamber.

Mr. GUNN: I am disappointed that the Minister will not accept a proper amendment that will give the largest group of commercial motor vehicle owners representation on the board. The Minister has made clear that it will be necessary for primary producers to obtain permits from the board if they wish to operate their vehicles as they are doing now and have done for many years. Therefore, it is proper that they should be given representation on the board. We all realize that the best way to shift commodities is by an efficient and properly operated road transport system. I strongly support the amendment.

Mr. VENNING: I, too, am disappointed that the Minister will not accept the amendment. A primary-producer representative on the board could advise it on all aspects of primary industry. Will the Minister reconsider his decision?

Motion carried.

Amendments Nos. 2 and 3:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendments Nos. 2 and 3 be disagreed to.

The amendments provide that at least one member of the advisory committee set up to advise the Registrar of Motor Vehicles must be a person representative of primary industry nominated by the Minister of Agriculture. We are in the same position as we were when discussing the previous amendment, and I take the same consistent attitude because I believe we should not provide for industry representation.

The people in South Australia are all citizens, and if we start providing representation for one industry we must be prepared to extend that special privilege across the board to all industries involved in transport. This would create a completely hopeless situation. I have complete confidence in the people who will be appointed to this committee as being persons capable of assessing properly from an engineering point of view. That will be their task: to make assessments, not from a primary producer's point of view, not from a motor or truck-builder's point of view, but from an engineering point of view, regarding the gross combination weight and the gross vehicle weight of the vehicles concerned. I ask the Committee to disagree to the amendments.

Mr. GUNN: I am disappointed again at the Minister's attitude. Surely on this occasion he should be prepared to allow the Minister of Agriculture to nominate to this advisory board a representative of the largest group of commercial vehicle owners in this State. The Minister spoke at some length about these people making recommendations on the gross vehicle weight and gross combination weight, and it is the small primary producer who has owned a truck for many years but does only a few miles each year in the truck who will be severely affected by the recommendations of the Flint committee that are incorporated in this Bill. These people are concerned about the effect this legislation will have on their future livelihood as they may be forced, because of economics, to sell their truck for a small sum and then have to pay about $8 000 to $10 000 for a new truck, although their present vehicle will do the job adequately. The Minister has not told us who will be on the committee. I think it would be beneficial to the Minister and his committee to have a person representing primary industry on this advisory committee. I believe the Minister will be doing road transport, and the primary producer in particular, a grave disservice if he does not accept this amendment.

The Committee divided on the motion:

Ayes (23)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, and Wright.

Noes (18)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn (teller), Mathwin, McAnaney, Nankivell, Russack, Tonkin, Venning, and Wardle.

Pair—Aye—Mr. Dunstan. No—Mr. Rodda.

Majority of 5 for the Ayes.

Motion thus carried.

Amendment No. 4:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendment No. 4 be disagreed to.

This clause attempts again to put the primary producer, when he is carrying grain or fruit from his land to the storage point provided it is within 100 kilometres, completely free of the provisions regarding the permissible load. This amendment would permit an eight-ton load on a 30-cwt. truck to be driven down through the Hills. I would be interested to see how many members opposite are prepared to stand up and be counted as being so irresponsible as to support this amendment when they give Lip service to road safety. There is no justification for it. The Act permits the Road Traffic Board to grant exemptions where they are considered to be justified, and on that basis I ask the Committee to reject the amendment.

Motion carried.

Amendments Nos. 5 to 7:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendments Nos. 5 to 7 be agreed to.

These amendments merely provide that notice in the *Government Gazette* shall be regarded as notice in writing. As that is the situation legally, I am only too happy to agree to these superfluous amendments.

Motion carried.

Amendments Nos. 8 to 11:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendments Nos. 8 to 11 be agreed to.

These amendments, which relate to the weighing of vehicles, simply require that the person in charge of a weighbridge or weighing instrument, where he intends to record separate weights, shall comply with any reasonable and practicable request made to him by the person whose vehicle is being weighed. Obviously, people engaged in this industry are reasonable and practical people who are not out to antagonize others: they simply wish to perform their task, and I do not think there is anything unreasonable in the amendments.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos. 1 to 4 was adopted:

Because the amendments adversely affect the Bill.

Later:

The Legislative Council intimated that it insisted on its amendments Nos. 1 to 4, to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. G. T. VIRGO (Minister of Transport) moved:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments Nos. 1 to 4.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Goldsworthy, Gunn, Keneally, Payne, and Virgo.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council committee room at 9 a.m. on Thursday, November 29.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 27. Page 2019.)

Mr. ARNOLD (Chaffey): This Bill provides that people wishing to hunt must first obtain a hunting permit. In his second reading explanation, the Minister of Environment and Conservation said:

I am pleased to announce that the revenue received from this source, less administrative costs, will be paid into the Wildlife Conservation Fund established under section 11 of the Act for the future conservation of wild life.

Section 11 of the National Parks and Wildlife Act, 1972. provides:

(1) The Minister shall establish a fund entitled the "Wildlife Conservation Fund".

(2) The fund shall consist of—

(a) any moneys derived by the Minister from any donation or grant made for the purposes of the fund;

and

(b) any moneys provided by Parliament for the purposes of the fund:

(3) The Minister may apply any portion of the moneys constituting the fund towards—

(a) the conservation of wild life and land constituting the natural environment or habitat of wild life in such manner as he may, upon the recommendation of the Advisory Council, determine;

and

(b) the promotion of research into problems relating to the conservation of wild life.

I think I am correct in saying that most field shooters in South Australia readily agree to this concept, but unfortunately at this stage neither the Bill nor the principal Act provides that this shall be carried out. Therefore, in Committee I will move to amend the relevant clause accordingly. The Estimates of Expenditure for the year ending June 30, 1974, deal with an extremely important aspect of this Bill and refer to "improvements and general expenses incurred in normal operation and maintenance" and "fauna research work, development and management of sanctuaries and reserves, equipment and sundries". These two items relate to the matters provided for in section 11, which I have just quoted, and last session Parliament voted $369 959 in connection with them. Of that sum $332 921 was spent. I believe that, since this fund exists, the remaining $37 038 not spent should have gone into the Wildlife Conservation Fund as a continuing sum to be built up for the precise purposes set out in the Act. In fact, in 1972-73 about $370 000 was voted for this purpose, whereas, in 1973-74, $307 496 was provided, a reduction of over $62 000. Therefore, the sum collected in permit fees would have to exceed $70 000 for the department to receive the same allocation that it received in 1972-73.

This additional Lax replaces the old gun licence under the fauna conservation legislation. People readily agreed to this move, so long as the money went for a specific purpose and was not put into general revenue, as happened previously when gun licence fees were used up in that way. I believe that people have been considerably misled and that the fees collected under this permit system will, to all intents and purposes, be part and parcel of the general revenue of the State, which was the position previously. People believed that these fees would boost the finances available for national parks and wild life purposes. Unfortunately, at this stage I do not believe the situation will be any different from what it has been in years gone by.

Unless the Minister can indicate that the fees collected under the permit system will be made available for wild life purposes and will be in addition to the normal allocation, I can see no benefit at all from this provision. Although I will support the second reading and seek to amend the Bill in Committee, unless the Minister can say why the overall allocation to the department was reduced by $62 000 I will vote against the third reading. Unless the Minister can justify this reduction, I believe the people of the State will have been misled completely. I ask the Minister, when he replies to the debate, to give this explanation. My support of the third reading and the support of others on this side will depend on that explanation.

Mr. SIMMONS (Peake): I support the Bill, and do not wish to add anything further to the remarks already made.

Mr. EVANS (Fisher): In supporting the Bill I also support the remarks that the member for Chaffey made earlier today. Generally, the intention of the Bill as stated by the Minister is to set up a fund to be used for conservation and for investigating ways of conserving wild life. Persons who hunt wild life will contribute to the fund by being charged a fee for a hunting permit. I wholeheartedly support that concept.

Although the Minister said in his second reading explanation that the money will be paid into this fund, no provision is contained in the Bill to guarantee that the money will be paid into the fund to be used to conserve wild life and for research into areas in which game breeds and in which many duck and other hunted game spend most of their lifetime. The member for Chaffey has suggested that the Bill should be amended, but I cannot discuss any amendments. However, the Victorian legislation provides that money shall be paid into a fund, and in that Stale this payment does not rely on the word of a Minister.

The other point raised by the member for Chaffey is that this year the Government reduced the appropriate allocation by about $60 000. The Minister will be fully aware that this is the sort of operation that has taken place. The revenue from lotteries has not really helped the Hospitals Department: it has simply helped the general revenue of the State. I hope that that sort of thing does not happen in connection with this Bill. I wholeheartedly support the second reading, and I hope the Government will accept the amendment that has been foreshadowed.

Mr. GUNN (Eyre): I support the remarks of the members for Fisher and Chaffey. If people wish to carry firearms they should accept the responsibilities involved. The Government should be completely honest about its intentions: in my opinion this is nothing more than a revenue measure. The Government has stated that the moneys collected as a result of this legislation will be paid into a special fund to assist in the gathering of information about certain types of our fauna. This is commendable, but if one examines the appropriations one finds that the allocation has been reduced. So, it is a confidence trick.

People can go illegally on to properties in the Frome District and the Eyre District and shoot at stock, water tanks, telephone insulators, etc. Such irresponsible people should not be permitted to carry firearms. When we last considered this sort of legislation I was disappointed that landholders in pastoral areas were not given an opportunity to protect their assets against this type of vandalism. I seek leave to continue my remarks.

Leave granted; debate adjourned.

MINING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 27. Page 2033.)

Mr. GOLDSWORTHY (Kavel): I support the Bill, which seeks to extend for three years the exclusion from opal fields of people who have been convicted of offences under the Mining Act. I think that this idea was first germinated by the member for Eyre, who will speak to the Bill later. This provision has worked well in relation to the troubles experienced on the opal fields.

Mr. GUNN (Eyre): I strongly support the Bill, which is absolutely essential because, at present on the opal fields, a gangster element is trying to stand over opal miners. During the past 12 months, several people have still engaged in illegal mining. They have regularly broken into people's mines, stealing quantities of opal. In many cases, people may have mined for four or five years, being lucky to make a living. They may have reached the stage where they are just breaking even and in a few hours people can rob them of the fruits of all this hard work. The great problem is to catch these people and, when they have been caught, to inflict penalties that are sufficiently strong, and this has not been possible in the past. The legislation

will give the Minister the power to warn off a precious stones prospecting area any person convicted of an offence under the Mining Act. I believe that it is essential that people convicted should be made examples of.

At present, the groups that operate illegally in the opal fields comprise highly organized criminals. As the stakes are high, they are willing to take chances. Unfortunately, in the past penalties have not been severe enough, so these people have laughed at the law. They have intimidated miners. Several reports have been made to me of cases where these people have been caught raining illegally. However, they have told those who caught them that, if a report is made to the police, the wives and families of those who have reported them will be attacked and their property damaged. There is no place for people of this type in the opal fields of South Australia: the proper place for them is behind bars. I hope that on every occasion when people are caught deliberately mining illegally the Minister will exercise his powers. I do not believe this legislation should be used in respect of trifling breaches of the law. The Minister's officers have given him reports, the previous Minister was aware of the situation, and I hope the Minister will exercise the power he has. It may be said that this legislation is arbitrary but, because of the nature of the offences and the attacks involved, I believe it is necessary. I hope in future that every person convicted of illegal mining will be warned off the opal fields.

As the Minister is aware, the opal mining industry is the second largest mining industry in South Australia, and it is important that we develop it. The industry is unique. The opal fields are one of the few such places in the world where there are no large companies and no organized mining. In many cases individual miners work under the most difficult conditions. Provisions such as these are essential if miners are to be protected against these groups of gangsters; indeed, when I was first elected to Parliament and visited this area I was amazed at the extent to which organized gangsters were involved in mining.

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

Later:

Bill returned from the Legislative Council without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 12, line 7 (clause 32)—Leave out "and".

No. 2. Page 12, lines 9 and 10 (clause 32)—Leave out "a person applies for the renewal of a licence that" and insert "a licence".

No. 3. Page 12, line 11 (clause 32)—Leave out "applicant" and insert "holder of the licence".

No. 4. Page 12, line 13 (clause 32)—Leave out "applicant's birth" and insert "birth of the holder of the licence".

No. 5. Page 12, lines 18 and 19 (clause 32)—Leave out "the applicant's birth" and insert "his birth".

No. 6. Page 12, line 21 (clause 32)—After "case" insert ", upon application for renewal of the licence,".

No. 7. Page 12 (clause 32)—After line 28 insert—

"and

(c) by striking out from paragraph *(b)* of subsection (3) the passage 'more than one month'."

No. 8. Page 15 (clause 39)—After line 33 insert new paragraph *(aa)* as follows:

(aa) by striking out from paragraph *(b)* of subsection (1) of. the passage 'the driver and';

No. 9. Page 15, line 37 (clause 39)—Leave out "and".

No. 10. Page 15 (clause 39)—After line 40 insert—

"and

(c) by striking out from subsection (3) the passage 'or the driver is not readily ascertainable give to the Minister' and inserting in lieu thereof the passage 'is not readily ascertainable give to the nominal defendant'."

No. 11. Page 16, line 14 (clause 40)—Leave out "and".

No. 12. Page 16 (clause 40)—After line 29 insert—

"and

(d) by striking out from subsection (7) the passage 'a nominal defendant' and inserting in lieu thereof the passage 'the nominal defendant'."

