

## HOUSE OF ASSEMBLY

Tuesday, November 26, 1974

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

## MARGARINE ACT AMENDMENT BILL

At 2.2 p.m. the following recommendations of the conference were reported to the House:

1. That the House of Assembly amend the alternative amendment of the Legislative Council by leaving out the word "July" and inserting in lieu thereof the word "January"; and

2. that the House of Assembly make the following consequential amendment to the Bill: After clause 4, page 1, insert the following new clause:

4a. Section 20 of the principal Act is amended by striking out subsection (8) and inserting in lieu thereof the following subsection:

(8) The Minister shall not by any notice made under this section—

(a) expressed to have effect in relation to the year ending on the thirty-first day of December, 1974, permit to be manufactured in that year a greater quantity of table margarine than seven hundred and twelve tonnes; and

(b) expressed to have effect in relation to the year ending on the thirty-first day of December, 1975, permit to be manufactured in that year a greater quantity of table margarine than one thousand seven hundred and fifty-three tonnes.

and that the Legislative Council agree thereto.

Consideration in Committee.

The Hon. HUGH HUDSON (Minister of Education): I move:

That the recommendations of the conference be agreed to. These recommendations amount to providing that quotas on margarine will be removed completely on January 1, 1976, and that for the year 1975 the total quota will be increased to 1 753 tonnes. I should explain the way in which that figure was arrived at. The present quota of 712 tonnes a year is intended to be continued for the first quarter of 1975, and for the second, third, and fourth quarters of 1975 it is intended that the quota for South Australia should be at an annual rate of 2 100 tonnes, almost treble the existing quota. The figure of 1 753 tonnes is derived by taking one-quarter of 712 plus three-quarters of 2 100. That is the overall change that is intended.

Certain other assurances were sought and given by both sides. One sought by the managers of the Upper House was that the Government would introduce legislation to ensure effective labelling and control of advertisements in relation to the production, distribution and sale of margarine. In addition, it was agreed that the Government would provide legislation to give effective licensing to manufacturers of margarine. The Government has undertaken that that will be carried out next year. Further, it was agreed by the managers for the Legislative Council that, should the Australian consumption a head rise significantly next year, it would be possible for the Legislative Council to agree to a proposal to increase the quota further for 1975. The proposed quota for the last three quarters of 1975 of 2 100 t that is derived by taking the average consumption a head of margarine in Australia and allocating a suitable proportion of that to South Australia; that gives a figure of about 2 100 t.

It was agreed among the managers that, if consumption rose significantly as a result of action in other States in

1975, South Australia would further increase the quota for 1975 so that the quantity that could be produced in South Australia would be in line with the average consumption a head on a *pro rata* basis applying to Australia. I think it is clear that there will be a substantial increase (a trebling) of the quantity of margarine that can be produced in this State from April 1 next year, and a complete lifting of quotas on January 1, 1976. I thank those members of this Chamber who took part in the conference for their assistance in achieving that eminently satisfactory result.

Mr. NANKIVELL: In view of the dramatic rise that will take place in local production after the beginning of April next year, is it intended to increase the number of licensees that will be able to make table margarine in this State?

The Hon. HUGH HUDSON: No definite decision has been made on that matter. I will need to consult the Minister of Agriculture and my colleagues about it, but I think the likely answer is "Yes".

Mr. MILLHOUSE: I have two questions. First, what is meant by the word "significantly"? The Minister said that if consumption increased significantly there would be a further increase in the quota, but the word "significantly" has no precise meaning. I ask the Minister whether any thought, if not agreement, was given to what is meant by that word. Secondly, how can a group of managers, particularly from the Legislative Council, guarantee that there will be agreement in that place to a further increase in the quota? I should have thought that this was not possible and that no group of managers could give that guarantee, certainly not from that place, although it might be possible here, where there is control by the Government. I ask these questions because these matters are not set out or referred to anywhere in the recommendations to which we are being asked to agree. It seems to me that these entirely extraneous matters may mean nothing at all.

The Hon. HUGH HUDSON: Regarding the meaning of the word "significantly", that matter is entirely for the judgment of the Government whether it would be appropriate to introduce amending legislation. I do not think it is likely that we would bother introducing such legislation if the only result would be to increase the quota for the last three quarters of 1975 to an annual rate of 2 150 t. However, if the consumption standard had increased to 2 500 t, in the Government's judgment it might be appropriate to introduce legislation. It is entirely a matter for the Government's judgment whether any change should be sought. Regarding the assurance given on behalf of the managers from the Legislative Council, I point out that there were three members of the Opposition Party from the other place at that conference; they were all a party to those assurances. I should think that, despite what we might say in debate, there would be little doubt that, if a further change in the quota was sought on the basis on which it was agreed at the conference, that legislation would pass the Legislative Council. I think that, whatever else one may say about the members of another place, that sort of agreement is something which they would honour and which they would seek to ensure that their colleagues honoured.

Motion carried.

Later:

The Legislative Council intimated that it had agreed to the recommendations of the conference.

#### PETITION: PETROLEUM PRODUCTS

Dr. EASTICK presented a petition signed by 4 346 citizens of South Australia stating that they opposed the introduction of the Business Franchise (Petroleum) Bill because it would significantly increase the retail price of petroleum products, and praying that the House of Assembly would not continue with such legislation.

Petition received.

#### QUESTIONS

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

#### MONARTO

In reply to Mr. WARDLE (November 14).

The Hon. D. A. DUNSTAN: Total expenditure on all aspects of the development of Monarto and the associated Australian Government contribution towards this expenditure is shown below:

	Total Expenditure \$	Australian Government \$	State Government \$
1. To June 30, 1974 . . . . .	6 592 200	5 421 400	1 170 800
2. June 30 to October 31, 1974 . . . . .	903 900	Nil	903 900
	<u>\$7 496 100</u>	<u>\$5 421 400</u>	<u>\$2 074 700</u>

In addition, the Australian Government is considering a further claim for reimbursement totalling \$537 894 which, if received, would make a total Commonwealth expenditure on Monarto for the financial year 1973-74 more than \$5 950 000. In respect to the present financial year, no funds have been received from the Australian Government, as we are waiting for a final agreement to be signed between the Governments. However, on a budget of about \$7 500 000 it is expected that the contribution of the Australian Government will be about \$6 000 000.

#### TYRES

In reply to Mr. McANANEY (October 8).

The Hon. D. A. DUNSTAN: Imports of tyres to Australia during the year 1973-74 increased markedly over the previous years: total imports of car and truck tyres were valued at about \$31 600 000 compared to about \$19 500 000 in 1972-73, while truck and bus tyre imports amounted to about \$10 800 000 compared to about \$7 300 000 in 1972-73. About 50 per cent of the truck and bus tyres and 70 per cent of the car and utility tyres imported were radials: many of these would have been of a kind not produced locally. It is a normal procedure for the Department of Customs and Excise to allow duty free entry of goods under by-law when suitably equivalent goods are not reasonably available from local manufacture. The South Australian tyre manufacturer Uniroyal advises that it has been operating at about 70 per cent capacity in recent months.

#### ST. AGNES SEWERAGE

In reply to Mrs. BYRNE (November 14).

The Hon. HUGH HUDSON: The construction of a sewer main to serve various firms in a section of Tolleys Road, St. Agnes, was completed on November 8, 1974. The firms are: R. & L. Zancanaro; Pfeil's Auto-Electric Service; Arrow Trailers; Modbury Auto Wreckers; and Textile Printers Proprietary Limited. The remaining properties in this section of Tolleys Road will be sewered by a future extension of sewer extending from the west along the line of Radar Street. No indication can be given at this time of when this is likely to occur.

#### RIDGEHAVEN HIGH SCHOOL

In reply to Mrs. BYRNE (November 13).

The Hon. HUGH HUDSON: At present a demographical survey is being undertaken in conjunction with the Lands Commission to ascertain the future school requirements in the Tea Tree Gully council area. Until that investigation is completed, it is not possible to state precisely

when the Ridgehaven site will be used. However, it is not expected to be required until at least 1979, as it is planned to build a new secondary school at Modbury Heights in the meantime.

#### SCHOOL BOOKS

In reply to Mr. BLACKER (October 29).

The Hon. HUGH HUDSON: This question relates to the payment for school books required by the Aboriginal Secondary Grant Scheme administered by the Australian Education Department. The South Australian Regional Director of that department advises that in the past years under the Aboriginal Secondary Grant Scheme parents have given his department permission to pay the school book account out of the \$50 available. The department has then disbursed the balance of the allowance to the parents. A few parents in the past have elected to pay the school book account direct. As from the beginning of 1975, all parents will be dealing directly with the schools. The change in the method of textbook allowance is designed to give the parents an increased degree of responsibility, and it is not expected that either schools or students under the grant will be disadvantaged.

The Australian Education Department will make available the \$50 for textbooks to parents. Schools have been asked to notify the department should any book account not be met by four weeks before the end of the first term 1975, and action will then be taken to withhold the total of the book account from another entitlement, possibly the second instalment for uniform allowance. This, of course, means that parents will not receive any more than their entitlement. Every effort has been made to inform all parents, schools, and grant holders of this procedure. It has been functioning in other States for some years. It is expected that most parents will meet the school book account. They have handled uniform payments, in the main, without difficulty.

#### KING WILLIAM ROAD

In reply to Mr. LANGLEY (October 30).

The Hon. G. T. VIRGO: King William Road, Unley, is maintained by the Unley City Council. When clearway operation was intended for this road in 1972, the council sought financial assistance from the Highways Department to reconstruct the pavement, which was considered inadequate to carry the additional traffic in the kerbside lanes. Funds were not available at that time, and the introduction of clearway operation was postponed.

This road is not part of the arterial road system being developed by the Highways Department, and will continue to be under the control of the Unley council. The Highways Department still does not have funds available to enable financial assistance to be provided to the council towards the cost of reconstructing the pavement, and it may be necessary to postpone further the introduction of clearway operation on this road.

### WHEAT

In reply to Mr. McANANEY (October 31).

The Hon. L. J. KING: The Minister of Agriculture, advises that subject to unforeseen circumstances, it is expected that a payment of \$7.50 a tonne will be made for 1973-74 pool wheat in December, 1974. A further payment of another \$7.50 a tonne will be made in February, 1975. These predictions were made in a recent letter to growers from Mr. J. P. Cass, the Chairman of the Australian Wheat Board. I have a copy of this letter which I would be pleased to make available to the honourable member. Apart from the two payments indicated by the Chairman of the Wheat Board no forecasts of further payments have been made. However, after the December and February payments have been distributed, growers will still have an equity of approximately \$35 a tonne remaining in the 1973-74 pool. At this stage, no definite date can be given for the finalisation of the 1973-74 pool. Nevertheless, credit sales of 1973-74

pool wheat have been made on considerably shorter terms than with some previous pools, and therefore a protracted delay in finalising the pool is not expected.