No. 13. Page 16—After clause 41 insert new clauses 41a and 41b and 41c as follows:

41a. *Amendment of principal Act, s. 118a—Nominal defendant to act where approved insurer is in liquidation or has made compromise with his creditors.* Section 118a of the principal Act is amended—

(a) by striking out from subsection (1) the passage 'the Minister shall, by notice published in the *Government Gazette,* appoint a person to be the nominal defendant in relation to that insurer for the purposes of this section' and inserting in lieu thereof the passage 'this section shall apply to that insurer in accordance with the declaration';

(b) by striking out from subsection (3) the passage 'a nominal defendant has been appointed under this section in relation to an insurer' and inserting in lieu thereof the passage 'this section applies to an insurer';

(c) by striking out from subsection (4) the passage 'Where a nominal defendant has been appointed under this section in relation to an insurer, the' and inserting in lieu thereof the word 'The';

and

(d) by striking out from subsection (5) the passage 'appointed in relation to an insurer'.

41b. *Amendment of principal Act, s. 119—Scheme for payment of liabilities of the nominal defendant.* Section 119 of the principal Act is amended—

(a) by striking out from paragraph *(b)* of subsection (1) the passage 'nominal defendants' and inserting in lieu thereof the passage 'the nominal defendant';

(b) by striking out from paragraph *(bi)* of subsection (1) the passage 'nominal defendants are' and inserting in lieu thereof the passage 'the nominal defendant is';

and

(c) by striking out from paragraph *(c)* of subsection (1) of the passage 'such defendants' and inserting in lieu thereof the passage 'the nominal defendant'.

41c. *Amendment of principal Act, s. 120—Satisfaction of judgment against nominal defendant where no scheme is in force.* Section 120 of the principal Act is amended by striking out from subsection (1) the passage 'a nominal defendant' wherever it occurs and inserting in lieu thereof, in each case, the passage "the nominal defendant".

No. 14. Page 17, lines 27 to 37 (clause 44)—Leave out all words after "inform" in line 27 and insert "that person by notice in writing in the prescribed form—

(a) that he believes him to be suffering from an illness, disability or deficiency that renders him unfit to drive a motor vehicle;

and

(b) that he is required to comply with the provisions of this section.

(2) Where a person has received a notice under subsection (1) of this section—

(a) he shall within one month after receipt of the notice forward the notice to the Registrar;

and

(b) he may inform the Registrar of any relevant medical opinion in relation to the illness, disability or deficiency from which he is alleged to be suffering that tends to establish that he is not suffering from any such illness, disability or deficiency or that he is fit to drive a motor vehicle notwithstanding that illness, disability or deficiency.

(3) Where a person fails to comply with paragraph *(a)* of subsection (2) of this section, he shall be guilty of an

offence and liable to a penalty not exceeding five hundred dollars.

(4) A medical practitioner, registered optician, or registered physiotherapist incurs no civil or criminal liability by reason of compliance, or non-compliance, with his duty under this section."

Consideration in Committee.

Amendments Nos. 1 to 13:

The Hon. G. T. VIRGO (Minister of Transport): I move:

That the Legislative Council's amendments Nos. 1 to 13 be agreed to.

These amendments are the result of further consideration given to the rather vexed problem of the nominal defendant in hit-run accidents. As the amendments are of a technical nature I do not believe any great discussion should be embarked on; suffice to say they have been recommended by the committee.

Motion carried.

Amendment No. 14:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendment No. 14 be disagreed to.

This amendment pertains to clause 44, which was included after long negotiation. The clause provides, in part:

the medical practitioner, registered optician or registered physiotherapist is under a duty to inform the Registrar in writing of the name and address of that person, and of the nature of the illness, disability or deficiency from which he is believed to be suffering—

if in his medical or professional opinion he considers that the person is not a safe and proper person to drive a motor vehicle. Some medical practitioners, to their credit, have complied with this in the past but, unfortunately, some people have sought to take advantage of them and claim that they are acting unethically.

In the protracted negotiations that took place on this matter there have been numerous discussions, principally with the Australian Medical Association. I assume that there is a person, a member of the A.M.A., in the Legislative Council who is not aware of the policies of his organization, because on November 12, 1973, the President of the A.M.A. (Mr. J. W. Sando) wrote to me, as follows:

Thank you for your letter dated October 24, 1973, which, incidentally, was received by the branch on November 2, 1973. together with copy of a Bill to amend the Motor Vehicles Act with particular reference to the duty of a medical practitioner to inform the Registrar of the name and address of a person and the nature of the illness in the case of a patient suffering from a physical or mental illness, disability or deficiency such as if he drove a motor vehicle, he would be likely to endanger the public. Unfortunately, I will not have the opportunity of submitting the matter to branch council as it does not meet again until early in December next. However, my own personal opinion is that I would support the provisions of the Bill with respect to the reporting of disabilities or deficiencies from which patients may be suffering to the Registrar of Motor Vehicles and of the need to inform patients accordingly.

That is a clear statement. The *Advertiser* of November 15, 1973, contains a report headed "Bigger road safety role for doctors", which states:

The President of the S.A. branch of the A.M.A. (Dr. M. J. W. Sando) said the A.M.A. welcomed the legislation and would co-operate willingly. The legislation was in line with Federal A.M.A policy.

All this points to the unbelievable situation that a member of the medical profession in another place has moved an amendment that has virtually destroyed the intention of the legislation completely.

Dr. Tonkin: Not quite.

The Hon. G. T. VIRGO: If the legislation is not restored to its original form, it can go out of the window. I will not be a party to hypocritical legislation. That is what I think of the amendment moved by the Hon. Mr. Springett. That amendment provides that a doctor can tell a patient, "You ought not to be driving a motor car," and the doctor has then discharged his responsibility to society and puts the responsibility back on the patient.

Mr. Venning: That's where it ought to be.

The Hon. G. T. VIRGO: I shall be anxious to see how many other members opposite take a similar attitude to road safety. This legislation has the support of the A.M.A., road safety authorities of Australia, and this Government.

Dr. TONKIN: I take issue with the Minister on one matter.

Mr. Payne: Are you speaking for the A.M.A. now?

Dr. TONKIN: I do not really think the Minister—

Mr. Payne: Are you speaking for the A.M.A.?

Dr. TONKIN: I wish the honourable member would shut up.

The CHAIRMAN: That has nothing to do with the Bill.

Dr. TONKIN: The whole question is where we should put the onus of reporting to the Registrar of Motor Vehicles medical defects that may render a driver unsafe on the road and therefore a danger to other road users. I do not mind how the provision is drafted, because the effect of the Legislative Council's amendment is almost the same as that of the original provision, the only difference being that the patient is brought into the matter. The Attorney-General knows the principle that a doctor does not disclose to insurance companies, solicitors, or anyone else the details of a patient's history without the consent of the patient. If I do not have a patient's written consent, I do not address a report to a solicitor direct. I address it "To whom it may concern" and send it to the patient, who may do what he likes with it. I cannot see that the amendment docs any harm.

The Hon. G. T. Virgo: It only destroys the Bill.

Dr. TONKIN: The Minister is exaggerating. A doctor's public responsibility must take precedence of responsibility to an individual. The amendment enables the doctor to observe secrecy regarding the patient and to discharge his duly to the community.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 14 was adopted:

Because the amendment renders the provisions of the Bill ineffective.

Later:

The Legislative Council intimated that it did not insist on its amendment No. 14, to which the House of Assembly had disagreed.

COMMERCIAL MOTOR VEHICLES (HOURS OF DRIVING) BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, line 16 (clause 3)—Leave out "4" and insert "5".

No. 2. Page 3 (clause 4)—After line 34 insert new subclause (2a) as follows:

(2a) Where the driver of a commercial motor vehicle has at a certain time reached a point within 50 kilometres of his destination, as shown in his log book, without having driven for more than 12 hours in the period of 24 hours immediately preceding that time, then he may, notwithstanding the provisions of paragraph *(b)* of subsection (1) of this section, proceed to complete his journey to that destination.

No. 3. Page 6, lines 14 and 15 (clause 6)—Leave out "five hundred dollars or imprisonment for six months" and insert "three hundred dollars".

No. 4. Page 6, lines 20 and 21 (clause 6)—Leave out "five hundred dollars or imprisonment for six months" and insert "three hundred dollars".

No. 5. Page 6, line 26 (clause 7)—Leave out "three" and insert "one".

No. 6. Page 6, line 30 (clause 7)—Leave out "three" and insert "one".

No. 7. Page 8, line 6 (clause 10)—After "who" insert "knowingly".

Amendment No. 1:

The Hon. G. T. VIRGO (Minister of Transport): I move:

That the Legislative Council's amendment No. 1 be amended by striking out "5" and inserting "4.5".

In order to reach agreement I had a private discussion with several members of the other place and the member for Flinders. Members will recall that an amendment was moved originally to replace four tonne with five tonne, and I opposed it. However, in our usual compromising and conciliatory fashion I am willing to suggest this new amendment.

Mr. GUNN: I am pleased that the Minister has adopted a reasonable attitude, but I would have appreciated other members being given the chance to be involved in the discussion.

Motion carried.

Amendment No. 2:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendment No. 2 be amended by striking out "twelve" and inserting "eleven".

The Legislative Council's amendment permitted a driver to continue driving for more than 12 hours if he were within 50 kilometres of his destination. We have considered the matter, and there seems to be some logic in the fact that no pressure should be placed on a person to complete the concluding kilometres of his trip in a time that would not enable this part of the journey to be performed safely. As amended this new subclause will provide that, if a person is within 50 kilometres of his destination and has not driven for more than 11 hours, he will be able to complete the journey.

Dr. TONKIN: I welcome the Minister's attitude, as it follows closely moves made by the Opposition to move a similar amendment. This provision is worth while and will be supported by professional drivers, as I support it.

Mr. BLACKER: This provision will eliminate strain on the person during his last hour of driving, but it will not effectively allow him any more time to complete the journey within a given period.

The Hon. G. T. VIRGO: It does provide additional time. In the last hour the restriction is removed so that, instead of driving for 12 hours, a person can drive for, say, 12½, 13 or 14 hours.

Mr. BLACKER: It does not have the same meaning as the clause, which virtually gives an additional driving distance. The Legislative Council's amendment provides an additional distance for the person concerned to reach his destination, but the Minister's amendment does not.

Mr. MATHWIN: As I understand it, the driving time has been reduced from 12 hours to 11 hours. One can drive much farther in 12 hours than in 11 hours. The Minister's amendment gives nothing: it actually takes away an hour's driving time.

Motion carried.

Amendments Nos. 3 *and* 4:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendments Nos. 3 and 4 be disagreed to but that the following alternative amendment be agreed to:

Clause 6, page 6, lines 10 to 21—Leave out subclauses (5) and (6) and insert subclause as follows:

(5) A person who—

(a) forges or fraudulently alters an authorized log-book;

(b) with intent to evade any provision of this Act, or to enable any other person to evade any provision of this Act, lends an authorized log-book to, or allows an authorized log-book to be used by, any person other than the person to whom it was issued;

(c) makes a false or misleading statement under subsection (2) of this section knowing it to be false or misleading;

or

(d) makes a false or misleading entry in an authorized log-book knowing it to be false or misleading

shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars or imprisonment for six months.

It has been claimed that the maximum penalty of a fine of $500 or imprisonment for six months is extremely high for the offence of lending an authorized log-book or allowing someone to use a log-book, etc. However, the people who criticize this penalty ignore the fact that a similar provision in the Criminal Law Consolidation Act relating to forgery or fraudulently altering an entry carries, I think, a penalty of imprisonment for life. The Parliamentary Counsel has reworded the provision to make the situation quite clear.

Mr. COUMBE: Some doubts have been expressed about the quantum of the penalty involved, and the Minister's amendment removes those doubts. The penalty will relate only to deliberate forging and fraudulent alteration with intent to evade the provisions of the legislation.

Motion carried.

Amendments Nos 5 and 6:

The Hon. G. T. VIRGO. I move:

That the Legislative Council's amendments Nos. 5 and 6 be disagreed to.

My officers have looked at these amendments to see whether the reduction to one month for the keeping of records can be accepted, but I have been told that it is impossible to agree to that. It has been said that under the Road Maintenance (Contribution) Act records are kept for only one month but I have been told that they must be kept for six months.

Mr. GUNN: I believe the Legislative Council's amendments are reasonable. It is becoming quite obvious from the number of records that drivers will have to keep in relation to operating a truck they will just about have to employ a permanent secretary. I believe this is nonsense and that one month is sufficient time to retain records.

Mr. MATHWIN: I support the Legislative Council's amendments. It is suggested that the time be reduced from three months to one month; I am disappointed that the Minister did not suggest two months as a compromise. Although the Minister said that the amendment would make the provision unworkable, he did not say why his officers believed this to be the case.

Motion carried.

Amendment No. 7:

The Hon. G. T. VIRGO: I move:

That the Legislative Council's amendment No. 7 be agreed to.

This amendment is to insert the word "knowingly" into the provision so that a person would not be guilty of causing or permitting anyone to do something unless he knowingly did that. As I understand the law, unless a person knows that someone is doing something he is not guilty anyway. I do not think it matters whether we insert this word or leave it out. However, if it will assist someone's ego, I will accept the amendment.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos. 5 and 6 was adopted:

Because the amendments render the provisions of the Bill ineffective.

Later:

The Legislative Council intimated that it had agreed to the House of Assembly's amendments to the Legislative Council's amendments Nos. 1 and 2, that it did not insist on its amendments Nos. 3 to 6, to which the House of Assembly had disagreed, and that it had agreed to the alternative amendment made by the House of Assembly in lieu of amendments Nos. 3 and 4.

LAND AND BUSINESS AGENTS BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 22 (clause 45)—After line 43 insert new subclause (la) as follows:

(la) Where a person, by instrument in writing authorizes an agent to act on his behalf, the agent shall furnish that person with a copy of that instrument. Penalty: Two hundred dollars.

No. 2. Page 28, lines 8 and 9 (clause 61)—Leave out "is a director of, or shareholder in, the corporation, or".

No. 3. Page 28 (clause 61)—After line 10 insert new subparagraph (ia) as follows:

(ia) the agent is a director of, or a shareholder in, the corporation and the corporation is not a public company, as defined in the Companies Act, 1962-1973;

No. 4. Page 28, line 21 (clause 61)—Leave out "September, 1972" and insert "May, 1973".

No. 5. Page 28, line 26 (clause 61)—Leave out "September, 1972" and insert "May, 1973".

No. 6. Page 28 (clause 61)—After line 31 insert new subclauses (4a) and (4b) as follows:

(4a) The board may, with the approval of the Minister, grant an exemption for such period or periods and subject to such conditions as the board thinks fit, from the provisions of subsection (2) of this section in relation to a legal practitioner or licensed land broker—

(a) where—

(i) he stands in a prescribed relationship to an agent solely by virtue of the fact that he is an employee of a corporation. that is an agent;

and

(ii) on the first day of May, 1973, he stood in a prescribed relationship to an agent who presently holds a controlling interest in the corporation by which he is employed;

or

(b) where—

(i) he was licensed as a land broker, or admitted and enrolled as a practitioner of the Supreme Court of South Australia, or was qualified to be so licensed, or admitted and enrolled, on the first day of May, 1973;

and

(ii) the board is satisfied that it is desirable to grant the exemption in order that the local community in any part of the State may exercise, without undue inconvenience, an adequate choice between persons qualified and entitled to prepare instruments on their behalf.

(4*b*) The board may revoke any exemption granted under subsection (4*a*) of this section.

No. 7. Page 43, line 43 (clause 88)—After "subsection" insert "and the purchaser shall thereupon be entitled to the return of any moneys paid by him under the contract".

No. 8. Page 44, line 19 (clause 88)—After "moneys" insert exceeding twenty-five dollars,".

No. 9. Page 47, line 6 (clause 90)—After "business" insert "but docs not include any interest in, or affecting, land that exists by virtue of an instrument registrable under the Real Property Act, 1886-1972".

Consideration in Committee.

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be agreed to.

As it left this Chamber, the Bill provided that instructions to an agent must be in writing. This amendment provides that the client shall be given a copy of those instructions, and I agree to it.

Motion carried.

Amendments Nos. 2 and 3:

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

That the Legislative Council's amendments Nos. 2 and 3 be agreed to.

They relate to the prescribed relationship provided for in the Bill. The Committee will recall that the Bill provides in clause 61 that a solicitor or land broker may not prepare instruments relating to a transaction if he is, among other things, an employee of a land agent. There is then a provision to close a possible loophole, so that the same situation applies if he is an employee of a company in which the agent is either a director or a shareholder or is in a position of profit. The purpose of these amendments is to provide that, where the only relationship of the agent and the company is that of director and shareholder and where the company is a public company, that provision does not apply.

Dr. EASTICK (Leader of the Opposition): I am pleased that the Attorney has accepted this amendment, which I support.

Mr. HALL: It appears the Government will accept all the amendments. Indeed, I understand that the Government and the Opposition in the Legislative Council conferred on the amendments before they were moved, and that the Opposition was aware that the Government would accept all of them. Further, I understand that no opposition was expressed to any substantive part of the Bill, because the Government openly said that there would be a dissolution of the two Houses if there were disagreements on the major aspects of the Bill. I can only surmise, from what has been said in the corridors, that the Leader of the Opposition in the Legislative Council knew that the Government would accept these amendments before they came to this place.

Motion carried.

Amendments Nos. 4 and 5:

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

That the Legislative Council's amendments Nos. 4 and 5 be agreed to.

These amendments relate to the cut-off date for employee land brokers to be granted the exemption provided in clause 61 (2). The date has been advanced from September 1, 1972, to May 1, 1973. The practical effect of that exemption is to cover those land brokers who qualified in November, 1972, and who had already obtained employment with a land agent before May 1, 1973.

Dr. EASTICK: Although this is an improvement on the Bill when it left here, I still do not believe it goes far enough, because this amendment still disadvantages people who have been studying for two years and who will become qualified in November, 1973. These people started their

course of study before the ramifications of this measure were known, and they will not have the opportunity of employment as it was known to them initially. Perhaps the Attorney-General visualizes these people working in a licensed land broker's office, as opposed to working in two areas. It is unfortunate that the Government thinks so little of people that it accepts this situation. I seek to have the period extended.

The Hon. L. J. King: Do you think your colleagues in another place are wiser than you?

Dr. EASTICK: The Attorney-General makes a great play in this place and elsewhere of believing in the equality of mankind, but by supporting this amendment he is discriminating between those people who qualified as land brokers before May, 1973, allowing them to continue fully in their selected profession, and those people who are about to qualify. I move:

That the Legislative Council's amendments Nos. 4 and 5, be amended by striking out "May" and inserting "December.

The Committee divided on Dr. Eastick's amendment:

Ayes (19)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick (teller), Evans, Goldsworthy, Gunn, Mathwin, McAnaney, Millhouse, Nankivell, Russack, Tonkin, Venning, and Wardle.

Noes (24)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Hall, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pair—Aye—Mr. Rodda. No—Mr. Dunstan.

Majority of 5 for the Noes.

Amendment thus negatived; motion carried.

Amendment No. 6:

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

That the Legislative Council's amendment No. 6 be agreed to.

It gives certain powers to the board, with the approval of the Minister, to grant exemptions from the provisions of clause 61 (2). There are two sets of conditions under which the exemptions may be granted. The first relates to the situation where a land broker has been in the employ of a land agent who has subsequently formed himself into a company, the broker being thereby employed by a different body although substantially by the same employer. The second set of conditions is where, in certain localities, there may be an inadequate choice' of solicitors or indeed land brokers to prepare instruments, and there is power to grant exemptions in such areas also.

Motion carried.

Amendments Nos. 7 *and* 8:

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

That the Legislative Council's amendments Nos. 7 and 8 be agreed to.

They both relate to the cooling-off period provided in clause 88. The clause originally prohibited the receipt during the cooling-off period of any money in respect of a contract. The amendment enables $25 to be received. The rationale behind the amendment is that a difficulty, which has been well understood and much discussed, arises in relation to the cooling-off period. If there can be no payment of money, there is a risk that an unscrupulous purchaser may exploit the provisions by signing several contracts, intending to complete only one purchase, thereby inconveniencing and embarrassing vendors.

On the other hand, if the payment of a substantial sum is required, the purchaser is, for all practical purposes, prevented from using his right of rescission, because in most cases he would not have the funds to make other purchases and, if points raised against him led to litigation or a protracted dispute, he would, for all practical purposes, have to go on with the transaction. He would be unable to buy another house until the matter was settled and he got his money back. It is hoped that, by providing for a payment of $25, a brake will be put on those who may be tempted to act unscrupulously.

Dr. EASTICK: During earlier debate, a solution to the dilemma was offered to the Attorney, but he would not accept it then. I hope this provision will have the deterrent effect suggested by the Minister, but I do not think it goes far enough. Whilst accepting the amendment, I believe that there will soon be a need to include a more realistic figure in this provision.

Motion carried.

Amendment No. 9:

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

That the Legislative Council's amendment No. 9 be agreed to.

It relates to the obligation of the disclosure of encumbrances provided for in clause 90 and excludes from the class of encumbrances to be disclosed those that are registrable under the provisions of the Real Property Act, on the basis that such registrable encumbrances or interests are registered and can be discovered by a search of the register. If they are not registered, they would not be binding on the purchaser, anyway.

Dr. EASTICK: It is pleasing to see that the original imposition has been-deleted, thus removing from the legislation one of the invidious aspects that could not be tolerated by any thinking person.

Motion carried.

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 1936.)

Mr. WARDLE (Murray): Because I support this legislation, I have no need to canvass the history of wheat quotas and the various amendments to the principal Act. I appreciate the flexibility that this Bill will bring to the industry, and I understand that representatives of the industry have discussed with the Minister and various groups the question of transferring wheat quotas. As I interpret the legislation, I cannot understand why, for at least one year, quotas should not be transferable. There may be several reasons for a farmer not wanting to grow wheat and, if he can obtain some income, in order to offset his rates, taxes, and running costs, by being able to transfer for 12 months his quota to someone who needs a quota and who is willing to make the purchase for so many cents a bushel or on an acreage basis, I see no reason why this cannot be done. I believe that most people engaged in this industry will approve of quotas being transferable.

The second issue concerns the granting of an additional licence for a prescribed period in a specific situation. This group of growers should not be denied a licence, and I believe that an insufficient number of years in which to establish a quota was considered when the legislation was first introduced. In the fringe areas of the Murray Plains and Murray Mallee, had the period been doubled or even trebled, a more substantial quota could have been obtained by growers. I know some people consider that

quotas should have been increased: others think that they should have been decreased, but the opinion depends on the situation of the property and its nearness to Goyder's line of rainfall, because conditions can affect the quantity of grain that may be reaped from a property.

This legislation will help some people in the marginal areas. People who grew wheat in the marginal areas before 1964, even though they fed that wheat to stock, will be entitled to a quota. At present South Australia could do with a greater production of wheat, but I do not imagine that this additional category will result in much more wheat being produced. This legislation should help some traditional wheatgrowers who did not get a licence in the early years of the legislation. As it could do good in the industry, I support the Bill.

Mr. ALLEN (Frome): I, too, support the Bill, which gives a quota to growers who did not qualify for a quota in the period before the 1969 season. This is good because a few wheatgrowers during that period did not grow wheat during the five-year qualifying period and were therefore deprived of a quota even though they were traditional wheatgrowers, and this Bill gives such wheatgrowers a chance to get a licence.

Tn South Australia we have wheatgrowers in a marginal area who sow a wheat crop each year but they do not necessarily deliver wheat to the pool every year. In adverse seasons, of which there are many, they bring out the machines and reap a crop that yields anything from 2bush. to 8bush. an acre, and they retain all their wheat for feed purposes. Some of these growers may not deliver wheat for several seasons and, under this Bill, we are to go back 10 seasons in calculating quotas. The 1953-54 harvest, which was a good one, is excluded from the 10-year period, and the 1963-64 harvest included. This was a good harvest in marginal areas. Some of these people in the marginal areas sold wheat in that year (1963-64) but that will not qualify them for a quota within the 10-year period. The Act provides that the wheat must be sold in two seasons out of 10. Under the Bill they do not qualify for a quota: they had only the one good season in that 10-year period. These people do not grow much wheal and their inclusion would not make much difference to the overall position.

I protest against the delay in introducing this Bill. On August 7 this year I asked the Minister representing the Minister of Agriculture whether it was the intention of the Government to introduce legislation this session to enable wheatgrowers not entitled to a wheat quota to deliver wheat for the forthcoming harvest. I said that some growers who did not have quotas had grown wheat this year and that the Act would have to be amended to enable them to dispose of their crops. On August 23, I received the following reply:

> In accordance with the Government's programme as indicated in the policy speech, legislation is being drafted to provide for the transfer of wheat quotas on an annual basis and for the acceptance of non-quota wheat; that is, wheat which has been produced by traditional wheatgrowers who are not quota-holders.

I told my constituents who came under that heading that they would be permitted to deliver wheat this year. At that time seeding had been completed so it made no difference to the acreage sown. These people have been told that they must hold wheat on the farm until this legislation is passed. At present the Wheat Board is complaining about weevil in the wheat and they are encouraging producers to be careful with their wheat. Yet, because of the delay in passing this legislation, these people must store wheat on their property, enabling weevil to get into the grain, whereas had they been able to store it in the silos that problem would have been solved. The delay in the passage of this Bill has inconvenienced many people in the area.

Mr. NANKIVELL (Mallee): I support the Bill, although I find it hard to see that a person who has grown wheat for two years out of 15 is a traditional wheatgrower. By way of a reply to a comment from the member for Rocky River, I have already indicated that I do not consider the Murray Mallee district got a fair go under the quota system. I say this because the five years on which quotas were based included two very lean seasons. This is an area of traditional wheatgrowing: indeed, wheatgrowing is the life blood of the Murray Mallee. If anyone needs evidence to believe this, one need only look at the exodus that took place from the Malice after quotas were introduced and the impact it had on the educational centres and the general community life of the area.

After the 1968-69 harvest there was every reason for people to be concerned with production, and it appeared that wheat quotas were necessary. The figures show that in 1967-68 Australia produced only 247 000 000bush. of wheat, and in 1968-69, for a variety of reasons, the production doubled to 515 600 000bush.

Mr. Venning: That was the year that put us in trouble.

Mr. NANKIVELL: Yes, and there was some reason in that year for the introduction of a quota. In 1969-70, the production was 358 400 000bush.; in 1970-71, it was 254 800 000bush.; and in 1971-72, provisionally it was 281 300 000bush. This year the target was 544 000 000 bush. The most recent projection I have is in a newsletter for November 21 that suggests that the harvest may be only 425 000 000bush. In South Australia, instead of producing a quota of 73 300 000bush., only 63 000 000bush. will be produced. This has happened in a year considered to be exceptional.

My view is that in these circumstances there should have been a general amnesty given to grow wheat. We should not impose restrictions on the production of a commodity that has a world market. We have a world quota to fill that we cannot fill. Although I go along with the Bill because it has some good points (particularly the one relating to the transfer of quotas), I believe the whole matter should be looked at carefully. If additional wheat is to be produced the area in which it should be produced is the traditional wheatgrowing area and not a hypothetical wheatgrowing area for which special nominal quotas are being issued, such an area having grown wheat in two years out of 15 years before 1968-69. I believe that, if the position is unchanged next year with regard to world demand and our capacity to produce (and it is fairly evident we cannot anticipate what this will be), we should ask for some sort of amnesty on wheat production so that people whose livelihood depends on growing wheat, such as the farmers in the Mallee, will have an opportunity to grow wheat and benefit from the changed circumstances that have eventuated since the extraordinary year of 1968-69.