### ADVISORY COMMITTEES

Dr. EASTICK (on notice):

1. What are the personnel of each of the following advisory bodies—Community Values Advisory Committee (State Planning); Upper Eyre Soil Conservation Board; West Broughton Soil Conservation Board; Yorke Peninsula Soil Conservation Board; Bushfires Equipment Subsidies Committee; Volunteer Fire Fighters Fund—Trustees; Northfield Pig Research Unit Liaison Committee; Phylloxera Board; Radiological Advisory Committee; Weights and Measures Advisory Council; National Parks and Wildlife Advisory Council; Roseworthy Agricultural College Advisory Council; Advisory Council on Health and Medical Services; Advisory Board of Agriculture; Religious Education Committee; Health Education Committee; Advisory Curriculum Board for Primary Education; Advisory Curriculum Board for Secondary Education and Industrial Training Council?

2. What is the purpose and/or terms of reference of each body?

3. Have any changes of membership been effected in the last six months, and, if so, what changes?

4. For what reason has any member been replaced during this period?

The Hon. D. A. DUNSTAN: The replies are in the form of attached schedules.

Board/Committee	Members	Purpose and/or Terms of Reference	Changes	Reason
Upper Eyre Peninsula Soil Conservation Board	C. M. Jericho (Chairman), H. R. Karger, E. C. Leiblich, L. G. Dolphin, M. J. Watton, L. G. Franklin, R. D. Elliott	Section 6e, Soil Conservation Act, 1939-1965	R. D. Elliott replaced C. J. Lovegrove	Moved out of district
West Broughton Soil Conservation Board	B. L. Smart (Chairman), V. L. Pech, B. E. Catford, I. F. Smart, D. I. Blesing, H. E. Franks, P. A. Tod	Section 6e, Soil Conservation Act, 1939-1965	No changes	—
Yorke Peninsula Soil Conservation Board	C. E. Heinrich (Chairman), K. A. Kelly, R. W. Humphrys, J. W. Thomas	Section 6e, Soil Conservation Act, 1939-1965	No changes	—
Bush Fires Equipment Subsidies Committee	R. D. Walkerden (Chairman), F. L. Kerr, M. J. Tizzard	Sections 18, 21, 22, 24, 25, Bush Fires Act, 1960-1972	M. J. Tizzard replaced L. M. Kerruish	Retirement
Volunteer Fire Fighters Fund—trustees of	W. R. Harniman (Chairman), R. D. Orr, M. J. Tizzard	Sections 4, 5, 9, 10, 13—Volunteer Fire Fighters Fund Act, 1949-1965	M. J. Tizzard replaced L. M. Kerruish	Retirement
Northfield Pig Research Unit Liaison Committee	Dr. P. R. Harvey (Chairman), J. C. Radcliffe, C. J. Mulhearn, C. E. Lienert, J. E. McAuliffe, S. L. Dawkins	1. Administration of the Northfield Pig Research Fund consisting of moneys received from the Swine Compensation Fund 2. Direction of research at the unit into the management and feeding problems of the industry	No changes	—
Phylloxera Board	O. D. Redman (Chairman), R. J. Ward, E. W. Boehm, P. B. Arnold, O. R. Thiele, K. H. Knappstein, D. G. Perry, T. C. Miller, R. L. Schulz	Sections 23 and 36-39 inclusive, Phylloxera Act, 1936-1969	No changes	—
Advisory Board of Agriculture	G. S. Wheal (Chairman), D. J. Woods, M. R. Irving, C. M. Jericho, B. J. Vickers, R. J. Gilfillan, L. B. Saunders, D. J. Pocock, E. V. Trethewey, M. J. Prior, N. Andrew, D. Snook, J. P. Quirk, I. H. Newland, B. S. Rodda	1. To control and foster the Agricultural Bureau of S.A. 2. To consider such matters as the Minister of Agriculture may from time to time refer to the board and tender to the Minister advice in such matters 3. To submit to the Minister such recommendations as the board may consider desirable in the interests of agricultural, pastoral, and other rural industries in the State	1. J. P. Quirk replaced Dr. J. Melville 2. B. S. Rodda replaced L. D. Boundy 3. I. H. Newland replaced K. W. Hayman	Retirement Elected to Parliament as member for Goyder Served maximum term of office of 10 years

Board/Committee	Members	Purpose and/or Terms of Reference	Changes	Reason
National Parks and Wildlife Advisory Council	H. G. Andrewartha (Chairman), C. W. Bonython, H. M. Caldicott, A. D. Findlay, R. J. Gregory, C. T. James, R. T. Lange, V. McLaren, J. T. O'Sullivan, P. G. Pak-Poy, L. W. Parkin, J. B. Paton, E. H. V. Riggs, P. Schramm, P. M. Thomas, W. G. Inglis, R. G. Lyons	See section 19 of the National Parks and Wildlife Act, 1972	—	—
Industrial Training Council	D. L. Pank (Chairman), M. H. Bone, L. B. Bowes, P. L. Cotton, T. B. Prescott, J. L. Scott, R. M. Tremethick	To advise the Minister of Labour and Industry: 1. On matters related to the training and development of the South Australian work force so as to achieve the twin objectives of broadening the knowledge and skill of employees and improving their productivity and efficiency 2. On means of improving the quality of training at all levels of the work force in industry, commerce and Government in South Australia, and to co-ordinate the provision of training services in the State	—	—
Radiological Advisory Committee (established under section 146p. of the Health Act, 1935-1973)	Dr. P. S. Woodruff, Director General of Public Health (Chairman); Dr. K. J. Wilson, Deputy Director General of Public Health; Dr. G. H. McQueen, Mr. B. W. Worthley, Mr. L. S. Heard, Dr. B. S. Manson	Vide 146p. (8) of the Health Act, 1935-1973 The committee shall advise the Minister as to the following: 1. The making and content of the regulations under section 146g of this Act 2. Any other matters relating to radioactive substances or irradiating apparatus which are referred to the committee by the Minister	The committee last met on 3/11/70. As the term of the present members has expired it will be necessary to seek new appointments before further meetings can be arranged	This matter is in hand but at present there is no outstanding business
Advisory Council on Health and Medical Services	—	This council was established in terms of the Health and Medical Services Act, 1949. The council has not met since 1965 and action has been taken for its abolition in terms of the Health and Medical Services Act Amendment Bill introduced in Parliament this session	—	—
Weights and Measures Advisory Council	The Warden of Standards (Chairman), the Deputy Warden of Standards (Deputy Chairman), the Commissioner for Prices and Consumer Affairs, Mr. D. Unwin, nominee of S.A. Chamber of Industry and Commerce; Mr. H. Gilding, Chairman, D.C. of Tanunda; Mr. W. J. Netherton, Alderman, Woodville City Council; nominees of Local Government Association	The council shall at the request of the Minister, or may of its own motion advise and counsel the Minister on any matter or thing in connection with and arising out of weights and measures policy in this State. Section 18 (1) Weights and Measures Act, 1971	—	—
S.P.A. Community Values Committee—Cemetery Standards	Mr. G. H. C. Kennedy (Chairman), Rev. K. D. Seaman, Mr. G. M. James	To inquire into and determine the adequacy of the present cemetery and crematorium facilities in the Metropolitan Planning Area, to cater for the expected deaths in the area for the foreseeable future The committee should take into account: 1. The effects of population increases and the type of development likely to occur, to determine appropriate siting and facilities 2. The rate of re-use of existing cemetery land.	—	—

Board/Committee	Members	Purpose and/or Terms of Reference	Changes	Reason
Advisory Curriculum Board for Primary Education	Mr. A. E. Wood (Chairman), Director of Primary Education; Mr. J. R. Giles, Miss R. N. Rogers, Mr. L. W. Whalan, Mr. J. F. Haden, Primary Division; Mr. H. Gray, Secondary Division; Mr. M. D. Haines, Mrs. I. Penna, Heads of Primary Schools; Mrs. H. Smith, Mr. R. Martin, Primary Division Teachers; Mr. W. Clohesy, Catholic Education; Mrs. M. Trembath, Kindergarten Union; Mrs. L. Lee, High and Technical High Schools Association; Mr. T. Evans, S.A. Association of State Schools Organisations; Miss B. Tabor, Mr. F. Golding, Tertiary Institutions; Mrs. S. C. Duffy, non-government schools	To determine the primary education curriculum	Miss R. Stalley—On appointment as secretary to the S.A. Pre-school Committee Mr. D. J. Anders—On appointment to position of Executive Director, S.A. Council for Educational Planning and Research	See 3 (Changes)
Advisory Curriculum Board for Secondary Education	Mr. W. Forbes (Chairman), Director of Secondary Education; Mr. H. H. Gray, Mr. D. Maynard, Secondary Division; Mr. L. W. Whalan, Primary Division; Mr. M. A. O'Brien, Educational Services and Resources Division; Mr. G. M. Smith, Department of Further Education; Mr. B. D. Hannaford, Mr. P. E. McDonald, Mr. E. C. Robinson, Mr. O. Eden, Secondary Heads of Schools; Mrs. J. Grandioso, Mr. R. T. Gauvin, Departmental Teachers; Mr. W. S. White, Sister M. Raymond, Miss R. Watts, Mr. G. B. Bean, non-government schools; Mr. R. C. Bell, Dr. E. R. Sandercock, Board of Advanced Education; Mr. D. J. Anders, Tertiary Education Committee; Rev. C. Young, Mr. H. H. Searle, S.A. Association of State Schools Organisations; Dr. E. W. Mills, Public Examinations Board; Mr. D. Novick, Research and Planning Branch, Education Department	To determine the secondary education curriculum	Mr. K. E. Barter—On appointment as D.D.G. of E. Mr. F. W. Close—Retired Sister C. Burke—Transferred interstate His Honor Justice Bright—Pressure of work	See 3 (Changes)
Health Education Standing Committee	Mr. K. E. Barter (Chairman), Deputy Director-General of Education; Mr. A. A. Lawson, Education Department; Dr. E. Puddy, Independent Schools; Dr. O. Fuller, School Health Branch; Mrs. S. Nolan, S.A. State Association of School Welfare Clubs; Mr. N. Wadrop, Co-ordinator, Health Education Project; Mr. L. W. Whalan, Mrs. S. Smith, Mr. H. Evans, Primary Schools Advisory Curriculum Board; Mr. H. H. Gray, Mr. H. Mutton, Mrs. J. Grandioso, Secondary Schools Advisory Curriculum Board; Mrs. J. Fox, Guidance and Special Education Branch; Mr. C. A. LaFleur, Research and Planning Branch, Education Department	To establish a health education project with responsibility for all matters related to the introduction of health education into schools	Mr. J. R. Steinle replaced by Mr. K. E. Barter following re-allocation of duties Mr. J. McDonald, Mr. G. N. Horne, Mr. K. Heath, Mr. M. Rugless—The original committee completed its task when the Health Education Report was forwarded to D.G.E. and M.E. One of its recommendations was that the original committee be reconstituted to form a Standing Committee to exercise oversight of the Health Education Project. The original committee recommended these changes so that various members of the two Advisory Curriculum Boards would be involved in the new Standing Committee Changes in membership were only made to implement the committee's recommendations regarding its own membership	See 3 (Changes)