Mr. VENNING (Rocky River): I support the Bill, which is not greatly significant. By allowing quotas to people who produce wheat in two or more of 10 consecutive seasons, some people will now have a quota, but only a few will be in this category. Not many people will take advantage of the provision in the Bill making quotas negotiable. This State has a quota of more than 70 000 000bush. of wheat, although it is estimated that less than this will be delivered. Consequently, all wheat delivered, whether or not it be over-quota wheat, will eventually be declared wheat of the season and will be

paid for. Who will buy someone else's quota when he can deliver the wheat and be paid for it?

Mr. Nankivell: Why have quotas?

Mr. VENNING: Some of my colleagues have got a little away from the Bill. One or two comments have been made about quotas being lifted. I want to sound a word of warning to those who have these thoughts, because the world wheat market situation has changed from what it was only a few weeks ago. Overnight we can see the wheat position change dramatically. South Australia is a small State as regards wheat production. If we lift quotas, other States will automatically lift them, too.

Mr. Nankivell: Will Western Australia do it?

Mr. VENNING: It will not do it until we agree to do it. If we agree to lift quotas, Western Australia and New South Wales will grow sufficient wheat, without assistance from the small producing States of the Commonwealth. I sound that warning to members who consider that quotas should perhaps be lifted. Although some people think this, I am told that over 80 per cent of growers in the State request that the machinery for quotas be retained.

Mr. Nankivell: Retained for an emergency.

Mr. VENNING: With those few remarks, I support the Bill.

Mr. McANANEY (Heysen): Any industry that has a guaranteed price must have a quota system to fall back on in case of over-production. That is basic accountancy: it is an economic fact. Anyone who suggests that a quota system is not necessary is not facing up to the facts of life. Let us consider the wool industry. Until woolgrowers have a stabilized scheme they will periodically be in trouble, and they will get no sympathy from me, for they are not facing up to the situation. Over the years, the Japanese have taken wool, giving practically nothing for it.

The SPEAKER: Order! The honourable member must confine his remarks to the Bill.

Mr. McANANEY: I am showing the value of a quota system by referring to an industry that does not have such a system. I support the general principle behind the Bill. The prescribed period of five years is too short; it should have been eight years or 10 years. I do not know why farmers who are not in the traditional wheatgrowing areas should be allowed quotas. Under the Bill, some of these farmers may get a better quota than that received by traditional wheatgrowers. That is a definite weakness in the system. Possibly the idea is to encourage people to grow wheat in areas where it has been found unprofitable to do so. In some of the fringe areas, wheatgrowing is not always an economic proposition.

When quotas were introduced, knowing the feeling of farmers in the Mallee, I took out production figures for every hundred or county in the area, finding that on average Mallee farmers had received a reasonable quota. Over a period of about 30 years the one group to benefit was those farmers on Eyre Peninsula who had several good years, especially in the five-year period compared to farmers elsewhere. True, statistics can be twisted, and the Deputy Premier referred to this aspect today. I agree with the member for Rocky River who said that rather than encourage new production this Bill would protect the overall situation.

I believe wheat quotas are necessary. Indeed, the only mistake we have made in respect of quotas was about two or three years ago when the Commonwealth Government did not guarantee a sufficient sum to encourage farmers to fill the silos. If such an amount had been guaranteed or if farmers had had the courage to produce more, there would not have been any wheat shortage. Also, there was a drought in the year before last when we were short of wheat. However, 15 years ago we did not have wheat quotas and we had to import wheat from America.

Mr. Venning: And third-rate wheat at that!

Mr. McANANEY: True, and, although there was wheat in Western Australia, the protection provided for Australian industry was such that it cost more to ship the wheat from Western Australia to Sydney than it did to bring it from America and, presumably, it had to be carted over the Rockies as well. This shows the burden primary producers have carried in maintaining industry in Australia. I support the Bill.

Mr. GUNN (Eyre): I, too. support the Bill. I believe there are wheatgrowers whose requests for quotas should be considered, because they have moved on to undeveloped blocks and for several reasons could not qualify for quotas when they were introduced in 1969. I believe these people should be allocated a quota. Further, it is necessary to maintain the quota system. America has currently increased its wheat production by 9 per cent, and it could increase it by more. However, if we want to maintain the price structure in relation to our international agreement, which is not as good an agreement as we have had in the past, it is necessary, unfortunately, to maintain machinery to control production.

The Government should encourage wheatgrowers to produce more wheat. True, the present Commonwealth Government will be in Government only until the next Commonwealth election, and it has done everything possible to destroy incentives and to stop production. I am proud to represent a wheatgrowing area. I disagree with what the member for Murray and the member for Heysen have said, and I point out that there is over 10 000 000 acres (4 050 000 ha) on Eyre Peninsula that could grow wheat. A system could be developed involving a two-year rotation, and I believe the potential of land on Eyre Peninsula is unlimited. The member for Heysen indicated that wheatgrowers on Eyre Peninsula were given preferential treatment—

Mr. McAnaney: I did not.

Mr. GUNN: —but that is completely incorrect. If the honourable member and others examine the records, they will find that the most efficient farmers in Australia live on Eyre Peninsula. This area has proved itself to be one of the foremost wheatgrowing areas in Australia. The member for Murray indicated that people in the Murray Mallee were treated unkindly, and I refer to the figures in respect of that area. Indeed. I have been told that if the figures had been taken over a 10, a 15 or a 20-year period there would have been little difference in the quota allocation.

Mr. Nankivell: If a period of seven years had been taken, the Mallee would have been treated better.

Mr. GUNN: That is completely incorrect. Further, I believe it is a poor situation when this legislation must be debated so hurriedly: this is a matter of importance to the economy of the State, but it must be debated in the dying hours of the session. On the previous two occasions when this matter was discussed, I remember the Government introduced the legislation- at the end of the session and sought to have it dealt with in a few minutes. We know that the Labor Party has little regard for the wheat industry. It is concerned about it only at election time, and I believe that this undue haste demonstrates its complete lack of concern for the industry. I understand this legislation must be passed by 6 p.m. today,

but many members would like to refer to the attitude of the Commonwealth Government and the effects its legislation will have on the future of this important industry.

The SPEAKER: Order! The honourable member cannot refer to wheat stabilization.

Mr. GUNN: We are discussing the wheat quotas legislation and I will refer to wheat stabilization when I speak to that Bill.

Mr. HALL (Goyder): Despite the chasm at the bottom of the gulf between the member for Rocky River and me, I agree with the substantive part of his remarks when he said the quota system should be maintained.

Mr. Nankivell: Another fat cat!

Mr. HALL: The member for Mallee is not often in this House as a result of his periodic oversea visits, and he is consequently out of touch.

The SPEAKER: Order!

The Hon. Hugh Hudson: Next year he will be in the House more often than you.

Mr. HALL: I am sure he will, and I wish him luck in his two remaining sessions here. There seems to be little substantive information in any form behind this debate. The member for Eyre said we should encourage wheat production in Australia, but he gave no figures to support his idea of what future markets could absorb. Perhaps there is such a market. However, the member for Rocky River indicated that over the last few weeks the market for wheat had weakened. We have nothing to go on, and I point out that we do not need it. The quota is a standard and is adjusted in respect of the availability of the market in each production year, and we are not talking about future markets. Obviously, the market will be expanded in the fairest possible way equally among producers in the industry under quotas. There is no need for this debate to enter that field.

I am concerned at the possibility of trading in quotas occurring. I have listened to what has been said but I do not understand the principle behind the part of the legislation that enables quotas to be sold. They were introduced to allocate as fairly as possible the limited market for growers of wheat. I will not vole against the Bill, and I suppose it can be amended later without political bias, but there is no principle that a man can grow barley, raise lambs or beef cattle, or engage in any other form of primary production and sell his quota for the year.

The Hon. Hugh Hudson: A sale of a quota must have the approval of the advisory committee.

Mr. HALL: No standards are laid down in the legislation about that. The member for Heysen seemed to be mixed up when he said that a guaranteed price had to be accompanied by a quota. That is true if it is a total guaranteed price but that is not so across the whole wheat crop. In Committee, I should like the Minister to reply to a question I have asked about a person who has had wheat to sell this year but who has had no quota and could not sell it. I should like to know whether the Bill will cover that position and I should also like the Minister to explain the principle about trading in wheat quotas.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Special nominal quota."

Mr. ALLEN: I move:

In new section 24g (1) *(c)* to strike out "ten" and insert "twelve".

I move this amendment mainly to try to include growers in marginal areas so that they can have a special nominal quota. Some of these growers have been growing wheat for about 70 years and have been trying to grow it regularly, but the field has been light and almost all production has been retained on the farm for poultry, pigs, etc. We could give these growers the opportunity to sell surplus wheat that they have from time to time. Only a few growers may be affected and only a few thousand bushels of wheat may be involved, but we should protect growers who have been growing wheat for many years.

The Hon. HUGH HUDSON (Minister of Education): I appreciate the motive behind the amendment and regret that the Government cannot accept it. The provision in the Bill is generous and extends arrangements for granting a nominal quota for 10 years before 1964: it requires only that wheat should have been delivered to the licensed receiver in only two of those 10 years. There must be a cut-off point somewhere. It may be argued that we have reached the stage where quotas are deserved by the people whom the member for Eyre has mentioned, namely, those who were developing blocks before the introduction of quotas but had not delivered wheat in the five-year period and therefore are missing out. My feeling would be that the next kind of relaxation to be made would be regarding that category of person. One prediction that will be wrong is that future markets in any primary-producing area will always continue. The best hope of the people about whom the member for Frome is concerned is that quotas will subsequently be dispensed with.

Mr. ALLEN: These people have been growing wheat for many years, and it is little comfort for the Minister to say that their conditions will improve when quotas are dispensed with. With a small extension of conditions, they could sell their surplus wheat in their infrequent good seasons.

Mr. VENNING: I support the amendment because I understand the plight of these people.

Amendment negatived; clause passed.

Remaining clauses (7 to 9) and title passed.

Bill read a third time and passed.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, lines 11 to 20 (clause 4)—Leave out all words in these lines.

No. 2. Page 3, lines 42 to 47 and page 4, lines 1 to 11 (clause 5)—Leave out the clause.

No. 3. Page 5 (clause 10)—After line 24 insert new section (2a) as follows:

> (2a) Where, on application by the person liable to pay a lump sum pursuant to a registered agreement, the court is satisfied that the failure to pay that lump sum within the period of fourteen days required by subsection (1) of this section was not occasioned by the neglect or wilful delay of that person or his insurer the court may direct that the penally amount otherwise payable pursuant to that subsection shall not be so payable and upon that direction this section shall have effect accordingly.

No. 4. Page 6, lines 11 and 12 (clause 12)—Leave out "the conduct of that workman was vexatious or fraudulent" and insert "some special reason exists why it is proper that those costs be so ordered or awarded".

No. 5. Page 8 (clause. 18)—After line 31 insert new paragraph *(ba)* as follows:

> *(ba)* by striking out from subsection (1) the passage "previous twelve months" and inserting in lieu thereof the passage "period of twelve months immediately preceding the incapacity";.

No. 6. Page 9 (clause 18)—After line 27 insert new paragraph *(ga)* as follows:

(ga) by striking out from subsection (6) the word "injury" twice occurring and inserting in each case the word "incapacity";.

No. 7. Page 12—After clause 21 insert new clause 21a as follows:

21a. The following section is enacted and inserted in the principal Act immediately after section 56 thereof:

56a. *Enactment of s.56a of principal Act. Declaration to be made by workman.* (1) The employer of a workman, who is receiving weekly payments provided for by this Part, may from time to time, at intervals of not less than three months, require that workman to make a declaration in the prescribed form as to the remunerative employment, if any, in which the workman has been engaged in during the period or any part of the period in respect of which the workman has so received those weekly payments.

(2) A requirement under subsection (1) of this section may be served on the workman either personally or by post.

(3) A workman shall not—

(a) refuse or fail to make a declaration referred to in subsection (1) of this section as and when he is, pursuant to that subsection, required so to do; or

(b) make a statement in any such declaration that is false or misleading in a material particular.

Penalty: Five hundred dollars.

No. 8. Page 12, lines 14 to 16 (clause 22)—Leave out all words in these lines.

No. 9. Page 12 (clause 22)—After line 24 insert "and".

No. 10. Page 12, lines 30 to 40 (clause 22)—Leave out all words in these lines.

No. 11. Page 12—After clause 22 insert new clauses 22aa and 22ab as follows:

22aa. *Amendment of principal Act. s.* 60—*Computation of average weekly earnings.* Section 60 of the principal Act is amended—

(a) by striking out the word "injury" first occurring and inserting in lieu thereof the word "incapacity"; and

(b) by striking out the passage "twelve months previous to the injury" and inserting in lieu thereof the passage "twelve months previous to the incapacity".

22ab. *Amendment of principal Act, s. 62—Average weekly earnings when employed by more than one employer.* Section 62 of the principal Act is amended by striking out the word "injury" and inserting in lieu thereof the word "incapacity".

No. 12. Page 12—After new clauses 22aa and 22ab insert new clause 22ac as follows:

22ac. *Repeal of s. 63 of principal Act and enactment of section in its place.* Section 63 of the principal Act is repealed and the following section is enacted and inserted in its place:

63. *Certain amounts not to be included in earnings.* For the purposes of computing average weekly earnings of a workman any amount paid by the employer to the workman—

(a) to cover any special expenses entailed on the workman by the nature of his employment;

(b) by way of shift premiums, overtime or other penalty rates;

(c) by way of disability allowances;

or

(d) by way of any other prescribed payment, allowance or benefit,

shall not be reckoned as part of the earnings of the workman.

No. 13. Page 13, line 18 (clause 23)—After "work was" insert "reasonably".

No. 14. Page 13—After clause 26 insert new clause 26a as follows:

26a. *Amendment of principal Act, s.* 71—*Review of weekly payments.* Section 71 of the principal Act is amended—

(a) by striking out from the second sentence thereof the word "average";

(b) by inserting in the second sentence thereof after the passage "which would" the passage "pursuant to any industrial award or agreement";

and

(c) by striking out from the second sentence thereof the word "injury" and inserting in lieu thereof the word "incapacity".

No. 15. Page 14, line 2 (clause 27)—After "subsection (2)" insert "and inserting in lieu thereof the following subsection:

(2) In settling a lump sum pursuant to subsection (1) of this section, the court shall not, in any case, take into account any amount, that the employer may become liable to pay by way of weekly payments, beyond an amount of twenty-five thousand dollars."

No. 16. Page 14, line 10 (clause 29)—After "is amended" insert " —*(a)*".

No. 17. Page 14 (clause 29)—After line 14 insert—

"and

(b) by inserting immediately after subsection (4) the following subsection:

(4a) Where a policy of insurance purports to indemnify an employer for the full amount of his liability referred to in subsection (1) of this section, whether that policy of insurance was issued before, on or after the commencement of the Workmen's Compensation Act Amendment Act, 1973, that policy of insurance shall, notwithstanding any term, limitation or condition expressed therein, have, and shall be deemed always to have had, effect as if it were a policy of insurance indemnifying that employer for that liability under this Act as from time to time in force."

Consideration in Committee.

Amendment No. 1:

The Hon. D. H. McKEE (Minister of Labour and Industry): I move:

That the Legislative Council's amendment No. 1 be disagreed to.

The effect of the amendment is to retain the present definition of "injury", which has been found to be unsatisfactory, as it limits the injuries in respect of which compensation can be paid.

Mr. COUMBE: What a magnificent explanation! This amendment is one of the keystones of this legislation, because it affects the definition of injury or disease, the basis of workmen's compensation. The provisions of the Bill take away all causal relationships between an injury or disease and the place of employment. This means that the concept and principle of workmen's compensation is severed, because in some way there should be a connection between the injury and the workman's employment. When explaining the Bill the Minister said that the object of the new definition of "injury" was to remove the reference to the fact that the employment of the workman was a contributing factor to the injury. The definition in the Act has stood the test of time, with the courts giving it a wide interpretation indeed.

Mr. CHAPMAN: Workmen's compensation should apply only when the injury is related to the employment of the person injured. During the earlier debate on the matter, the Minister agreed that injuries must in some way be related to a person's employment. To ignore this basic principle is to destroy the whole concept of workmen's compensation. I support the Legislative Council's amendment.

Dr. TONKIN: The provision in the Bill will not work, whereas the present provision works well. By the Bill, all reference to causal factors are taken out, leaving only reference to temporal factors.

The Hon. D. H. McKee: I thought you had more faith in your medical colleagues.

Dr. TONKIN: Doctors will be called on to make judgments that they will find it impossible to make. Therefore, this provision will not work. Often it is impossible for a doctor to do more than come down to one or two possibilities with regard to an injury. Then a court must decide. The present provision will cause absolute chaos.

Mr. GUNN: How many examples does the Minister have of the present provision failing to work adequately?

Mr. CHAPMAN: The Liberal and Country League has a policy that fair and adequate compensation should be paid. I should have hoped the Government would improve the legislation rather than destroy it. The present legislation is workable. It is clear that the Minister cannot prepare or present an argument against this amendment, and he cannot justify his opposition to it.

The Hon. D. H. McKEE: The member for Alexandra has a limited knowledge of any legislation affecting the work force of this State. He is probably more against the worker than any other member of Parliament. The present definition in the Act has proved to be unsatisfactory to applicants and to the court.

Mr. Dean Brown: How do you know?

The Hon. D. H. McKEE: The court has said that it has not been a satisfactory definition.

Mr. GUNN: The Committee is entitled to a proper explanation. Surely the Minister can give us details of court cases. Why does the Minister want to alter the existing definition?

Mr. MILLHOUSE: It is obvious that the L.C.L. is going to filibuster and make sure that we do not finish with this Bill by 6.30 p.m. It is as absurd to ask the Minister for concrete and definite cases to support the amendment as it is obvious that the L.C.L. is filibustering. One cannot expect the Minister to have chapter and verse to support an amendment like this. It is a matter of law. If the court has to interpret a section it does its best to interpret it, and I suspect the member for Eyre knows that he has asked an impossibly difficult question. I would not have entered the debate at all were it not for the Minister's having said something to which I take great exception: that is, that he has been told by the court that the present definition is unworkable. If the Minister is saying that, he had better have chapter and verse for that, because it is not right—

Dr. Tonkin: That is what we were asking for.

Mr. MILLHOUSE: No; it is not what the L.C.L. was asking for at all. The implication is that the Minister has been told privately by judges of the court that the definition is unworkable. Certainly, if the Minister can point to a judgment complaining of the definition, that is another thing. However, if he is saying that the President (Mr. Justice Bleby) or one of the deputies is saying that the definition is unworkable, he should justify that; otherwise he should not use it as an argument al all.

Mr. MATHWIN: I should like the Minister to reply to this, although I point out that the member for Mitcham has misrepresented the situation somewhat.

Mr. CHAPMAN: Will the Minister cite an example?

The Hon. D. H. McKEE: I have been told that the court claimed that this definition, as it stands, is unsatisfactory. I have been told this by advocates who go to the court on behalf of unions and by unions themselves. Therefore, the Government has decided that the definition should be extended, and this is what it is doing.

Mr. GUNN: As the Minister does not have the information with him, when the debate is finished and during the next few weeks will he make the information available to the member for Alexandra and me by letter?

The Committee divided on the motion:

Ayes (21)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Harrison, Hopgood, Jennings, Keneally, King, Langley, McKee (teller), Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (17)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe (teller), Eastick, Evans, Goldsworthy, Gunn, Mathwin, McAnaney, Millhouse, Nankivell, Russack, and Tonkin.

Pairs—Ayes—Messrs. Dunstan, Hudson, and McRae. Noes—Messrs. Rodda, Venning, and Wardle.

Majority of 4 for the Ayes.

Motion thus carried.

Amendment No. 2:

The Hon. D. H. McKEE: I move:

That the Legislative Council's amendment No. 2 be disagreed to.

The deletion of the clause will prevent a workman who now does not have a claim from having the right of action when it can be established that an injury at work was the cause of a recurrence that subsequently resulted in his death or permanent incapacity.

Mr. COUMBE: I disagree with the Minister, and I do not think his short explanation covers the matter. This clause deals with linkage and the Minister wants to establish a real practical connection. The Act is satisfactory and I have cited a case where the court gave a liberal ruling in favour of the workman.

Motion carried.

Amendment No. 3:

The Hon. D. H. McKEE moved:

That the Legislative Council's amendment No. 3 be agreed to.

Motion carried.

Amendment No. 4:

The Hon. D. H. McKEE moved:

That the Legislative Council's amendment No. 4 be agreed to.

Motion carried.

Amendment No. 5:

The Hon. D. H. McKEE: I move:

That the Legislative Council's amendment No. 5 be amended by striking out "twelve" second occurring and inserting "three".

I am willing to accept the Legislative Council's amendment if the period of 12 months is changed to three months. The Government intends that, during periods of temporary incapacity because of an injury at work, the workman should not lose pay.

[Sitting suspended from 6.30 to 7.30 p.m.]

The Hon. D. H. McKEE: Members would be aware that at present there is a shifting of prices and wages, and the Government believes that no workman should lose money because of this trend. A period of three months, rather than one of 12 months, would protect a workman against loss.

Mr. COUMBE: I believe that this alteration will create hardship for workmen. The Legislative Council's amendment provides that the assessment period should be worked on an averaging effect over 12 months. Also, industry, commerce, and most mercantile operations work on a 12-monthly basis, and this period is generally accepted. To suggest it should be shortened to three months because of the inflationary effects is a specious argument. What would happen in the unlikely event of wages being reduced?

Mr. CHAPMAN: What would the Minister's attitude be if a downward trend in wages occurred?

The Hon. G. R. Broomhill: The legislation would be reviewed.

The Hon. D. H. McKEE: As my colleague has said, we would have to review the matter, and that is what we would do. Now that the member for Alexandra has contributed to the debate I am convinced that the Government is correct, and I insist on the three-month period.

Mr. McANANEY: I cannot see any circumstances in which wages will decrease, as we are going through a period when we cannot purchase the goods we want. I support the remarks of the member for Torrens.

Mr. CHAPMAN: The Minister has made clear that he has a biased and sectional attitude towards the amendment. The Minister said that, as a result of a downward trend in wages, he would take the advice of the colleague on his left and review the situation. Because of that admission by the Minister, it is obvious that he is interested not in the welfare of the community but only in a section of it. This legislation is of a general nature that applies to every employer and employee in the State. Opposition members in contributing to the debate have been fair and reasonable in an effort to provide fair and adequate workmen's compensation, but the Minister has exposed himself: he has publicly expressed his bias against the law, and in particular this legislation. This is a serious matter that should be dealt with responsibly. I am extremely disappointed at the Minister's disgraceful performance on this clause and other clauses.

Mr. McANANEY: The average citizen will have to pay for workmen's compensation premiums, because they will increase the cost of goods and services. It is my Party's responsibility to see that workmen receive fair and just compensation, but this should not be done at the expense of the average citizen. The Government is asking for more than is reasonable.

Mr. DEAN BROWN: We have heard the most incredible statement from the Minister that one could imagine. The Minister said that, while wages are increasing, the Government will provide for a three-month period but, if wages decrease, the Government will review the situation. In other words, he is saying, "When it favours us we will have one standard but, when it does not favour us, we will have another." The end justifies the means! It is the most unbelievable statement that one could ever imagine from a Minister. The Minister has indicated that he has no conscience, except in respect of the welfare of a small minority; that minority does not comprise the workers of the State: it comprises a small group of people that supports the Australian Council of Trade Unions. I hope the Minister will now reconsider the 12-month period. He has clearly revealed the grounds on which he has advocated a three-month period. If he has any conscience at all, he must support a 12-month period.

Motion carried.

Amendments Nos. 6 and 7:

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 6 and 7 be agreed to.

Motion carried.

Amendments Nos. 8 to 10:

The Hon. D. H. McKEE: I move:

That the Legislative Council's amendments Nos. 8 to 10 be disagreed to.

Amendments Nos. 9 and 10 are consequential on amendment No. 8.

Mr. COUMBE: The only point that I agree with is that amendments Nos. 9 and 10 are consequential on amendment No. 8, which is an amendment to clause 22 relating to the 1971 legislation dealing with additional compensation. The Minister is seeking to insert in section 59 (1) of the principal Act "domestic assistance services" after "constant attendance services". The provision deals with special services for workmen. It is generally supported, but I believe that we may be going a little too far in this regard. The provision deals with ambulance services, constant attendance services, hospital services, medical services, nursing services, rehabilitation services and the supply of artificial aids, etc. There are regulations under this provision prescribing the maximum amount that may be charged or recovered for medical services, hospital services, nursing services, constant attendance services, rehabilitation services, and ambulance services, which are payable under compensation. We agree with all of those: they should be provided. What the Minister is now suggesting is an extra item—domestic assistance services. Perhaps this is going a little too far. It leaves the provision open to abuse. As it stands, section 59 of the principal Act provides adequate and proper remedial and rehabilitative services for an injured workman. I oppose the motion.

Motion carried.

Amendment No. 11:

The Hon. D. H. McKEE: I move:

That the Legislative Council's amendment No. 11 be amended by striking out "twelve" second occurring and inserting "three".

This is similar to what happened in connection with amendment No. 5.

Mr. COUMBE: We have already expressed our views on this matter, and I oppose the motion.

Motion carried.

Amendment No. 12:

The Hon. D. H. McKEE: I move:

That the Legislative Council's amendment No. 12 be disagreed to.

The concept of average weekly earnings without any deduction has been in the legislation since 1926, and the Government considers it essential that it be retained.

Mr. COUMBE: The Minister is perfectly correct, but he has omitted to say that we have not paid 100 per cent average weekly earnings. Over the years, we have gradually raised the weekly compensation payable until it is now 85 per cent of the average weekly earnings or $65 a week, whichever is the lesser amount. Now that the Government suggests paying 100 per cent of the weekly wage as compensation, we believe that the normal wage should be paid, less overtime payments but including over-award and certain other payments. The amendment of the Legislative Council is specifically worded, setting out the extraneous payments that are to be excluded from the average weekly wage. Although average weekly earnings have been referred to in the legislation for many years, this has never been taken to mean that 100 per cent of a workman's weekly wage should be paid as compensation. The effect of the amendment is to ensure that a workman will not be the loser while he is receiving workman's compensation. If a workman receives 100 per cent of his average weekly rate, he will not be the loser. Therefore, I cannot agree to the motion.

Mr. CHAPMAN: Neither can I.

Mr. GUNN: The member for Torrens has put forward a logical case in support of the Legislative Council's amendment. The Minister has not given any reasons in support of his case; I do not believe he knows what is in this provision. The terms set out in the Legislative Council's amendment will mean that workmen are still encouraged to return to work. The Government and the Minister do not believe that workmen should have any incentive at all to return to work.

Mr. MATHWIN: I support the Legislative Council's amendment. In providing for compensation payments, we must consider what is fair and reasonable for all concerned. Although average weekly earnings have been referred to

in the legislation for some time, until now only 85 per cent of those earnings has been paid.

Mr. CHAPMAN: The Minister fails to appreciate what has been said. I am pleased to sec that in the amendment several payments are excluded from the average weekly earnings to be calculated for the purposes of workmen's compensation. The items referred to in the amendment should not be included.

The Hon. D. H. McKee: Why?

Mr. CHAPMAN: Because they are not part of a workman's basic wage: they are loadings.

Mr. Groth: Would you sack a bloke who refused to work overtime?

Mr. CHAPMAN: I believe that regular overtime should be taken into account, and I said so previously.

Mr. Wells: You want overtime not to be recognized as part of the average weekly wage, yet you say you previously supported the inclusion of overtime.