Board/Committee	Members	Purpose and/or Terms of Reference	Changes	Reason
Religious Education Standing Committee	Mr. K. E. Barter (Chairman), Deputy Director-General of Education; Mr. A. A. Lawson, Education Department; Most Rev. Dr. B. Gallagher, Catholic Church Office, representing Heads of Churches; Rev. R. K. Waters, Prince Alfred College, representing Heads of Churches; Right Rev. L. E. W. Renfrey, Anglican Bishop of Adelaide, representing Heads of Churches; Rev. K. H. Webb, representing Heads of Churches; Rev. C. I. Koch, President, Lutheran Church, representing Heads of Churches; Mr. M. P. Hunkin, President, S.A. Institute of Teachers; Mr. I. Flannery, S.A. Association of State Schools Organisations; Mr. G. Coy, Mr. B. Hannaford, S.A. Institute of Teachers; Dr. G. Speedy, Director, Sturt College of Advanced Education, representing Colleges of Advanced Education; Mr. A. Ninnes, Banksia Park High School, Co-ordinator of the Religious Education Project Team	To establish a religious education project with responsibility for all matters related to the introduction of religious education in schools	Mr. J. R. Steinle replaced by Mr. K. E. Barter following re-allocation of duties	See 3 (Changes)
Roseworthy Agricultural College Advisory Council (This council was replaced by the Roseworthy Agricultural College of Advanced Education Council when the Roseworthy Agricultural College Act, 1973, was proclaimed on March 14, 1974)	W. F. Nankivell, M.P., President, Hon. B. A. Chatterton, M.L.C., R. A. Honner, C. R. Gramp, R. J. Taylor, Prof. F. G. Jarrett, R. B. Porter, A. J. K. Walker, C. E. Haines, A. T. Footer, T. R. Cartledge, R. T. Wilson, G. J. Hollamby, H. A. Reimers, Dr. D. B. Williams (Director), <i>ex-officio</i>	As set out in Act No. 63 of 1973, the Roseworthy Agricultural College Act, 1973, proclaimed on March 14, 1974	Mr. M. R. Irving—Ill health	See 3 (Changes)

### LAND VALUATION

Mr. GUNN (on notice): When will the Valuation Department carry out a new valuation of land on Eyre Peninsula for land tax purposes?

The Hon. D. A. DUNSTAN: The general valuation of Eyre Peninsula under the Valuation of Land Act, 1971, as amended, is being undertaken as follows:

Area	Date of operation for rating and taxing
Kimba . . . . .	July 1, 1975
Franklin Harbor . . . . .	July 1, 1975
Tumby Bay . . . . .	July 1, 1975
Lincoln . . . . .	July 1, 1975
Le Hunte . . . . .	July 1, 1976
Murat Bay . . . . .	July 1, 1976
Elliston . . . . .	July 1, 1976
Cleve . . . . .	July 1, 1977
Streaky Bay . . . . .	July 1, 1978

It should be understood that under the equalisation scheme those areas set down for new valuations as at 1/7/76, 1/7/77 and 1/7/78, will, for rating and taxing purposes in 1975-76, be brought to the same level as the areas which are being revalued as at 1/7/75, so that, superficially, the whole of Eyre Peninsula will, with the rest of the State, be revalued as at July 1, 1975.

### ROYAL ADELAIDE HOSPITAL

Dr. TONKIN (on notice):

1. What is the average number of patients attended each week in the Department of Oral Pathology and Surgery at the Royal Adelaide Hospital?

2. What are the numbers of members of all staff involved, and what are their classifications?

3. How many trainees are now undertaking the oral surgery training programme, and how many of these have come

from outside South Australia to attend this course of instruction?

4. Is the volume of clinical material available for training considered sufficient for the number of trainees involved and, if not, what number is it considered would be the minimum satisfactory level?

5. Are operating lists always, sometimes, or rarely filled, and what is the average number of major and minor cases, respectively, dealt with at each operating session?

6. If the number of patients handled by the department is below the potential capabilities of the staff, what steps will be taken to remedy the situation?

7. Has consideration been given to—

(a) reducing the number of trainees; and/or

(b) increasing the volume of patients dealt with by the department?

8. Is the apparent lack of facilities in the department in fact due to overstaffing, rather than to an excess of work presenting?

9. Is it intended to expand the clinical facilities of the department and, if so, what is the estimated cost of such expansion, and what will be the effect on the number of patients able to be dealt with by the department?

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

1. 232.

2. Full-time University staff—4—comprised of a reader, a senior lecturer and two lecturers.

Part-time visiting dentists—4—comprised of two oral surgeons and two general practitioners.

Trainee staff—3—comprised of two senior registrars and one registrar.

3. Six trainees undertook the oral surgery training programme in 1974: two of these came from outside of South Australia.

4. The volume of clinical material available for training is just adequate.

5. The operating lists are always filled, except on those occasions when hospital beds are not available because of the demands of admission of patients with serious medical conditions, or when patients listed for oral surgery do not attend. Only major surgery is included in the operating sessions undertaken in the general hospital, and two patients are dealt with at each session. This excludes emergency trauma surgery. Minor oral surgery is carried out on an outpatient basis in the Dental Department.

6. The number of patients handled is below the potential capabilities of the staff: all patients attending with emergency conditions receive treatment. Although there is a means test applicable to all patients seeking treatment in the Dental Department, for oral surgery the means test is waived in those cases where patients, who do not satisfy it, are specially suitable for teaching purposes.

7. (a) A basic requirement is the manning of two oral surgery teams, which are responsible for the provision of a 24-hours a day, seven-day a week trauma service in conjunction with Royal Adelaide Hospital, the Queen Elizabeth Hospital, and Modbury Hospital. Each team requires a senior consultant, clinical assistant, senior registrar, registrar and senior house dentist. This means there is an irreducible number of six trainees required.

(b) All patients presenting in the department are treated.

8. The extent of the clinical facilities is adequate to meet the existing demand, but the standard of facilities is not satisfactory from the point of view of asepsis and good patient management and care.

9. No expansion of clinical facilities is planned but improvement of facilities is sought in order that standards may be upgraded as stated in 8 above. The upgrading will improve productivity, especially in the field of treatment of patients under general anaesthesia. The project has not yet been developed to the stage where a reasonable estimate of cost could be provided.

#### STATE FINANCES

Mr. BECKER (on notice):

1. Have any Government departments requested additional financial assistance in the present year and, if so, which departments and how much has been requested by each department?

2. Is any variation expected in the Revenue Account this financial year and, if so, how much and where?

3. If a variation is expected, will a supplementary Budget be necessary to rectify the situation?

4. Will the intended Revenue Account deficit be exceeded and, if so, what is the estimate of such deficit?

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

1. A review made as at the end of the first quarter of the financial year indicates that a number of departments believe that they will have difficulty in holding expenditures within the original appropriations made by Parliament (exclusive of salary and wage increases, which were provided as a block sum). Notwithstanding these forecasts, departments have been advised that the original appropriations must stand unless the Treasurer specifically authorises an increase in funds.

2. A review of revenue receipts indicates a surplus over budget in pay-roll tax, railway charges, and grants from the Australian Government, but a lower than budgeted figure for stamp duties, water rates, and interest earnings.

3. It is normal for Parliament to be requested to consider Supplementary Estimates towards the close of each year and it is likely that additional appropriation will be required again this financial year.

4. It seems certain that the budgeted deficit of \$12 000 000 will be exceeded. The present estimate of the deficit is \$30 000 000, but the Government will endeavour to reduce the extent of the prospective deficit through the action referred to, and by endeavouring to bring into operation as soon as possible revenue legislation now being considered by Parliament.

#### IMPERIAL AWARDS

Mr. BECKER (on notice):

1. Has a decision been reached for a replacement of Imperial awards and, if not, why not?

2. Is it intended to give recognition to citizens for outstanding public and community service?

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

1. No. The matter is now being considered.

2. See 1.

#### LIQUID PETROLEUM GAS

Mr. BECKER (on notice):

1. What incentive is the Government offering motorists to convert their motor vehicles to liquid petroleum gas?

2. Did the Government protest to the Commonwealth Government over the imposition of a 2c a litre tax on liquid petroleum gas and, if not, why not?

3. Will such protest be made and, if not, why not?

The Hon. G. R. BROOMHILL: The replies are as follows:

1. There is no need for the South Australian Government to provide an incentive to motorists to convert their motor vehicles to liquid petroleum gas. This fuel is already much cheaper than gasoline, and this price differential is reflected in the fact that some South Australian companies have already converted their vehicles for the use of liquid petroleum gas. If very large quantities of this fuel ultimately came on to the market, it could be worth while for motor car manufacturers to provide the necessary carburetion system as original equipment and, in this way, the use of liquid petroleum gas as a fuel would be greatly extended. The main disadvantages in the use of liquid petroleum gas are those of inconvenience in that this liquid is lighter, and bulkier tanks must be provided for a vehicle to have a similar range, and refilling stations are not as numerous. Until greatly enhanced supplies are available, however, it will not be reasonable for the Government to provide artificial incentives for the use of liquid petroleum gas.

2. The South Australian Government has protested to the Commonwealth Government about proposals to impose an excise duty on liquid petroleum gas.

3. See 2.

#### FINANCIAL ASSISTANCE

Mr. BECKER (on notice):

1. What is the total cost of financial assistance paid this financial year to persons who have come to South Australia from other States?

2. What was the total amount paid last financial year?

3. Is reimbursement made to the State and, if not, why not?

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

1. During the present financial year about \$7 000 has been paid to itinerant persons from other States.

2. During the financial year 1973-74, about \$16 000 was paid.

3. Except in isolated cases, reimbursement is not made to the State. The people assisted were destitute, and the cost of obtaining reimbursement of the small amount of financial assistance to these unemployed people would be uneconomical.

## TRADE COURSES

Mr. BECKER (on notice):

1. Are there any trade courses provided by the Government available for adults and, if not, why not?

2. Has the Labour and Industry Department made requests to the Education Department for all trade courses for adults and, if so, what has been the reply?

3. If no approach has been made to the Education Department, why not?

4. Will such an approach be made and, if not, why not?

The Hon. D. H. McKEE: The replies are as follows:

1. The Labour and Industry Department does not provide trade courses of any description; all trade training courses are conducted in technical colleges under the control of the Minister of Education.

2. No.

3. This is a matter in which the Labour and Industry Department was not involved before 1973. With the establishment of a Manpower Development Branch and the creation of the Industrial Training Council, several surveys of training needs have been conducted. As a result of these surveys, requests have been made by the organisations involved to the Further Education Department for the establishment of new adult training courses, but none of these courses have been for trade training. The role of the Labour and Industry Department is to assist employer organisations and trade unions in identifying training needs and proposing appropriate means of meeting those needs: it is a matter for organisations concerned to request the establishment of appropriate training courses should they decide to do so.

4. No.

## JUSTICES OF THE PEACE

Mr. BECKER (on notice):

1. How many justices of the peace are there in South Australia?

2. Have any appointments been made of persons aged 18, 19, and 20 years and, if so, how many in each age group?

3. If no persons in these age groups have been appointed, why not?

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

1. About 7 500.

2. A few persons (probably no more than 3 or 4) have been appointed as justices at ages less than 21 years. These appointments have been restricted to public servant clerks of court, whose appointments have been made to facilitate the performance of their official duties.

3. It is the policy not to appoint persons who are less than 25 years of age, because it is considered that maturity and experience are essential requirements. There have been a few exceptions to this rule, being instances where special circumstances exist. Appointment to the Commission of the Peace is a privilege and not a right, and the age of majority has no application.