Mr. CHAPMAN: The Legislative Council's amendment lists several items to be excluded when the average weekly wage is being calculated. I interpret those items to be loadings on the ordinary pay of an employee.

M,r. Wells: In every award of which I know the working of overtime is obligatory. A reasonable amount of overtime must be worked.

Mr. CHAPMAN: It is not a matter of a reasonable amount of overtime: we are concerned with what is interpreted as being overtime. Irregular overtime should not be included. The Minister is unaware of the implications of the Bill.

The Committee divided on the motion:

Ayes (21)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Groth, Harrison, Hopgood, Jennings, Keneally, Langley, McKee (teller), McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Noes (17)—Messrs. Allen, Arnold, Blacker, Dean Brown, Chapman, Coumbe (teller), Evans, Goldsworthy, Gunn, Mathwin, McAnaney, Millhouse, Nankivell, Russack, Tonkin, Venning, and Wardle.

Pairs—Ayes—Messrs. Dunstan, Hudson, and King. Noes—Messrs. Becker, Eastick, and Rodda.

Majority of 4 for the Ayes.

Motion thus carried.

Amendments Nos. 13 to 17:

The Hon. D. H. McKEE moved:

That the Legislative Council's amendments Nos. 13 to 17 be agreed to.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos. 1 and 2, 8 to 10, and 12 was adopted:

Because the amendments destroy the vital principles of the Bill.

Later:

The Legislative Council intimated that it disagreed to the House of Assembly's amendments to the Legislative Council's amendments Nos. 5 and 11 and that it insisted on its amendments Nos. 1, 2, 8 to 10, and 12, to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. D. H. McKEE (Minister of Labour and Industry) moved:

That the House of Assembly insist on its amendments to the Legislative Council's amendments Nos. 5 and 11.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Coumbe, Crimes, Mathwin, McKee, and McRae.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in. the House of Assembly committee room at 9 a.m. on Thursday, November 29.

WEST BEACH RECREATION RESERVE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL (GENERAL)

Returned from the Legislative Council without amendment.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 1955.) .

Mr. NANKIVELL (Mallee): I wish to make only one or two points on the Bill. First, my information is that tomorrow week the Ministers will meet at the Australian Agricultural Council to finalize the programme for the wheat agreement for the next five years, so this Bill, like all others that we have had dealing with this industry, has been introduced in the death throes of the session. As I have said, this is not the first time that this has happened. The wheat quotas Bill was introduced in the last few days of a session and any member who had objections to raise to the measure could not do so.

This Bill is a little different and I have no objection to it, because it provides for a continuation of the scheme, and it takes into account the fact that the existing legislation expired in October. The Bill provides retrospectivity and carries the legislation forward for 12 months so that Ministers will have authority to discuss the new proposals when they meet on December 7. I support the second reading.

Mr. GUNN (Eyre): I support the Bill. As one vitally concerned about the future of the Australian wheat industry, I cannot help but be amazed at the attitude of the present Commonwealth Government, which has done everything in its power to put the screws in and kick the country man. It has continued its onslaught on country people from the day it took over running the affairs of this country. One only has to examine the Budget that that Government introduced last August to see its attacks on the country people, particularly the wheatgrowers, who have played such an important part in the development and future welfare of every citizen.

The DEPUTY SPEAKER: Order! This Bill deals with an amendment to the Wheat Industry Stabilization Act.

Mr. GUNN: That is what I was talking about, Mr. Deputy Speaker.

The DEPUTY SPEAKER: It did not sound like that to me.

Mr. GUNN: This Bill continues the operation of the Wheal Industry Stabilization Act for only 12 months.

The DEPUTY SPEAKER: That is all.

Mr. GUNN: That is what I have said, and I am pleased that you understand. Tn the past, when the Australian Wheatgrowers Federation has approached Commonwealth Governments, those Governments always have been able to get the scheme extended for five or seven years, but on

this occasion it is obvious that the Minister has made one statement and Caucus has directed him otherwise. The present Commonwealth Government was willing to make available only $30 000 000 in any one year, whereas in the past the amount has been as high as $80 000 000. That is the policy of the Labor Government. Mr. Grassby, Dr. Patterson, and the other Labor men who supposedly represent country districts have sold the electors down the drain. Mr. Grassby is a traitor to his district.

The DEPUTY SPEAKER: Order! The honourable member should be discussing the Wheat Industry Stabilization Act Amendment Bill.

Mr. GUNN: I make no apology for saying that. This measure should have been introduced earlier, and now Parliament is again being asked to discuss an important matter in the dying hours of the session. I approve of this Bill because it is a guarantee for the future of wheatgrowers and it will give them confidence in a stabilization plan.

Mr. Keneally: Is it a socialistic policy?

Mr. GUNN: It is a practical policy: the honourable member does not understand this Bill or the principal Act.

The Hon. J. D. Corcoran: Do you want more time to consider the Bill?

Mr. GUNN: No, we want the measure passed. If more time was sought to consider it, it would be dropped from the Notice Paper.

The Hon. J. D. Corcoran: You claimed we were introducing the Bill in the dying hours of the session.

Mr. GUNN: With those few remarks, I support the Bill.

Mr. VENNING (Rocky River): I support the Bill, which should be passed immediately so that growers can be paid the first advance on the harvest.

The Hon. J. D. Corcoran: We will give you more time.

Mr. VENNING: I am not saying anything about more time. As about 20 per cent of the harvest is already in, it is necessary that this legislation be passed sb that the Government will be able to pay the first advance of $1.20 a bushel to growers. In the debate we have heard comments about Socialism and the stabilization plan, but let us remember that we live in a controlled economy today: the wheatgrower is entitled to some control over his allocation, and should not be left out in the cold. The significance of passing this legislation is more important than is realized by most members. Wheat stabilization is connected to the activities of the Australian Wheat Board, and if the stabilization plan was eliminated the future of the board would be placed in jeopardy, because its only future activity would be to finalize the existing pool. Normally, legislation is passed in the first year of the five-year term, but the Commonwealth Government has decided it will extend the previous five-year plan for one year only, thus resulting in this legislation being introduced. All States must pass this legislation: I add my support to the Bill, and I hope it has a speedy passage through this Parliament.

Mr. McANANEY (Heysen): I support the Bill, because it indicates a co-operative action among wheatgrowers in disposing of their product. Any suggestion by uninformed people that this is Socialism amazes me, and I am surprised that people of such low intelligence can become members. If this scheme had not been operating the price of bread would have increased, thus adding to the present inflationary spiral, but the stabilization scheme benefits the community in providing stable prices. The cost of the wheat in a loaf of bread is infinitesimal, but this legislation benefits Australia. I am sure that for a long period wheatgrowers have subsidized the consumer more than the taxpayer has subsidized the stabilization scheme. I fully support this excellent scheme, and I hope that a similar plan will continue during the next five years.

Bill read a second time and taken through Committee without amendment.

The Hon. J. D. CORCORAN (Minister of Works) moved:

That this Bill be now read a third time.

Mr. VENNING (Rocky River): I hope that this Bill will have a speedy passage through the House of Assembly. Soon our State Minister will visit another State to discuss the new stabilization plan, and I sincerely hope that he seeks the support and guidance of the wheat industry.

The SPEAKER: Order! I point out that debate on the third reading of a Bill must be confined to the Bill as it came out of Committee.

Mr. VENNING: I am pleased that the Bill has passed this House, and I hope that wheat stabilization will continue for many years to come.

Bill read a third time and passed.

POLICE OFFENCES ACT AMENDMENT BILL (FEE)

Adjourned debate on second reading.

(Continued from November 22. Page 1955.)

Mr. COUMBE (Torrens): I support the Bill which, although it is short, contains some serious matters. The Bill deals with the expiation fee charged by councils for breaches of parking by-laws. Under the Bill, the maximum expiation fee that may be charged is increased from $2 to $10. There is much public confusion about this matter. The increase provided for in the Bill does not mean that people will be slugged $10 for a parking fine; I would oppose any such provision. What the Bill does is give councils the right to fix the fee to be charged. A regulation then has to come before this Parliament, which will decide whether or not it shall be allowed. During the life of the last Parliament, the Adelaide City Council attempted to have a regulation passed, but this House disallowed it. Although the maximum fee is fixed at $10, Parliament will have to allow the regulation before any amount is actually fixed.

Some offences in relation to motor vehicles are more serious than others. There are more serious offences than the offence of leaving a car in a metered space for longer than the permitted time. For instance, I believe that parking near an intersection is extremely dangerous, as is double ranking. Therefore, I assume that councils will want to have a scale of fees for various offences. It is interesting that this fee is fixed under the Police Offences Act and not under the Local Government Act, as one would expect. All of us who have received parking stickers will have had an opportunity to see the reference to the Police Offences Act on the top of those stickers. Many people now abuse the ordinary parking provisions. A rather wellknown person is rather constant in this practice.

Today, $2 is not worth as much as it used to be, so that many people flout this provision. However, there are far more serious offences than leaving a car for longer than the permitted time in a metered space. One of the needs in modern cities is to get a turnover of cars in parking spaces so that people can do their shopping, and so on. It is a good idea to have four-hour parking spaces for people who wish to park for longer than one or two hours.

Under the Bill, power is given to a council to fix; by resolution, a lesser amount than the prescribed amount

for expiation fees. I should think this applies to councils other than the Adelaide City Council. Other councils also have metered spaces in their area and are responsible for dealing with other parking offences. Let me make a plea for the motorist in our community.

Mr. Millhouse: You could be doing much belter.

Mr. COUMBE: I could rise to greater heights.

Mr. Hall: You need to.

Mr. COUMBE: I have not the constant brilliance of the honourable member but I try to be logical at all times. I want to make a plea for the motorist, who today seems to be the target of so many organizations. Motorists have to pay registration, insurance, and other fees, and the price of petrol must surely increase before long. I join the Royal Automobile Association in its plea for a better deal for the motorist, something that everyone should support. Private motorists seem to be hit hardest. The motorists cops it on all occasions. The Government is increasing the maximum fine to $10. I would not accept this but for the fact that regulation-making powers are provided so that Parliament will have the last say on what a council can charge. That is the right way to do it: in other words, executive power is not conferred on a council or a Government, and this Parliament will have the last say, thereby protecting the motorist.

Mr. HALL (Goyder): I hope I never hear another speech as weak as the one just made by the member for Torrens. The honourable member has given every reason why he should vote against the Bill, yet he intends to vote for it. Is this why the public is so confused about the L.C.L. Opposition? Why has the honourable member given the reasons why he should defeat the Bill if he is not going to try to do it? This Bill allows councils to increase, by by-laws, fines for parking and other traffic offences by 500 per cent, even though everyone in the community is referring to inflation and control of costs. Only the other day a man was fined $10 for having .08 per cent blood alcohol content.

The Hon. G. T. Virgo: What?

Mr. HALL: The Minister would not know these things. He has returned with a Bill from the Legislative Council, that safeguard of the State—

Mr. Simmons: It's only a 400 per cent increase.

Mr. HALL. The sum is increased from $2 to $10. Parking meters have existed in this Slate for about 17 years. Indeed, I remember being involved during an earlier term in this Parliament in dealing with the unlikely matter of parking meters being installed at Mount Gambier. I moved for their disallowance, long before the Minister was a member of this House and when he was still a simple stump stirrer in the Labor Party. Further, I point out that parking meters have never been installed in Mount Gambier as a result of that debate. On that occasion reference was made to parking meters within the city of Adelaide. Arguments advanced in their support were that they would not make untold millions of dollars for the council but would maintain the proper turnover of parking spaces in the areas in which they were installed.

It is fallacious for the Minister to say that the $2 fine imposed does not cover the cost of collecting the fine. That is nonsense, because everyone knows that the cost of recovery has to be related to the whole revenue yielded from the parking meters themselves, and that happens to be a most profitable section of the council’s activities. No-one is saying that there should not be a proper increase in the fine that can be collected by the council. However, to increase the fine from $2 to $10—

The Hon. G T. Virgo: Another 500 per cent?

Mr. HALL: Let me concede my error and say that it is a 400 per cent increase. No-one in Parliament would allow without protest the Government to inciease its water rates or other service charges by 400 per cent.

Mr. Millhouse: Or by 500 per cent.

Mr. HALL: There is no reason why, at the time when business has to justify its increases before a Commonwealth tribunal, the City Council or any other council should be allowed to increase its parking fines by this percentage. The member for Torrens gave every reason why they should not and then he walked straight away from the responsibility, saying he was willing for the matter to be referred to the Subordinate Legislation Committee and later to this House. However, the honourable member has been here long enough to know how false that argument is: he knows how difficult it is for small groups or individuals to move for the disallowance of a by-law. The honourable member has walked away from the responsibility. Indeed, he is allowing the Corporation of the City of Adelaide to penalize as criminals those drivers who have made the mistake of overstaying their allotted time in a parking space. A fine normally imposed on a criminal is now to be imposed for a parking offence. That is the most spineless speech I have heard in my time here; certainly, it is the worst speech I have heard this year. The honourable member stands indicted for his weakness and his absolute incapacity as shown by his failure to accept responsibility for this measure. I have no doubt that he has taken his orders from his real political Leader in the Upper House, who has let this through.

Mr. COUMBE: I rise on a point of order, Mr. Speaker. I object to the words used by the member for Goyder. The honourable member has said I take orders from my master in another place.

Mr. HALL: I maintain that I am right.

The SPEAKER: Order! The honourable member for Torrens has objected to certain words used by the honourable member for Goyder.

Mr. HALL: I do not consider the words unparliamentary.

The SPEAKER: Order! The honourable member for Torrens has objected to certain words used by the honourable member for Goyder. Does the honourable member for Goyder withdraw those words?

Mr. HALL: Yes, I withdraw them if the honourable member objects. I can understand that he does not want to accept any responsibility in respect of this matter. The responsibility really rests with the Leader of the Opposition in the Upper House. I understand that that is the title of that member of the Lipper House. It is a short-lived title, but he has it at present.

The SPEAKER: Order! The honourable member is dealing with a short Bill that has only two clauses in it. They deal with parking fines in the city of Adelaide, and that is the subject matter of discussion as far as this House is concerned.

Mr. HALL: I accept your advice and do not want to be in any way unruly, but I say. with due deference, that it is not your function to point out the importance or otherwise of the clauses in the Bill. I am sure that, if we wanted to do so, we could think up a Bill with only a single clause that could make an enormous difference to some facets of State legislation.

The SPEAKER: Order! The honourable member must speak to the Bill before the House.

Mr. HALL: Yes, I will when I am allowed to do so.

The SPEAKER: If the honourable member thinks he is going to reflect on decisions of the Chair, he has another

think coming. I rule that he must speak to the Bill under discussion.

Mr. HALL: When the member for Torrens objected to the words that I had used, I was indicating that the Upper House, the other place, or whatever the Parliamentary term is (and I do not want to transgress about this) had passed the Bill and had failed to safeguard the interests of the motorists who use the parking space in this city. This is a matter of great moment to the thousands of motorists who in future will pay out much more money in fines as a result of this Bill.

Members interjecting:

Mr. HALL: I am sure that members are enjoying this and I do not deny them that enjoyment, because they have so little to be happy about. This Bill should not be passed in this form and members who take advice from another House are innocent if they think that any small group of members can move to disallow a regulation that is supported generally by the House. Members should stand up and vote according to their belief, not walk away from their responsibility. I foreshadow an amendment to the clause that offends so greatly against the motorists of the State and I will vote for the second reading on the basis of that amendment.

The SPEAKER: Order! There is no amendment before the House.

Mr. MILLHOUSE (Mitcham): I support the stand taken by the member for Goyder and I adopt his argument, with the exception that I feel sorry for the member for Torrens, who was placed in the awkward position of wanting to oppose the Bill but, because his colleagues in another place had voted for it. he did not have much choice.

The Hon. G. T. Virgo: Your colleague in the other place voted for it, too, didn't he?

Mr. MILLHOUSE: That is one of the differences between our Party and the L.C.L. We regard the other place as having as its proper role the review of legislation. If this Bill was supported by my colleague (Hon. Mr. Cameron) in that place, that is up to him, but certainly in this place I will make up my own mind on these matters.

The Hon. G. T. Virgo: You'll do what your Leader tells you to!

Mr. MILLHOUSE: It is interesting to hear the Minister say that, because a short time ago the Attorney-General chided me because I voted against my Leader.

The SPEAKER: Order! The honourable member for Mitcham is in exactly the same position as his colleague the honourable member for Goyder. We are discussing the Police Offences Act Amendment Bill, and that is the subject matter for discussion in this debate.

Mr. MILLHOUSE: I accept without reservation what you have said. The member for Torrens, in dutifully supporting the Bill, gave every reason for voting against it. He made a plea for the motorist (I wrote that phrase down) and went on to elaborate on that.

The Hon. G. R. Broomhill: He may have been under instructions.

Mr. MILLHOUSE: I have no doubt of that. He went on to give the most specious reasons for supporting the Bill by saying that this House will ultimately disallow a change in fees because of our power to disallow by-laws. How could the member for Torrens or any other member believe that, if by this Bill we set a ceiling of $10, we could possibly say, in the case of another council that took advantage of the ceiling that we have set, "No, we have changed our mind and we will only allow you to increase it to $4"? That example shows the patent absurdity of supporting the Bill on these grounds, and anyone who tried to have the by-law disallowed by this House would be met with the argument that Parliament had set a ceiling of $10 and Parliament should not amend it.

The member for Torrens, as well as his Party colleagues and his senior partners, must say, "We think $10 is a proper figure nowadays, whereas it has been $2 until now", or else vote against the Bill. They cannot have it both ways and use such as absurd argument as the member for Torrens has used. I think I was a member of this House when parking meters were first installed, which was in the mid-1950's, and I remember the misgivings not only in relation to Mount Gambier but generally about the installation of parking meters. However, they have been a success and have financed improvements in the park lands for the Adelaide City Council.

I have heard former members of that council who are members of the Upper House (and I think this Bill got through there because a few former members of the council are members of the Upper House) say that the parking meter revenue financed the gardens in the south park lands. That is not a bad thing: I am jolly glad they are there. However, now we are asked to increase the ceiling amount by $8. No-one could suggest, even in these days of inflation and even if we wanted to kick the Commonwealth Government harder, that there has been a fourfold or fivefold reduction in the value of money since the 1950 s, yet that could be the only justification for the increase unless the amount was set at too low a figure in the first place, and I have not heard that suggested. We are increasing the expiation fee by far more than the decrease in the value of money would warrant. For those reasons, although I consider that some increase could be justified, I do not consider that an increase from $2 to $10 can be justified.

Mr. EVANS (Fisher): It is important to consider how long it is since the fee was last increased. I have never set out to increase fees unnecessarily.

Members interjecting:

The SPEAKER: If the honourable member for Fisher does not want to speak on the Bill I will call on the next speaker.

Mr. EVANS: I have been ready to speak, Mr. Speaker, but I had some difficulty with the other conversations that were going on.

The SPEAKER: Conversations are out of order.

Mr. EVANS: I have never agreed to large increases in fees, but we must remember that it was in 1953 when the maximum fee of $2 was introduced. Since then there has been a massive increase in costs. This fee allows a council or corporation, in situations where by-laws are infringed, to give the person a chance to expiate the fine. The City Council raised about $800 000 last year from parking meters, but we are discussing all offences and not only parking offences. One aspect disturbs me about the amendments to this legislation. In the street in front of one of the courts in this State are parked motor vehicles of persons who sit in judgment on others but who do not pay fines, I understand, and often do not receive a sticker. They are the magistrates of the Adelaide Police Court, and it is wrong for the council to allow this system to operate.

Parking space should be made available to these magistrates, so that they are not favoured by the council and do not sit in judgment on people who break similar by-laws. I have respect for magistrates who sit in that court, but this practice should be discontinued. A man

living in my district is classed as a professional litigant, and it is difficult for a member of Parliament to argue with him that what occurs in this instance is just. I hope that situation will be changed. The member for Torrens said that reference is made on a parking sticker issued by the council to the offence occurring under regulations under the Police Offences Act, but I should prefer to see the offence described as one against the by-laws of a council or corporation. The Adelaide City Council has a by-law stating that it is an offence to affix any article to any motor vehicle without the owner's permission. The action of traffic inspectors in placing stickers on motor vehicles infringes one of the council's by-laws, and a judgment was given in a court case in this State stating that that action was illegal, but the offence was judged as trivial.

I support the move to make the maximum fee $10, and I hope councils and corporations will act in a proper manner and use the maximum fee in extreme cases only. The member for Mitcham has supported maximum fines in other instances and has said that the court has power to decide whether the offence is trivial or whether the penalty should be the maximum or less. I contend that councillors are generally responsible: they are elected by the community they represent and, if necessary, can be voted out of office. That action cannot be taken with those who sit in our courts, and the member for Mitcham knows it. I believe that the principle involved in this measure is whether fees should be increased: after 20 years, they should be increased in order to give councils more chance to operate in cases where a more serious offence is committed.

Mr. GOLDSWORTHY (Kavel): I have been moved to speak as a result of the remarks of the members for Goyder and Mitcham. One could almost conclude that the member for Goyder was fronting up to a Senate election, and the overriding impression is that he is trying to make a good fellow of himself. However, he completely missed the point of the speech of the member for Torrens.

Mr. Millhouse: Good heavens, did it have one?

Mr. GOLDSWORTHY: It did, but the member for Mitcham was so wrapped up in being vindictive that it was lost on him and his colleague.

Mr. Millhouse: I doubt whether anyone in the House could pick it.

Mr. GOLDSWORTHY: If the honourable member listens, he may be able to pick it up. The $10 fee is the maximum, but the member for Mitcham said that he was so sensitive that he would be frightened to move to disallow a provision approved by the Subordinate Legislation Committee and to provide anything less than $10. I have gained a different impression about the thickness of his hide, particularly in recent months. The member for Torrens made the point that there is a range of parking offences, and the member for Fisher indicated that the former Attorney-General with his wide legal knowledge would be aware that maximum penalties applied but that a magistrate or judge could use his discretion as to the penalty that would fit the case. There is more than one parking offence to be considered, and each one would need expiation. Further, there is the question of double ranking. The member for Torrens pointed out that there are various degrees of parking offence. He said that double ranking, for instance, was more serious than parking over time. Perhaps the two experts in the corner cannot see any difference, but I can see a difference. Further, there is the question of parking in bus zones and taxi zones.

Mr. Hall: You have not read the Minister's second reading explanation.

Mr. GOLDSWORTHY: I have read it. The honourable member does not know what he is talking about. He evidently does not think that we know what we are talking about, so perhaps we had better call it quits.

The Hon. L. J. King: We don't know what either one of you is talking about!

Mr. GOLDSWORTHY: The Attorney-General, too, confuses me sometimes. The member for Torrens said that there was a variety of parking offences and that there could be a variety of penalties. No-one is suggesting that a $10 fine must apply in all cases. I support the remarks of the member for Torrens.

Mr. Millhouse: Why don't you look at the section before you speak?

The SPEAKER: Order! The honourable member for Mitcham is fully conversant with Standing Orders; if he is not, he will realize that I have been on my feet—

Mr. Millhouse: I am sorry. I got carried away.

The SPEAKER: The honourable member will get carried out if he does not look out. The honourable member for Mallee.

Mr. NANKIVELL (Mallee): For once, I have taken counsel from the member for Goyder. I wish he had taken notice of his own advice and looked at the Bill, he would then have realized that all his ranting was so much poppycock. The honourable member should look at the Bill and realize that these are police offences: they have nothing to do with parking meters. The honourable member should get that into his little mind. Section 64 (7) of the principal Act provides:

> In every other case in which any payment is made to a municipal council or district council as provided by this section, the amount so paid shall be retained by the council as moneys of the council.

The next provision states that half of the money can be retained by the Treasurer in the case of a police offence, so I can understand the Government's interest in the matter. The police report the offences to the local council and, if it wishes to prosecute, it is entirely up to the council.

Mr. Millhouse: Look at section 64 (1) *(a)*!

Mr. NANKIVELL: It is a police offence, not a local government offence. The provisions of this legislation make it possible for a policeman who sees a vehicle in a loading zone, for example, to report that offence. It is entirely up to the council whether it prosecutes. If it prosecutes, provision is made to increase the fine from $2 to $10. Because the provisions of this Bill are warranted, I support it.

Mr. MATHWIN (Glenelg): In his second reading explanation the Minister said:

> Obviously, the sum of $2 does not even cover the cost to a council of recovering that amount from a motorist. The proposed increase will alleviate some of the financial problems of the councils, at least for the time being.

I doubt whether councils have much trouble in getting the fines from parking stickers. Most people automatically pay parking fines: very few people leave it to be taken to court. If they do, it costs them between $15 and $20. So, the provision that the Minister referred to does not apply in most cases. The increase from $2 to $10 is far in excess of what is needed. The Minister says that it will allow councils not to charge the maximum cost, but some councils will take every possible advantage from this measure. Some councils put more emphasis on the revenue to be derived from parking fines than they

do on the turnover of kerb space, which meters were supposed to provide, anyway. The Adelaide City Council receives a great deal of revenue through parking meters.

I have had a number of stickers in my time. When I was in the city on one occasion stickers were put on my car and on my trailer. When I was in Rotterdam recently I received a sticker that was printed in three languages. It is said that this fee will not apply to parking offences, but I believe it will. Section 64, which the Bill seeks to amend, in subsection (1) *(a)* refers to any Act administered by municipal councils or district councils. Therefore, parking meters are included. As the member for Mallee said, the Government will get its share of this increase.

The Hon. G. T. Virgo: Are you back on the Liberal Movement side?

Mr. MATHWIN: I am on the side that I believe is right. This most extravagant Government seeks to derive financial benefit from ordinary taxpayers and any other source available. It constantly seeks greater revenue. In this Bill, we see another means of raising revenue. As I object to this great increase from $2 to $10 in the expiation fee, I cannot support the provision.

Mr. GUNN (Eyre): I support the remarks of the member for Torrens. This evening, we heard from the member for Mitcham, who is only rarely in the House on Wednesday evenings, as I understand he is generally out playing soldier boy on these nights.

The SPEAKER: Order! The debate is on the Police Offences Act Amendment Bill, personalities not being included in that Bill.

Mr. GUNN: From the remarks of the members for Mitcham and Goyder, it is obvious that they have again used this debate for the sole purpose of making an ill-founded attack on the Liberal and Country League. Clearly, they have not read the Bill, which gives councils the right to charge a fee of up to $10. However, before that is implemented, a regulation must not be disallowed by both Houses of this Parliament. If the member for Goyder does not realize that, he has no right to be a member of this House.

The Hon. G. T. Virgo: Then vote for him to go into the Senate.

Mr. GUNN: I would sooner cast an informal vote. If people believe that a fee fixed by a council is excessive, they have the protection of the Subordinate Legislation Committee and both Houses of Parliament.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Procedure in relation to certain offences."

Mr. HALL: Some members have not followed this debate. I have said that I will move an amendment to allow councils to make a reasonable increase in expiation fees. Several members have completely misunderstood the effect of this provision. Obviously, the member for Mallee is wrong in thinking that fines will be applied only by a court. I hope he now realizes that this is an expiation fee which, in a significant number of cases, will be charged in relation to parking meter offences, if councils can get a regulation accepted by both Chambers. I have looked at the retail price index over recent years, finding that in 1953 the number for the six Australian capital cities was 383; in 1971, it had increased to 621. Although I do not have the figures for 1971 to 1973, I believe the increase could only be another 100 at the most, even taking into account the recent inflationary trend. Therefore, the retail price index has not even doubled since 1953, as it could not have reached 766 yet.