## MARINELAND

Mr. BECKER (on notice):

1. When was Marineland acquired by the West Beach Trust?

2. Was it by departmental direction or mutual agreement?

3. What was the price paid to the Government by the trust?

4. How does this figure compare to the price paid by the Government, and if there is any variation, why?

5. What adjustment was made for profits earned during Government ownership?

6. Before the Government's acquisition of Marineland, was a structural engineer's report obtained on the buildings and pools?

7. If a report was made—

(a) what are the details;

(b) who or which Government department prepared the report;

(c) what was the cost; and

(d) was a second opinion obtained and, if not, why not?

8. Has the West Beach Trust had a structural engineer's report on the buildings and pools and, if so, what are the findings? If not, why not?

9. Has there been difficulty in obtaining fresh sea water for the pools and, if so, why?

10. What is being done to rectify the situation?

11. Who is to meet the cost and what is the estimate?

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

1. August 1, 1974.

2. Marineland was purchased by the Government in November 1973 on the understanding that it would be transferred to the West Beach Trust at the earliest opportunity, following an amendment to the Act to reconstitute the trust and to provide for better funding arrangements. After the amendment Act was proclaimed to come into operation on March 1, 1974, the trust was requested to take over Marineland's operation.

3. \$200 509.58.

4. The same price.

5. Acquired on a walk-in walk-out basis.

6. No. A report was received from the Public Buildings Department relating to its value and condition.

7. Vide 6.

8. Before the trust assumed ownership of Marineland, it suggested that the Government obtain a further report, and this has not yet been completed.

9. Yes. The water supply system of the previous owner was completely unserviceable at the date of the acquisition by the State Government, and sea water has since then been obtained by the hiring of a pumping service from a private contractor, pending completion of investigation into a permanent supply system.

10. Plans and specifications are being drawn up by a private firm of engineering consultants in conjunction with the Engineering and Water Supply Department.

11. Estimated cost of water supply system, together with associated filtration equipment, is \$70 000. A submission has been received from the West Beach Trust for a grant to meet the cost of this work.

## LAND COMMISSION

Mr. BECKER (on notice):

1. What was the total amount of funds offered to South Australia by the Australian Government to assist the State Land Commission last financial year and this financial year, respectively?

2. What is the total amount of such funds received to date from the Australian Government?

3. If the full amount has not been received, why not?

4. What is the total amount spent by the State Land Commission to date?

5. What and where are the properties or land acquired to date including contracts signed but not settled?

6. When will the land be released for sale and in what order of areas or locations?

7. If details of the release of land for sale has not been decided upon, why not?

8. How is it intended to dispose of the land, and what will the terms and conditions of sale be?

9. What financial assistance will be available to purchasers?

10. Will there be a qualification for purchasers?

11. Who will dispose of the land, the commission or licensed land agents?

12. What is the estimated price of allotments in each subdivision?

The Hon. D. J. HOPGOOD: The replies are as follows:

1. (a) The amount payable to the South Australian Government by the Australian Government for the Land Commission programme for the financial year 1973-74 was \$8 000 000.

(b) A Bill (for the Urban and Regional Development (Financial Assistance) Act, 1974) before the Australian Parliament includes provision for financial assistance for the Land Commission programme in a total amount of \$124 750 000 for urban expansion and redevelopment for 1974-75. The amount payable to South Australia will be related to a programme to be agreed between the two Governments. Negotiations on the programme are proceeding, pending the enactment of the legislation.

2. \$8 000 000.

3. The full amount payable to South Australia under the financial agreement entered into pursuant to the Land Commissions (Financial Assistance) Act, 1973, has been paid.

4. \$11 939 226 to October 31, 1974.

5. Land acquired:

Local government area:	Total area (hectares)
Tea Tree Gully . . . . .	586.24
Munno Para . . . . .	97.11
Meadows . . . . .	165.44
Salisbury . . . . .	41.39
Noarlunga . . . . .	632.28
Total . . . . .	1 522.46

6. Subdivisions into serviced building allotments of part of the acquired land at Salisbury, Christie Downs, and Happy Valley are in various stages of planning and development. It is expected that some of the allotments will be available for disposal during the present financial year, and that the first of these will be at Happy Valley.

7. See 6.

8. The method and terms and conditions of disposal are now the subject of negotiation between the Australian and South Australian Governments, having regard to the recommendations of the Commission of Inquiry into Land Tenure.

9. The availability of financial assistance to purchasers is being investigated.

10. Any qualifying requirements for purchasers will be determined as a result of negotiations referred to under 8.

11. The commission intends to dispose of the land itself; however, the services of licensed land agents may be employed in appropriate circumstances.

12. The price of allotments will be determined, having regard to the result of negotiations referred to in 8, the cost of the allotments and to prices determined under the provisions of the Urban Land (Price Control) Act, 1973.

#### SAFETY FLAGS

Mr. BECKER (on notice):

1. Has the Government evaluated the benefit of safety flags for cyclists and, if so, what were the findings?

2. Has the National Safety Council and the Police Department assessed the benefit of these flags?

3. Is it intended to introduce legislation providing for the use of safety flags or any other safety devices for cyclists?

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

1. No.

2. No.

3. A committee has been set up to investigate safety devices for cyclists.

#### POLICE HORSES

Mr. BECKER (on notice):

1. How many horses does the Police Department have?

2. How many are used daily on patrol work?

3. How many are stationed at Thebarton and where are the remainder kept?

4. What is the annual cost to maintain the horses?

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

1. Total strength—73 horses, consisting of: 29 duty horses; six in training for duty purposes; 16 brood mares; eight in retirement or on part-time duty only; 14 at agistment (ages from two weeks to two years).

2. Patrols vary according to day of week. Street patrol—four. Parklands patrol—up to four. Race duty (mid-week and weekends)—four to six. National Park (Sundays only)—two. Street patrols are being increased as young horses complete training.

3. Thirty-five to 40 are kept at Thebarton and the remainder at Police Reserve, Echunga.

4. Forage bill \$11 000 a year.

#### VOCATIONAL GUIDANCE

Dr. TONKIN (on notice):

1. Are vocational guidance reports required to be kept for all students at secondary schools?

2. What is the purpose of those records?

3. Are these reports made available to students on leaving school and, if not, why not?

4. If these reports are not made available to students, for how long are they kept and for what purpose?

5. After what period are vocational guidance reports removed from school or departmental files, and how are they disposed of?

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

1. Vocational guidance reports are kept for each student throughout his primary and secondary school career. The primary school card is forwarded to the secondary school when the student moves there.

2. There are two sets of records—V.G. I and V.G. II. V.G. I records are fundamentally the educational history of children, and are used principally to assist professional staff. The V.G. II card is the report book which students take home and which eventually becomes their property when they leave the school.

3. V.G. I cards are not available to students on leaving school. They are confidential documents kept within the school for the professional staff and the principal is responsible for their proper use. V.G. II Cards—vide 2.

4. Regulation XXIX, 6, states "all school records and documents shall be considered the property of the Minister and the head teacher shall not allow any of them to be removed from the school without the sanction or direction of the Director-General". They are kept in the school. After the students leave school the main use of the V.G. I cards is for reference when students are seeking information which they need for employers. It is not uncommon for a school to have 20 or 30 requests each year for information from students who left the school many years before and who want evidence to present to employers or to higher education institutions.

5. Up to the present all V.G. I cards have been retained by schools.

#### PETROL OUTLETS

Mr. COUMBE (on notice):

1. How many petrol outlets have been closed under the terms of the Motor Fuel Distribution Act in—

- (a) the metropolitan area; and
- (b) the remainder of the State?

2. How many new outlets have been opened in each of the above areas?

3. Are any applications for new outlets pending?

The Hon. D. H. McKEE: The replies are as follows:

- 1. (a) Nil.
- (b) Nil.
- 2. Nil.
- 3. Yes.

#### MODBURY FREEWAY

Mr. COUMBE (on notice):

1. What stage has planning reached on the intended Modbury Freeway?

2. What part of the necessary land acquisition has so far been carried out?

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

1. No planning of the Modbury Freeway as such is being undertaken. However, a study has been initiated to compare the various possible alternative uses of the Modbury corridor, with particular reference to public transport usage. This study will include the alternative of express buses operating on a future freeway.

2. The proportion of property acquisition undertaken between the north park lands and North-East Road at Tea Tree Gully is about one-third.

#### PETRO-CHEMICAL PLANT

Dr. EASTICK (on notice):

1. What will be the source of water to be used in the Redcliff project?

2. What will be the price of water to the consortium?

3. Has any action been taken to effect a recycling programme with the water used in the refinery process?

4. What effect will the drain on water supply have on other local water supplies and supplies in the Whyalla area?

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

1. Both fresh water and sea-water will be used in the project. The fresh water will be supplied from the Morgan-Whyalla pipeline. The consortium has also shown interest in the possibility of utilising ground water in the area near Redcliff as an alternative to mains supply. The proposed main cooling system for the complex is based on a combination of air cooling and evaporative sea-water cooling. There will be four main usages of fresh water for the complex, as follows:

- (a) Raising of steam,
- (b) Dissolving salt for feeding into the caustic soda plant,
- (c) For cooling where salt water is unsuitable, and
- (d) Domestic type usage.

2. The charge payable by the company for the water supplied by the Engineering and Water Supply Department will be the same as that applicable to other users of water from the Morgan-Whyalla pipeline. This rate is fixed from time to time and published in the *Government Gazette*. The present rate is 11c a kilolitre. In addition to this amount the company will pay amortisation charges to cover the cost of infra-structure plus interest.

3. Extensive recycling will take place. All drainage water and water contained in effluents is reprocessed and fed back

into the complex where it is used for purposes where lower quality water is suitable. Because the plant will have a large fresh water recovery system in combination with the effluent treatment and because a sea-water and air cooling system will be used, the fresh water usage for the complex has been reduced to about one-third of what would otherwise have been required.

4. The present capacity of the Morgan-Whyalla pipeline and reservoir system is 77 000 megalitres a year. Total estimated demand on the system excluding the Redcliff project is 54 600 Ml by the year 2000. This leaves adequate capacity in the Morgan-Whyalla pipeline to meet all demands, including Redcliff, beyond the year 2000. Thus the water supply at Whyalla will not be affected by the project.

Mr. MILLHOUSE (on notice): On or about what date is it now expected that the indenture Bill concerning the Redcliff petro-chemical project will be introduced in Parliament?

The Hon. D. A. DUNSTAN: It seems now to be unlikely that the indenture Bill concerning the petro-chemical project will be introduced in Parliament before Parliament resumes in February, 1975.

#### FILM CORPORATION

Dr. EASTICK (on notice):

1. How many motor vehicles are owned by the South Australian Film Corporation and what make are they?

2. Who has access to the vehicles and for what purpose are they used?

3. What has been the mileage of each vehicle since purchase and on what date were vehicles purchased?

4. Does the corporation use the services of taxis or taxi trucks and, if so, to what extent and who authorises such use?

5. What amount has been paid for taxi hire in the past 12 months?

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

1. Vehicles owned by the corporation:

Number	Make
3	Chrysler Valiant sedans.
2	Chrysler station sedans.
1	Holden station sedan.
1	Toyota land cruiser.
1	Leyland mini-van.
1	Yamaha 90cc motor cycle.
1	1956 De Soto sedan.
1	1957 Morris truck.

2. (a) The three Chrysler Valiant sedans are attached to the administration, distribution and production branches respectively and are used by the corporation's personnel for general daily transport between branches, transport of visiting interstate executives, and serve as reserve film production transport as and when necessary. When these vehicles are not being used on a production, the Chairman/Director and heads of distribution and production are permitted to drive them home and to use them on corporation business outside the ordinary office hours.

(b) The station sedans are used by production personnel for transportation of production equipment, supplies and personnel for film production, location reconnaissance and general transportation, as authorised by the Manager of Production Facilities. Subject to the prior claims of film productions, the Assistant Director and the Executive Producer of Features and Television Series are authorised to drive two of these vehicles home when available and to use them on corporation business outside ordinary office hours.

(c) The Toyota land cruiser is used for heavy duty film production, location reconnaissance and general transportation as authorised by the Manager of Production Facilities.

(d) The Leyland mini-van is used by the corporation's courier for transportation of all inter-office work and receipt and despatch of films for the corporation's four establishments.

(e) The Yamaha motor cycle is used by a projectionist travelling between the corporation's establishments.

(f) The De Soto sedan and Morris truck were purchased as "props" for the corporation's first feature film and have been retained for possible publicity use.

### 3. Vehicles

Make	Date of Purchase	Mileage
Chrysler Valiant sedan . . . .	16/8/73	30 730 km
Chrysler Valiant sedan . . . .	12/10/73	12 478 km
Chrysler Valiant sedan . . . .	13/8/74	2 539 km
Chrysler station sedan . . . .	22/10/73	22 278 km
Chrysler station sedan . . . .	20/8/74	2 823 km
Holden station sedan . . . . .	31/7/74	3 585 km
Toyota land cruiser . . . . .	16/4/74	12 709 km
Leyland mini-van . . . . .	30/1/74	9 839 km
Yamaha 90cc motor cycle . . . .	22/10/73	3 170 km
1956 De Soto sedan . . . . .	6/3/74	About 1 500 km
1957 Morris truck . . . . .	5/3/74	About 1 500 km

4. The corporation uses taxis and taxi trucks where appropriate for film production or general use where a suitable corporation vehicle is not available. It is often faster and cheaper for corporation personnel travelling from the corporation's establishments in Norwood and North Adelaide to the head office in King William Street to use taxis due to the lack of mid-city parking facilities. Staff have been asked to use public transport where time permits.

Film production is a relatively expensive industry, dependent on detailed co-ordination of actors, production crew, extras, equipment, studio and weather. Shooting time for the standard ten-hour day is scheduled as tightly as

possible so that even one person being delayed one half hour in the morning can spoil the whole day's shooting schedule. Lost time often results in extensions to shooting schedules involving additional payments at overtime rates to freelance crew and actors.

For example, in the production of the pilot episode of the proposed television series *Stacey's Gym* it was necessary to assemble at 8 a.m. on location the production crew of 18 people, a variable number of actors including five principal children, equipment, props, wardrobe and vehicles. A delay of half an hour would be equivalent to a loss of \$100 in production costs. The five children lived in widely scattered locations in Adelaide and were picked up and delivered home by separate taxis each day to eliminate unnecessary travelling and time spent on the set. Transport for the balance of production unit was co-ordinated as economically as possible.

Corporation personnel permitted to authorise the use of taxis and taxi trucks are as follows: The Chairman/Director; heads of administration, production and distribution; producers and their deputed assistants; the accountant or his deputed cost officers; technical services, marketing and advertising managers; and special projects officer.

Travel service orders on an Adelaide taxi company are stamped with a special corporation stamp before issue by authorised officers. Any unstamped orders submitted for payment are rejected. Taxi trucks are used as necessary to move film production and office equipment where a suitable corporation vehicle is not available.

5. The amounts payable for taxi hire in the past 12 months totalled \$1 893 for administration, distribution, film library, production and studio travelling overheads, and \$2 615 directly chargeable to productions, which reached a peak level between February and May, when the two *Stacey's Gym* pilots, *Who Killed Jenny Langby?* and *Sunday Too Far Away* were in production. Taxi costs since that time have averaged \$232 a month for the whole of the corporation's activities. A detailed monthly summary of taxi charges for the past 12 months is attached.

SUMMARY OF TAXI CHARGES FOR THE TWELVE MONTHS ENDED OCTOBER 31, 1974

	Total	1973		1974									
		Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	Jul.	Aug.	Sept.	Oct.
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Overheads—													
Administration . . . . .	188	7	23	6	2	22	27	22	12	21	16	17	13
Production . . . . .	1 184	46	116	34	62	203	132	149	121	76	111	43	91
Norwood Studio . . . . .	66	—	—	—	—	—	—	—	—	18	29	7	12
Distribution . . . . .	129	—	—	—	3	—	9	30	24	18	20	4	21
Film Library . . . . .	326	—	—	1	10	32	42	76	34	16	50	24	41
Charged to Film Productions	2 615	35	165	130	485	875	386	217	127	80	63	24	28
Totals . . . . .	\$4 508	\$88	\$304	\$171	\$562	\$1 132	\$596	\$494	\$318	\$229	\$289	\$119	\$206

### INDUSTRIAL DISPUTES

Mr. MILLHOUSE (on notice):

1. How many times has the Minister received notices of intention of an association or associations to commence a strike pursuant to section 147 (a) (i) of the Industrial Conciliation and Arbitration Act?

2. How many proceedings pursuant to section 148 of that Act have there been and how many convictions have resulted?

3. Have there been any strikes in which the provisions of section 147 of the Act have not been observed and, if so—

(a) how many; and

(b) what action, if any, has been taken in respect of them?

The Hon. D. H. McKEE: The Industrial Conciliation and Arbitration Act, 1972, came into operation on January

4, 1973. Between that date and November 22, 1974, the replies are as follows:

1. 10.

2. Nil.

3. (a) The Industrial Commission was advised of 42.

(b) A conference of parties was held under the chairmanship of a member of the Industrial Commission and in some cases, when considered appropriate, the matter was subsequently heard by the commission.

### PROSPECT INTERSECTION

Mr. COUMBE (on notice):

1. What plans has the Highways Department for the improvement of the intersection of Regency Road and Main North Road, at Prospect?

2. When is it contemplated that these improvements will be implemented?

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

1. The intersection is to be upgraded in conjunction with the widening of North Main Road 2 between Third Avenue and Enfield Avenue. The reconstruction of the intersection will include:

- (1) Widening of the north-western and south-western corners to accommodate left turn lanes and corner islands;
- (2) The provision of 1.2 m wide solid medians on all approaches;
- (3) Installation of new traffic signals operating on a 3-phase system. These will allow right turning movements to be carried out on all approaches. Some parking restrictions will also be placed at, and on the approaches to, the intersection.

2. The latter half of 1975, subject to the availability of funds.

#### PUBLIC BUILDINGS DEPARTMENT

Mr. MILLHOUSE (on notice):

1. Is Unit 23 of the Public Buildings Department also known as the hospitals unit, or units, and if so, which?

2. For how long have employees of this unit been claiming a special allowance because of the nature of their duties, and how many such employees are there?

3. Did the Public Service Board in December, 1973, offer such employees a special allowance of \$2.70 a week and, if so—

- (a) what were the precise terms of such offer;
- (b) how was such offer arrived at; and
- (c) was such offer accepted?

4. Did Commissioner Stanton of the Australian Conciliation and Arbitration Commission on July 5, 1974, recommend a special allowance of \$8 a week for such employees?

5. Did the Public Service Board, on August 27, 1974, advise the commission by letter that it would not comply with that recommendation and, if so—

- (a) what were the terms of that letter; and
- (b) why did so long a time elapse between the date of the recommendation and the date of such letter?

6. Did Commissioner Clarkson, of the commission, on October 21, 1974, make an order allowing a special allowance of \$8 a week?

7. Has an appeal been instituted against this order and, if so—

- (a) when was such appeal instituted;
- (b) by whom;
- (c) why; and
- (d) is it to be pursued?

The Hon. D. H. McKEE: The replies are as follows:

1. The correct title of the unit is the Hospitals Maintenance Unit 23 of the Public Buildings Department's Institutions and Hospitals Maintenance Branch.

2. There are 98 employees in the unit, 34 of whom are covered by the claim. On October 11, 1973, a letter was received from the Electrical Trades Union which stated that it had been requested by its members in the Public Buildings Department to undertake an exercise to obtain equality in disabilities allowances paid to building workers employed by that department. It indicated that its claim was for an additional \$20 a week of 40 hours.

On November 8, and November 12, 1973, letters were received from the Australasian Society of Engineers and the Amalgamated Metal Workers' Union respectively which

stated that its members employed in Unit 23 at Hillcrest Hospital in the Public Buildings Department had requested payment of a disability allowance of \$20 a week.

3. (a) In December 1973, the Public Service Board offered:

- (1) An industry allowance of \$2.70 a week for all metal trades employees in hospital units of the Public Buildings Department;
- (2) An industry allowance of \$3 a week for electricians employed on work within the district units of the Public Buildings Department.

(b) The offer was determined having regard to the decision of Vosti C. in a recent case for carpenters employed in hospital units and district units of the Public Buildings Department. The amount of \$2.70 a week was the same as that paid to carpenters in Unit 23 at Hillcrest.

(c) The offer was not accepted.

4. Yes.

5. The board advised the commission by letter dated August 27, 1974, that it was unable to accept the recommendation of Commissioner Stanton on the following grounds:

- (a) The Government's representative was not afforded the opportunity to put a detailed submission in respect of the dispute;
- (b) The reasons outlined by the Commissioner in determining the allowance conflict with the long-standing principles established by the various industrial tribunals;
- (c) The amount of the allowance recommended is excessive having regard to the conditions under which most of the work is performed, and;
- (d) The acceptance by the Government of the recommendations will lead to further and more prolonged disputes with other unions including the Amalgamated Society of Carpenters and Joiners.

Careful consideration was given by Cabinet to the question of accepting the recommendation, and further advice was sought from the board during the intervening period.

6. On October 21, 1974, Commissioner Clarkson fixed a sum of \$8 a week as a disability allowance to be paid from the beginning of the first pay period to commence on or after May 29, 1974.

7. An appeal against Commissioner Clarkson's decision was lodged by the Public Service Board on behalf of the Government on November 11, 1974. The board considered that the Commissioner had erred in his decision and had fixed an excessive amount when considered against existing standards. The hearing of the appeal commenced in Sydney on November 21, 1974. The board has been verbally advised that the Full Bench has declined to hear the appeal, on the grounds that the decision of Commissioner Clarkson had not been shown to be against the public interest. As a result of the decision referred to in the last paragraph, above, arrangements are in hand for the payment of the \$8 a week disability allowance awarded by Commissioner Clarkson.

#### HIGHWAYS DEPARTMENT

Mr. MILLHOUSE (on notice): On what basis does the Commissioner of Highways determine the rents to be charged for properties owned by his department and leased to tenants?

The Hon. G. T. VIRGO: Rentals for houses acquired by the Highways Department for future roadworks are generally based upon the capital cost to the department, which includes allowance for rates and taxes, repairs, and insurance. This general policy may be varied in some

instances, having regard to the effect on the capital cost of any commercial potential, or to the condition of the property.