Parking meters were installed in 1953, so it is reasonable on the basis of the retail price index that the expiation fee should be doubled and made $4. However, I suggest that we be a little lenient to the Adelaide City Council, making the limit $5. It will take the retail price index another five to seven years to reach a level on the basis of which $5 for the expiation fee would be out of date. Although the member for Mallee did not understand the provision, the member for Torrens and other members did. The member for Torrens said that we should allow the Bill to pass, supervising the fees later when regulations came before Parliament. Honourable members know how difficult it is to disallow regulations. In this connection, the member for Kavel showed how inexperienced he is in the workings of the Chamber. Once $10 is fixed in the Bill, councils and this Parliament will feel that a sum near this is justified.

I believe $4 is the correct figure, as arrived at by the retail price index. If the Minister has figures to prove that the fine should be increased to $6, I should be happy to move in that direction. I also understood that the Minister look the view that people should not be made to feel like criminals unless they had committed a serious offence, whereas he now says that people should have their fines increased five times by the provision in this Bill. I should have thought the Minister would support my amendment. I despair for the ordinary citizen being represented by members here. On this side of the House I see so much vested interest in local government, mayors, ex-mayors, councillors, all on the side of the local government establishment. They are not interested in the little bloke who has to battle for himself.

I am pleased to know that the member for Glenelg will support a reduction in the fine provided by the Bill. The member for Kavel questions my motives and thinks that I am merely seeking votes at the next election. I suppose the honourable member would never condition his political actions by political consideration. No, he would be extremely highly principled wouldn't he! Indeed, I doubt his ability to lead that Party, although yesterday I believed he might have the ability to do so. The increase provided in the Bill is too severe. I hope the Government will support my amendment to halve the maximum. I move:

In paragraph *(a)* to strike out "ten" and insert "five".

The Hon. G. T. VIRGO (Minister of Local Government): When this matter was being discussed earlier, an honourable member suggested that another honourable member should look at what the Bill intended and that he should not talk a lot of hogwash. That member might also have made the same suggestion to the member for Goyder and he would not have made such a fool of himself as he has in the last 10 minutes. The position is not as the member for Goyder has attempted to paint it at all: it is simply a move to increase the expiation fee to a maximum of $10, but at a varying amount relatively. I did not hear the honourable member say that the expiation fee for overstaying the permitted period in a parking meter should remain unchanged at $2.

The honourable member referred to the increase in the cost of living index and he lost me, because I do not know what that has to do with the matter before us. This provision is to better equip councils (not only the Corporation of the City of Adelaide but other city councils) which have asked the Government for it. This is not to provide revenue for Government, as the member for Glenelg alleged—

Mr. Mathwin: Then why are you so keen on it?

The Hon. G. T. VIRGO: I should have expected a more intelligent remark from a person who has held, and I believe still holds, a responsible position in local government—-

Mr. Chapman: And in Parliament.

The Hon. G. T. VIRGO: The member for Alexandra is on a par with him. Requests have been made to the Government to provide the City Council with greater powers so that it can control the kerb space within the city of Adelaide. We hear much of inflation and the cost to industry, yet no-one has referred this evening to that. I refer to the situation that results when motorists park unlawfully and indiscriminately in loading zones, thereby prohibiting carriers from delivering goods to the commercial enterprises involved. This is a real cost.

The suggested alteration to the legislation is designed to solve that problem. The Corporation of the City of Adelaide has told us that vehicles parked illegally in bus stops, taxi stands and in front of fire hydrants (surely that is important because the fire brigade cannot get to the hydrant to obtain water to put out a fire) are to be covered by the increase. Do we put those areas in the same category as a person who has overstayed his time in a parking space? The same applies to a person who has parked in a prohibited area adjacent to an intersection. The suggestion for those offences is a maximum fine of $8. In the city, these things are important. The member for Rocky River and his colleagues have no interest in this legislation. For once I agree completely with the member for Goyder when he says that there are few on that side of the House who have an interest in any group but farmers. The council suggested also that a person parked in a loading zone for excessive periods, thereby affecting the flow of goods and services, should be penalized with the expiation fee of $4. This is the first time there has been an attempt to properly use expiation fees to control kerb space, and it is nonsense to speak as the members for Goyder and Mitcham have spoken.

Mr. MILLHOUSE: Offences of the type that the Minister has mentioned were being committed when the fine was $2 and, unless the offences have become more serious, there is no justification for increasing the fee by more than is necessary because of the decline in the value of money. I support the increase that the member for Goyder has suggested, based on the figures. The Minister has said that, in the interim, the gravity of the offences has doubled, but no argument has been advanced for increasing the penalty to $10 because of that.

Councils will get much more in future from the expiation fees but, looking at the matter from the other side, the member for Torrens said he wanted to make a plea for the motorist. If the honourable member is sincere, he will match those words with action. The plain fact is that members of the L.C.L. did not look at the Bill, the Act or the second reading explanation until the member for Goyder stirred them. The member for Mallee did not understand the purport of the Bill. We are changing the penalty in section 64 (2) from $2 to $10 and, although there will be provision for a sliding scale, that will be only for various offences.

Mr. HALL: The Minister refers to fines of $6 and $8 but those figures are not in the Bill.

Mr. Millhouse: And they won’t come before Parliament either.

Mr. HALL: Obviously the Bill is much worse than it seemed to be. The Minister has compounded the offence by using figures supplied by the Adelaide City Council. If the same principle is applied, we will pay $10 to expiate a parking fine. I am amazed that so few members will uphold the rights of individuals, and it seems that organizations appeal far more to some members than do individuals.

Mr. McANANEY: The member for Goyder spoke about protecting the right of the individual, but then suggested that we should protect the person who breaks the law, as he is the person who can voluntarily pay the fine. This fee would not have to be paid if a person did not break the law. The fee is to be fixed by regulation and can be considered by Parliament, and the councils have the power to charge a lesser amount. We have heard enough twaddle about this legislation.

The CHAIRMAN: Order! I agree with the honourable member for Heysen, and we should discuss the amendment moved by the member for Goyder.

Mr. BLACKER: What is the difference between the situation applying now and that which applied in 1953, and what factors have lead to the introduction of this Bill? It seems to me the only different factor is the fluctuation in the value of money.

The Hon. G. T. VIRGO: There has been a great increase in the number of motor vehicles since 1953, and there are many more vehicles vying now for the limited parking space available. Also, motor vehicles are being used more and more in the city, and the Government has been requested to make these amendments because of the delays caused by illegal parking to general business practices. Today, it may be some time before goods can be unloaded from a vehicle, and the cost of delivering articles is about twice as much as it was in 1953. We have more taxi-cab stands in the city than there were in 1953, although we are trying to reduce the number of stands. The Bee-line buses are making a further demand on kerb-side space.

Mr. Coumbe: In 1953 there were no bus stops at the kerb.

The Hon. G. T. VIRGO: Of course, because trams operated in the centre of our streets. The important point is not the changed value of money, but the added demand on kerb space. Further, the expiation fee today, in relation to money values, is not a deterrent. People are willing to pay it rather than try to find a proper parking space.

Mr. EVANS: I will not support the amendment. The member for Goyder is correct when he says that we must consider individuals, but then his logic fails. A minority group in the community breaks the law and denies others the right to use the facility to park a motor vehicle. A motor vehicle parked at a bus stop may interfere with 40 or 50 individual members of the community, because one individual has parked his vehicle in the wrong place. I accept the Minister’s argument that, in the case of delivery vans, the fines will be added to the cost paid by individual citizens for goods. This fee must be large enough so that individuals who have little regard for money feel the pinch when they have to pay a fine. Often, five people go in one car to a football match, park the car in a prohibited area to save walking extra distance, and agree to share the fine. People also use this method for parking in the city when shopping during lunch breaks, and so on. We should try to protect the majority of individuals in the community. We should protect people who use their rights with responsibility.

Mr. HALL: More than one or two people are fined for parking offences. Many people get caught because their appointments have taken longer than they have expected. I am a little tired of the inaccuracies of the member for Heysen, who said that all we were talking

about were some voluntary payments. Obviously he does not understand what this matter is about. The Minister said that there would not be any increase in the expiation fee for parking meter offences, yet in reply to the member for Flinders he made out a great case why there should be much higher expiation fees. This has been one of the worst debates of the session. The member for Heysen did not understand the most important detail in the Bill, and the member for Mallee did not understand the most important principle. To safeguard the public, members should support the amendment.

The Committee divided on the amendment:

Ayes (4)—Messrs. Blacker, Hall (teller), Mathwin, and Millhouse.

Noes (37)—Messrs. Allen, Arnold, Broomhill, Dean Brown, and Max Brown, Mrs. Byrne, Messrs. Chapman, Corcoran, Coumbe, Crimes, Duncan, Eastick, Evans, Goldsworthy, Groth, Gunn, Harrison, Hopgood, Jennings, Keneally, King, Langley, McAnaney, McKee, McRae, Nankivell, Olson, Payne, Russack, Simmons, Slater, Tonkin, Venning, Virgo (teller), Wardle, Wells, and Wright.

Majority of 33 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

The Hon. G. T. VIRGO (Minister of Transport) moved:

That this Bill he now read a third time.

Mr. HALL (Goyder): This Bill is now most objectionable, because it is completely out of line regarding the range of increase and completely out of line as a measure introduced by a Party that is calling for control of inflation. The Commonwealth Labor Government is asking for power to control incomes and prices.

The SPEAKER: Order! The Leader knows that, in the third reading debate, the subject matter to be discussed is purely related to the Bill as it came out of Committee.

Mr. HALL: As I said during the second reading debate, the Bill represents a new feeling in this Parliament in which the individual is neglected and the power of the organization over him or her is supreme. An example of that is how powerful local government bodies can approach the Minister and the State Government and get backing for an increase that I am sure the people would not support at a poll. The Minister's argument does not stand up. He is not relating the increase to any values and he has tried to mislead the House during the stages of the Bill.

The House divided on the third reading:

Ayes (39)—Messrs. Allen, Arnold, Broomhill, Dean Brown, Max Brown, and Burdon, Mrs. Byrne, Messrs. Chapman, Corcoran, Coumbe, Crimes, Duncan, Eastick, Evans, Goldsworthy, Groth, Gunn, Harrison, Hopgood, Jennings, Keneally, King, Langley, Mathwin, McAnaney, McKee, McRae, Nankivell, Olson, Payne, Russack, Simmons, Slater, Tonkin, Venning, Virgo (teller), Wardle, Wells, and Wright.

Noes (3)—Messrs. Blacker, Hall (teller), and Millhouse.

Majority of 36 for the Ayes.

Third reading thus carried.

Bill passed.

ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADELAIDE FESTIVAL THEATRE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

COMMUNITY WELFARE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

MARINE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

RED CLIFF LAND VESTING BILL

Returned from the Legislative Council without amendment.

PORT FLINDERS VESTING BILL

Returned from the Legislative Council without amendment.

LOTTERY AND GAMING ACT AMENDMENT BILL (T.A.B.)

Returned from the Legislative Council without amendment.

HARBORS ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 12 and 13 (clause 3)—Leave out the clause.

No. 2. Page 1, lines 14 to 16 (clause 4)—Leave out the clause.

No. 3. Page 3, lines 28 to 30 (clause 20)—Leave out the clause.

No. 4. Page 5, lines 26 to 28 (clause 37)—Leave out the clause.

No. 5. Page 5, lines 29 to 31 (clause 38)—Leave out the clause.

No. 6. Page 6, lines 1 to 4 (clause 39)—Leave out the clause.

Consideration in Committee.

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

That the Legislative Council's amendments Nos. 1 to 6 be agreed to.

The simple explanation for these amendments is that the position was catered for in the Statute Law Revision Bill and, in fact, there was a duplication. This has been noticed by the Parliamentary Counsel and the position has been rectified in another place.

Motion carried.

PRISONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 1955.)

Dr. TONKIN (Bragg): This Bill has been introduced as a direct result of the projected opening of the new maximum security hospital at Yatala Labour Prison. There has been a great change in the treatment of mental illness during the past two decades and, with advances in therapy, the change has become evident in many ways. One is the way people are returned to the community to live, with the associated and growing emphasis on outpatient and day-care facilities. The other obvious change has been the architectural change. The old blue-stone walls of the Glenside Hospital have been lowered, many ward situations are much more open, and there are lowered barriers generally. In fact, there is much less emphasis on security, because security is no longer necessary in the treatment of many forms of mental disease.

In the midst of those changes we have seen a continuing anachronism, the old grim Z ward block set at the back of Glenside Hospital. These most unfortunate people have committed crimes, but they are so mentally ill that the emphasis must be on security. It is right that they have to be kept in maximum security; it is right they should be transferred now from the present environment in which security is no longer a major factor to an environment in which security is a major factor; and for that reason it is right that they should be transferred to the new maximum security hospital which I understand is to be opened soon.

The provisions of this Bill will enable prisoners to be transferred to the new hospital after it is opened to a maximum security environment for assessment or treatment without the need to complete the legal formalities that have been necessary previously. These formalities are obviously no longer necessary when there is a maximum security hospital within a prison complex which itself is a maximum security complex. This development represents a further advance in the management and treatment of offenders against society and I welcome it. Therefore, I support the Bill.

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

SOUTH AUSTRALIAN MUSEUM BILL

The Legislative Council intimated that it did not insist on its amendment No. 3 and that it had made an alternative amendment in lieu of its amendment No. 4.

ADJOURNMENT

The Hon. J. D. CORCORAN moved:

That Standing Orders be so far suspended as to enable the conferences on the Workmen's Compensation Act Amendment Bill and the Road Traffic Act Amendment Bill (Weights) to be held during the adjournment of the House and that the managers report the results thereof forthwith at the next sitting of the House.

Motion carried.

At 10.50 p.m. the House adjourned until Thursday, November 29, at 2 p.m.