#### HILTON PROPERTY

Mr. MILLHOUSE (on notice):

1. What was the rent at which the premises at 59 Rowland Road, Hilton, were leased by the Commissioner of Highways to John Paul-Jones, pursuant to memorandum of lease dated November 29, 1973?

2. How was such rent fixed?

3. What was the condition of the premises at that time?

4. What contents, if any, were in the premises then?

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

1. \$20 a week.

2. See reply re basis for determining rentals.

3. Poor.

4. Departmental records indicate that contents comprised a gas oven, two stainless steel sinks, a bath with shower, and floor coverings and light fittings.

Mr. MILLHOUSE (on notice):

1. What improvements, if any, were made to the premises at 59 Rowland Road, Hilton, while John Paul-Jones and Peanuts Proprietary Limited were in occupation of them?

2. What was the estimated value of such improvements?

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

1. The front verandah was enclosed and is used as an office and reception area. A wall and fireplace were removed and a charcoal grill installed (under hire-purchase). The existing bathroom was converted to a female toilet and a male toilet was added. The rear lean-to was converted to a bar and the kitchen area and garden at the back improved.

2. \$12 000 to \$13 000.

Mr. MILLHOUSE (on notice):

1. On what date were the premises at 59 Rowland Road, Hilton, leased by the Commissioner of Highways to John Ceruto?

2. For how long was the said John Ceruto in occupation of them?

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

1. February 14, 1973.

2. One year, one month, and 18 days.

Mr. MILLHOUSE (on notice):

1. What was the rent at which the premises at 59 Rowland Road, Hilton, were leased by the Commissioner of Highways to John Ceruto?

2. How was such rent fixed?

3. What was the condition of the premises at the time it was fixed?

4. What contents, if any, were in the premises at that time?

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

1. \$20 a week.

2. See reply re basis for determining rentals.

3. Fair.

4. Location Item

Office: Wall unit bookshelf, auto door closer FD two locks, brass knocker, tinted glass inlay, slotted bar-swing doors, wall mirror, feature wallpaper, particle board lined enclosed verandah office.

Kitchen: Two 1.8 m wall shelf units, vinyl tile floor, three coffee jugs pyrex, assorted food-stuffs, cooking apparatus unlisted, stable type door unit, 272-litre hogshead, 36 kilograms

peanuts, fire extinguisher unit, Sunbeam mixer-master, meat-slicing machine, 18-litre ctr. compox utensil rack.

Dining: Gas barbecue stove plant, window protection grille, tinted glass inlays, slate flooring, half-horse-power exhaust fan, two Mistral ceiling fans.

Bar area: All glassware, sundry items, 4 crates giant-size Coca-Cola bottle racks storage units, two wall shelf units, s/s sink unit drainage racks, enamel h/basin unit two taps, door and lock, bottle light units, assorted cordials and aerated drinks, brick enclosed bar area, roof and lining, electrical fittings.

Ladies room: Two sanitary bowl units complete with cisterns, two handbasins and taps, mosaic floor/vynil tile featured wallpaper, door units (3), Hoover vacuum cleaner, door closers (2), brick enclosed area.

Men's toilet: Walls, roof, ceiling, floor, sanitary units and cistern sink and taps, door and partition, main door, closer and lock, s/s 1.8 m urinal and cistern.

Garden: Plants and shrubs, timber feature landscape area, hose and fittings.

Store area: Four rubbish bins, mop bucket and mop, side door and lock, tinted sun roof unit.

Sundry items: Assorted fittings, holders, locks, hinges, fantasy outdoor garden light unit, mops, brooms, cleaning goods.

Front office: Walls, roof, ceiling, floor.

Most of these fittings and stock were, however, the subject of hire-purchase agreements or a bill of sale, and several bills for alterations to the premises were still unpaid. The incoming tenant was required to undertake responsibility for liquidating these debts, and that fact was taken into account in the fixation of the rent. The premises were redecorated by J. Ceruto.

#### COUNCIL GRANTS

Dr. EASTICK: Can the Minister of Local Government say how many letters he has sent to councils recommending that they use their Commonwealth grant funds on projects that were previously accepted as being State grant projects? Commonwealth grants to councils through the Grants Commission have always been promoted as being funds in the hands of councils that can be used especially in the first year of operation on projects or schemes of their own determination. A letter was sent to the Naracoorte council at least, and was reported in the *Advertiser* of November 14, 1974, as being evidence put before Commissioner Moye of the Commonwealth Grants Commission Inquiry Service. In fact, I have gleaned from the Naracoorte council that a letter from the Minister, dated October 22, draws attention to the fact that the council sought funds for the completion of a project that was to have been completed in three phases, the first of which was met by State Government funds. The letter states:

I understand that the corporation has received \$36 000 from the Australian Grants Commission. This, together with the carry-over of funds from the 1973-74 programme, will provide you with a substantially larger works programme than that available in 1973-74.

Although that point might not be disputed, it still comes back to the fact that the council has been told that funds made available from the Commonwealth Government are being considered by the State Government in determining the allocation of State funds for works and projects that

hitherto have been the responsibility of the State Government. It is on that basis that I ask the Minister to name councils to which similar information has been made available and to say whether other councils have been denied projects because they have received large sums of Commonwealth funds.

The Hon. G. T. VIRGO: No council has been denied State funds because it has received funds from the Australian Government as the result of the determination of the Grants Commission. Grants Commission determinations have no bearing at all on the allocation of funds by the Highways Department, such allocation being made on the basis of several factors, the most important of which is the need of the area concerned.

Mr. Gunn: That's debatable.

The SPEAKER: Order!

The Hon. G. T. VIRGO: That is the basis on which funds have been made available in South Australia. In fact, it is the basis used by the Australian Bureau of Roads in the report submitted to the Australian Government that formed the basis for the current Commonwealth legislation. Regarding the case to which the Leader refers, I can speak only from memory because it is one of many letters that go through my office. As I recall his explanation, he asserted that the Highways Department, when allocating funds, did not consider that the request from the Naracoorte council had the required degree of need compared to requests from other areas. As a result, the allocation previously contemplated to construct the road concerned over a three-year period was refused. When the corporation appealed either to the Highways Department or to me (I have forgotten to whom it appealed, but I presume that it would have appealed to me), I noted that it had been granted other moneys. If the corporation believed that the road for which it was seeking these funds was more important than other projects, it was free to use the funds it had received. It is the corporation's decision, not one the State Government is inflicting on it. Local councils are free to spend the money as they see fit but they cannot, on the one hand, claim that they urgently need money for a top-priority project whereas, on the other hand, when they have money that has not been allotted to a specific task, say that the task for which they require money from us is not of sufficient importance to have the money allocated to it. It is simply a matter of pointing this out to them, and that is all that was done in this case.

#### SCHOOL FOR RETARDED CHILDREN

Mr. MAX BROWN: Can the Minister of Education say what is the current position of negotiations being conducted on the resiting of the special school for retarded children from its location in Plum Street to a block of land at the corner of Nicholson Avenue and Searle Street, Whyalla? I do not know whether the Minister is fully aware of these negotiations, but I have been told that this matter has apparently been delayed for reasons I cannot fully ascertain. It is because I believe it important that the school expand in a community environment and among other children, and not in a back street, that I should appreciate an urgent report on these negotiations.

The Hon. HUGH HUDSON: I will examine the honourable member's question and obtain a reply as soon as possible.

#### CHRISTMAS HOLIDAYS

Mr. COUMBE: Can the Premier say whether the Government intends to recommend that Tuesday, December 31, be declared an additional public holiday over the new year period, bearing in mind that the Monday is a public holiday

and that Wednesday is New Year's Day? I make clear that I do not object to workers having this day off and thus enjoying a 3½-day break, but I object to its being forced on employers as an additional paid holiday. In suggesting that workers take this day off in lieu of one day's normal annual leave, I point out to the Premier that, in the Public Service, some Government employees take the three non-public holidays during the Christmas and New Year break in lieu of ordinary annual leave. If that is the position in the Public Service, it would therefore be reasonable to expect that other areas of industry could adopt the same procedure.

The Hon. D. A. DUNSTAN: An application has been received in respect of this matter, but no final decision has yet been taken.

#### ADDITIONAL MURRAY BRIDGE HIGH SCHOOL

Mr. WARDLE: Can the Minister of Education say whether land has been purchased in Murray Bridge for a second high school and if it has where and how much land has been purchased? Can the Minister say also whether plans have been drawn for a second high school in Murray Bridge and when it is expected that the new building, when built, might be occupied?

The Hon. HUGH HUDSON: We are negotiating for land for an additional high school in Murray Bridge. As I am not sure whether these negotiations have been completed, I cannot tell the honourable member off the cuff precisely where the land is situated, but I know that it is in an area where, in our judgment, it will serve the needs of Murray Bridge, taking into account the site of the existing high school. The opening date for the second high school at Murray Bridge will depend to some extent on the prospective rate of growth of enrolments at the existing high school, which is now close to capacity. It will also depend on the rate at which Monarto itself develops, because in the initial stages of the development of Monarto the second high school at Murray Bridge will be the high school for Monarto. Later, Monarto will have its own high schools. I will check the matter and, if I can give the honourable member additional information, I shall do so.

#### WOMEN'S PLAYING FIELDS

Mr. PAYNE: Can the Minister of Recreation and Sport say what plans and proposals are involved in the earth-filling and levelling taking place on a site adjacent to Shepherds Hill Road, Bedford Park? Over a period of time large quantities of filling have been dumped on a site adjacent to the Women's Playing Fields at the foot of Shepherds Hill. At present trucks are dumping filling and a bulldozer is spreading material and levelling the surface. These operations are causing a dust problem nearby and I have received many phone calls complaining about this nuisance. I would appreciate receiving details of the project, particularly in relation to its timing.

The Hon. G. R. BROOMHILL: The Government has been assisting the South Australian Women's Memorial Playing Fields Trust to develop a new section of its land at that site, and work is proceeding with a Government grant and with the help of the Recreation and Sport Department. The job must be completed in time for a carnival to be held on the ground early in the new year. I am sorry that difficulty is being caused by the dust and I will inquire to see for how long the work will proceed and whether relief from the dust nuisance can be found. I will let the honourable member know as soon as possible.

## STATE EMBLEM TIES

Dr. TONKIN: Can the Premier say who commissioned the design and production of specially-made ties bearing the State emblem which have been seen recently worn by a number of Government officers; how many ties have been produced; what was the total cost; who has borne that cost; and what does the Government intend doing with the ties? These ties, bearing the South Australian State emblem and thus, presumably, presenting a strong South Australian image, are, I understand, woven and made in the United Kingdom from a polyester fibre. The ties are of high quality and would probably cost about \$3. I understand the ties have come from the Premier's Department. In an atmosphere of Christmas austerity brought about by the present financial situation, as a result of which the Premier has asked Government departments to cut down on Christmas cards and parties, the suggestion that has been made that these State emblem ties may be intended for use as Christmas gifts is most disturbing, to put it mildly.

The Hon. D. A. DUNSTAN: At this stage I do not have any recollection of this matter. I think perhaps that the project emanated from the Agent-General's office, but I will get a full report. I think the honourable member will find there has not been very much of this kind of thing done. I assure the honourable member he will not receive a Christmas gift of a tie from me.

## PETRO-CHEMICAL PLANT

Mr. MILLHOUSE: My question to the Premier, on perhaps a more significant matter, is supplementary to a reply to one of the Questions on Notice today. Does the South Australian Government now have the support of the Commonwealth Government for the Redcliff petro-chemical project? If not, is this one of the matters still holding up agreement? This morning, in the Senate, Senator Murphy, on behalf of the Minister responsible, gave a reply to a question asked on November 12, by Senator Steele Hall, about the Redcliff petro-chemical project. As the Premier will appreciate, the reply was in writing, and its significant parts (it is a short reply) are as follows:

The Australian Government has not yet determined the position it will take regarding financial assistance to this project . . . The Government—that is the Commonwealth Government—

is taking into account all the environmental implications of the project, including the recommendations of the Redcliff environmental inquiry.

Last week, in answering questions, the Premier said (and he will correct me if I am wrong) that there were only two matters holding up agreement on the project. The first was the environmental clause and the other had something to do with rates to be paid to the local government authority. Nothing was said about equivocation on the part of the Commonwealth Government, yet that Government, according to the answer given in the Senate today, seems to show (unless I have completely misinterpreted the reply) that it is not committed even at this stage to the Redcliff project, certainly not to any financial assistance, and it has not made up its mind on the environmental aspects, either. It is no wonder the Premier had to tell me in answer to my Question on Notice that it is now unlikely that the indenture Bill will be introduced before February, 1975.

Mr. Venning: If ever!

The SPEAKER: Order!

Mr. MILLHOUSE: I will adopt what the honourable member says to complete my explanation—if ever.

The Hon. D. A. DUNSTAN: If the honourable member were regularly in this House he would have heard other replies on the subject of Redcliff that would point out to him that the matters that I said were holding up the indenture were not the only matters as yet to be decided in relation to Redcliff.

Mr. Millhouse: Why didn't you say that last week?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I did; obviously, the honourable member was not here.

Mr. Millhouse: I heard every answer on it.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: No.

The SPEAKER: Order! The honourable member for Mitcham has asked a question. No interjections will be permitted, and Standing Orders will prevail if the honourable member continues to interject.

The Hon. D. A. DUNSTAN: I pointed out specifically in reply to the Leader of the Opposition that in fact other conditions had to be met before finality was reached on the Redcliff project than those contained in the indenture. That is specific in my reply to him.

Mr. Millhouse: That's not specific.

The Hon. D. A. DUNSTAN: It was specific. Members opposite are well aware of that. Apparently the honourable member was not here or he did not listen.

Mr. Millhouse: I was here and I did listen.

The SPEAKER: Order! I warn the honourable member for Mitcham.

The Hon. D. A. DUNSTAN: It is necessary for two other major matters to be settled in relation to Redcliff. The first is the attitude that the Commonwealth Government is taking on the provision of finance, and the provision of assistance on liquid petroleum gas prices. Those matters are not finally determined. Secondly, there is the requirement of agreement between the consortium and the producers in the field as to the gas price; that is not as yet determined. We can pass the indenture without those things being determined. The two matters that are holding up agreement between the consortium and the South Australian Government are the two matters to which I referred last week and which have not yet been resolved. The Commonwealth Cabinet will not finally consider the submission that has been made to it by the Minerals and Energy Department until finality has been reached on the gas price, which involves the Commonwealth Government as to l.p.g. So, the reply of Senator Murphy is perfectly accurate. As to the environmental factor, the same matters affect the Commonwealth Government as affect the State Government: we have required of the consortium that it comply with the recommendations of the Commonwealth commissioners and that that be incorporated in the indenture. We see no difficulty at all in the consortium's meeting that situation, and so the position of the State Government has been made perfectly clear. Those are the outstanding matters. As usual, the honourable member is at pains to show some inconsistency, but there is none.

## FURTHER EDUCATION

Mr. GOLDSWORTHY: Can the Minister of Education say whether, in the coming year, it is intended to reduce the funds available to further education centres in country areas? It has been drawn to my attention that there is to be a cut-back of about 15 per cent in the funds for these country centres, and this is causing much perturbation among certain of these centres.

The Hon. HUGH HUDSON: No specific decision has been made on this matter other than an overall Budget provision that would enable some expansion to take place.

The department runs a budget system for each of its further education centres. What has been or has not been done in relation to any one of those centres I could not say off the cuff. However, I will certainly check the matter in that respect and bring down a reply for the honourable member as soon as possible. It has been agreed between the department and the Treasury that, where an additional course can be mounted so that the fees that will be collected will equal the cost of mounting that course, even though there is no specific financial provision to meet the cost of mounting it the course can be mounted and the cost covered by the running of the course. The normal situation that has plagued some of our efforts in this area has been that the cost of mounting a course has all been charged to the Further Education Department budget with the revenue recovered going directly to the Treasury; the one is not matched against the other. All sorts of opportunity each year go begging where additional courses could be mounted because they are popular enough for the fees returned to more than cover the cost of mounting them. Arrangements will be made with each further education centre so that, whatever its Budget allocation, on top of that it will be able to mount additional courses so long as it can certify that the revenue to be obtained from that course at least equals the cost involved in that course. We expect that that change and our ability to obtain excess warrants to meet that change will lead to a significant expansion in the overall provision of adult education courses.

#### FLAT RENTALS

Mr. BECKER: Is the Premier aware of the rapid escalation in housing rentals in this State? During the past few weeks, I have had several complaints from constituents who are worried about the continual increase in their rent. This morning I was visited by several housewives who informed me that, for the third time this year, their flat rental had been increased. One woman who occupies a three-bedroom flat has had the rental increased from \$25 to \$32 a week. The rental for a two-bedroom flat for another has increased from \$20 a week to \$29 a week. Two of the women concerned are on fixed incomes, one being in receipt of a widow's pension. Regarding the other two women who visited me, the husbands of both lost their employment last week, one because of the tariff cuts and the other, who was working for the same firm, simply because he was sacked. Therefore, the latter person has little opportunity to receive assistance under the tariff incentive scheme. When I approached the various landlords about the reason for the increase in rents, they told me that they had had to increase the rentals because of the enormous increases in water and sewerage rates, land tax, and council rates. In view of the high demand for rental accommodation, the stress now being caused to pensioners and other persons on fixed incomes, and the effects that unemployment will have on tenants, will the Premier have the matter investigated?

The Hon. D. A. DUNSTAN: I have been keeping a watch on rental increases. At this stage I cannot suggest to the honourable member that there is any short-term answer to this difficulty, but we are continuing investigations in relation to rental increases.

#### COMMONWEALTH ASSISTANCE

Mr. McANANEY: Will the Treasurer say whether he expects to receive any additional assistance from the Commonwealth Government, or whether he is optimistic enough or unrealistic enough to ask for further funds from that Government, now that, as a result of the latest economic

measures, particularly as most of the inflationary pressure in Australia has been created by deficit budgeting for 1973-74, the Commonwealth Treasurer has announced that the estimated Commonwealth Government deficit is \$1 850 000 000?

The Hon. D. A. DUNSTAN: This morning I repeated my request to the Commonwealth Treasurer for additional funds.

#### HOUSE CONSTRUCTION

Mr. DEAN BROWN: Will the Minister of Development and Mines, as Minister in charge of housing, say whether the Government immediately will take action (and, if so, what kind of action) to increase the number of private houses currently being built in South Australia or to be built soon? As the Minister may know, there is a critical housing slump in South Australia at present. This is clearly shown by figures supplied by the Bureau of Statistics regarding approvals in the first three months, July to September, of the financial year 1974-75, compared to approvals for the first three months of 1973-74. The figure for 1973-74 was 4 596, whereas the figure for this year is 2 913. The figures suggest that this down-turn is likely to become even worse. Builders have given reasons for the present slump. They are, first, a shortage of finance (and I admit that the Australian Government largely has created this difficulty, with its general liquidity problems); secondly, an increase in building costs (and this is where the State Government can take action that will have some effect, especially by reviewing the workmen's compensation legislation); thirdly, the high increase in interest rates on finance for housing; and, fourthly, the shortage of building materials, which is difficult to overcome, because that is a problem of the builders. Doubtless the State Government can take action, particularly in certain areas of legislation, to ensure that housing approvals in this State will increase and that the present housing slump does not continue for much longer. Because of these matters, coupled with the present shortage of houses built by the Housing Trust, urgent action is required by the State Government as well as by the Australian Government.

The Hon. D. J. HOPGOOD: In explaining his question, the honourable member has admitted that the basic reason for the low production in the private sector at present is outside the control of the State Government. The reason to which I refer here is the shortage of finance to build houses. The matter is as simple as that.

Mr. Mathwin: No, it's not.

The SPEAKER: Order! The honourable Minister.

The Hon. D. J. HOPGOOD: The extent to which the private sector can produce depends entirely on the number of customers coming forward, and that in turn depends on the availability of finance, which is completely outside the control of this Government, as the honourable member has admitted in explaining his question. As the House is well aware, in the past few months the Australian Government has taken various actions to ease the credit situation, and this money is working its way into the economy now. I expect that to have its effects as time goes by. However, that is something about which we, as a State Government, can do little. The honourable member would be aware that recently we increased the amount that the State Bank could lend on first mortgage, and this should have assisted the position a little.

*Members interjecting:*

Mr. Venning: Did you say "a little"?

The SPEAKER: Order! Standing Orders apply to the honourable member for Rocky River as well as to every

other honourable member in this House, and they will be implemented as from now. The honourable Minister.

The Hon. D. J. HOPGOOD: I think all members opposite have the hives this afternoon. The House also will be aware that the State Government put proposals before the Australian Government in October for additional finance through both the State Bank and the Housing Trust. We did not get all the money for which we had asked, nor did any other State get all the money for which it had asked. However, we did rather better for the trust on a per capita basis than did most of the other States. We have made further submissions to the Australian Government for additional finance before the end of this financial year. We do not consider it realistic to wait until the beginning of the fourth quarter of this year to prime the pump regarding the trust's operations and availability of housing finance through the State Bank. We will want a better indication of what commitments can be taken up right now, rather than leave the matter for the final three months of this financial year. We are proceeding that way to try to get an increased commitment from the Australian Government. There is no real impact on housing production at present from the shortage of commodities. That difficulty has largely evaporated and, in fact, there is a surplus of some of the basic materials that go into housing. I do not consider that the other matters that the honourable member has raised would have any significant influence regarding building in the private sector.

#### DOCUMENT PRINTING

Mr. ARNOLD: Will the Premier say whether the Government will attach to all important documents that require acknowledgement or immediate attention a notice printed in the three most commonly-used foreign languages, indicating that, if the recipient does not understand the document, he or she should seek clarification from a responsible member of the community? In a district such as the one I represent there is a large migrant population. Many of my constituents, because they are migrants, are charged for failing to acknowledge a particular document or meeting the requirements of a court order. This is often because migrants do not understand the terminology of the documents. If such an overriding notice were placed on all important documents coming from Government departments, especially on court summonses, many migrants would be assisted and so avoid convictions.

The Hon. D. A. DUNSTAN: I will examine the matter for the honourable member and bring down a report.

#### APPRENTICES

Mr. MATHWIN: Can the Acting Minister of Works say whether the Government will try to improve its shocking and disgraceful record in relation to the training of apprentices, especially those employed in the building industry by the Public Buildings Department? In a recent Question on Notice I asked about how many tradesmen and apprentices were employed by the Public Buildings Department and in which year of an apprenticeship the apprentices were employed, I was told that 269 painters are employed by the department; there are 11 apprentices, four of whom are serving their first year, three their second year, one his third year, and three their fourth year. The department employs 17 bricklayers and tuckpointers; there is one apprentice in his first year and one in his third year. The department employs 27 plasterers and terrazzo workers, but no apprentices. Carpenters have a better record, because the department employs 459, as well as 10 apprentices in one of the

four years of apprenticeship. The department employs one apprentice sheetmetal worker for each of the four years. Because the Government slates private enterprise for not employing enough apprentices, I ask the Minister when it is intended that the Government will put its own house in order as regards its record of apprenticeship in the Public Buildings Department.

The Hon. HUGH HUDSON: I will discuss the matter with the Director of the Public Buildings Department.

#### WILLUNGA SPORTS COMPLEX

Mr. CHAPMAN: Can the Minister of Environment and Conservation say when Commonwealth grants are likely to be made for the purpose of establishing an indoor sports and recreation complex in the Willunga district? I understand that the Minister corresponded with the Willunga Recreation Committee after an application for this purpose was lodged by the committee about a year ago. The committee appreciates the correspondence it has received and the close attention the Minister has given the matter. On January 17 last, the Minister invited the committee to send a deputation to see him with detailed plans and requirements of the complex which could be submitted to the Australian Grants Commission. On February 12, this arrangement was upheld and, apart from the other correspondence to which I have referred, the Minister wrote to the committee early in October of this year, stating that he expected by the end of that month to hear about the funds that would be allocated to the State. As it is now almost the end of November, and especially as Parliament is about to rise, I have been asked by the committee to ascertain what are the latest developments.

The Hon. G. R. BROOMHILL: The bulk of allocations for recreational development have now been made by the Commonwealth and were announced a week or two ago. Not all applications have been completed but, because of the size of the Willunga project, I suspect it may mean that it can still be accepted during the current year. However, I will check the situation, including the Commonwealth Government's reaction to the application, and let the honourable member know as much as I can and as quickly as I can.

#### REDWOOD PARK SEWERAGE

Mrs. BYRNE: Will the Acting Minister of Works obtain a report on the streets included in the area currently being sewered at Redwood Park and ascertain whether the Engineering and Water Supply Department has encountered any problems in sewerage that area? In replying by letter, dated August 26 last, to a question I asked during the Loan Estimates debate, the Minister of Works indicated that provision had been made during 1974-75 for sewerage works in Sunhaven Road and adjacent streets at Redwood Park.

The Hon. HUGH HUDSON: I will obtain a report for the honourable member.

#### MONARTO

Mr. GUNN: Can the Minister of Development and Mines, in his capacity as Minister in charge of housing, say what part the South Australian Housing Trust will play in building houses at the proposed new city of Monarto and whether the trust has decided to abandon any interest in this project and concentrate its efforts on Port Pirie?

The Hon. D. J. HOPGOOD: It might have assisted me considerably if the honourable member had sought leave of the House briefly to explain his question, because it seems to be based on some sort of rumour of which I am certainly not aware. It has always been the Government's

intention that the trust will play some part in the development of Monarto, and this intention remains; however, the extent to which the trust will be involved has not yet been clarified. What the honourable member is really suggesting, I do not have the faintest idea.

#### LAND AND BUSINESS AGENTS ACT

Mr. EVANS: Is the Premier aware that long delays are occurring in land and house sales because some Government departments are slow in providing information about their works projects and future plans for certain areas? Under the Land and Business Agents Act, a land agent is obliged to obtain all the details he can from councils and Government departments as to what projects are likely to take place in areas adjacent or close to a property. An agent wrote to the Highways Department about six weeks ago seeking information about the department's plans to widen Gloucester Avenue, Belair, the matter involving this road having caused some concern in the community. The department has avoided committing itself, even though, under the Act, an agent is required to seek the information. The agent concerned believes that, for the benefit of his client, he should be able to obtain the information. The Highways Department, however, has been unable to furnish the information at this stage, and it is causing much delay for the person wishing to sell the property in question, the person wishing to buy it, and the agent.

The Hon. D. A. DUNSTAN: I will refer the matter to my two colleagues concerned to see whether they can expedite the matter.

#### MUNDOORA RESERVE

Mr. VENNING: Can the Minister of Environment and Conservation say what progress has been made in supplying water to animals in the wildlife reserve known as Mundoora Reserve, probably better known as Block F? Some time ago the Minister was requested to have his department supply water to animals in the reserve, but, possibly because of the Minister's concern about the National Parks and Wildlife Act Amendment Bill, which appears on the Notice Paper he will be reluctant to answer my question.

The Hon. G. R. BROOMHILL: I am always pleased to answer the honourable member's questions. However, in this case, I will need to refer the matter to the National Parks and Wild Life Service, which is aware of the needs of the animal life on the various reserves. I will find out in detail what is occurring in the reserve to which the honourable member has referred and let him know.

#### MURRAY RIVER FLOODING

Dr. EASTICK: Can the Acting Minister of Works say whether the Government has determined whether any additional financial assistance will be required to undertake works along the Murray River either to prevent the immediate possibility of flooding or, subsequently, to arrange for assistance in opening up or reopening roads that have been flooded? From time to time, we have learnt of the indeterminate period that the flooding will remain in South Australia, depending on weather conditions in other States, and we know that Government funds have been provided for certain works to protect Government property. However, local councils have the problem of maintaining certain banks and then reinstating roads after the floodwaters have receded. Will the Minister say what forward planning the Government may have regarding this somewhat complex matter?

The Hon. HUGH HUDSON: In certain matters, I think it is obvious that it will not be possible to make

any kind of determination until the waters have receded so that we are able to see what reinstatement work is necessary. However, I will discuss this matter with my officers and bring down a reply as soon as possible. I point out that assistance has been provided directly to local government in connection with flood prevention work. It is not true, as the Leader may have implied, that the Government has spent money on protecting only Government property.

Dr. Eastick: I was concerned about local government.

The Hon. HUGH HUDSON: Perhaps it was the Leader's method of expression that confused the issue. I will raise this matter generally with my officers to ascertain what information we can give the Leader and the public generally about these matters. I point out that, on current estimates, it is likely to be the end of January before the river returns to full level, because the rains of a couple of weeks ago that caused flooding in the Albury area will ensure that the river remains high for a considerable time yet. I will also obtain information on forward planning and see what else can be made available to the Leader.

#### RURAL ASSISTANCE

Mr. RODDA: Can the Premier say whether, in view of the difficult situation that some farmers and business men now face as a result of a down-turn in their incomes (this is no fault of their own: people with well-planned business undertakings who are finding themselves unable to meet their financial obligations could lose their undertakings), the Government will consider moratorium protection for these people? I know of extreme hardship cases in my own district and in other districts, involving people who are unable to obtain the necessary liquidity to carry on and, indeed, to meet loan payments as they fall due. This position has been aggravated seriously by the down-turn in farm income and the resultant flow-on to the business man. I believe that many of these people may have to sell up and will be lost to the industry and, what is most deplorable, young people are involved. As the average man on the land is between 53 years and 56 years of age, it would be wrong in the long term to see these young people leave the land. I ask the Premier whether some thought could be given to enabling these people to live through to better days.

The Hon. D. A. DUNSTAN: I presume the honourable member suggests that there should be some moratorium on land tax, or something of that kind.

Mr. Gunn: Quite right!

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: Regarding hardship cases, I have already pointed out to the United Farmers and Graziers of South Australia Incorporated that applications for deferment of land tax will be considered. Although I am unable to remit land tax, in hardship cases payment may be deferred or can be made over a period. If the honourable member has other cases in the farming community arising from some outside difficulty, he is no doubt aware of the existing statutory provisions for assistance to that community, under which provisions and applications may be made. I point out that, inevitably, there are businesses in the community which are subject to wide fluctuations in market conditions, and that must be taken into account in the original financing of the business. There are businesses in the community, other than in the rural community, in which there are marked fluctuations in market conditions which are not caused by anyone in the industry. The same provisions exist for them as for others in the community; that is, if it is a business of the nature

in which there is such a fluctuation, provision must be made. I point out to the honourable member that outside the rural community markedly less assistance is available than that given to the rural community.

#### BELAIR RECREATION PARK

Mr. EVANS: Can the Minister of Environment and Conservation say when it is expected to complete the upgrading of the Belair Recreation Park golf course, and what part of the \$90 000 allocation has already been spent? About two years ago it was announced that the Government intended to upgrade the golf course at this park. Immediately after that announcement, all trees and natural bush growth were removed, or at least felled.

The Hon. G. R. Broomhill: All of it!

Mr. EVANS: I am referring to the fairways of the golf course. Subsequently, little action has been taken and the area is now denuded, and on another area of about one hectare, surplus soil from the operations of the Engineering and Water Supply Department has been deposited by the contractors. As the area is an eyesore and as it was intended to continue with this project so hurriedly at the beginning, when will it be completed and how much of the allocation has already been spent?

The Hon. G. R. BROOMHILL: Listening to the honourable member, one wonders whether he has been over the site. He is quite inaccurate when he says that, in association with the golf course, all trees have been removed. If the honourable member had taken notice of what had happened at the time he would be aware that a small stand of trees—

Mr. Evans: Small!

The Hon. G. R. BROOMHILL: —was removed as part of a certain fairway, but not all the trees were removed: part of an existing stand was removed in order to extend the fairway. Two things have happened since: first, to keep costs of development down (and this is a substantial cost) it was decided that the Engineering and Water Supply Department would provide filling, because the cost of providing filling is a significant part of a development such as this. Unfortunately, filling was not provided by the department as rapidly as was earlier contemplated, and this delay caused some difficulty in the early stages. However, the real problem with the project has been the exceedingly wet weather that has prevented the use of equipment in the area. During the past day or so I have discussed the matter with the officer of the National Parks and Wildlife Service responsible for the project, and he has undertaken to give me a detailed report on the present position and the work that is to be undertaken immediately, now that the area is suitable for the use of heavy equipment. There has been a much longer delay than we would have liked in the development this year, but only for the reasons to which I have referred.

#### BEACH PROTECTION

Mr. MATHWIN: Can the Minister of Environment and Conservation say when the beach protection report, which is being compiled by the consultative committee of the Coast Protection Board, will be completed, and whether a copy of it will be made available to members? As the Minister would be aware, a programme of priorities involving foreshore protection work is being compiled and is to be distributed to seaside councils. Because of its importance to my district, and the importance of the Premier's reply to me in which he said that all trees could be planted and would grow on the esplanade, can the Minister say when this report will be available?

The Hon. G. R. BROOMHILL: I will inquire about the likely time table of producing the report, and ascertain what can be done to provide the honourable member with a copy.

*At 3.15 p.m., the bells having been rung:*

The SPEAKER: Call on the business of the day.

#### STATUTES AMENDMENT (PUBLIC SALARIES) BILL

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

#### FILM CLASSIFICATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

#### HOUSING AGREEMENT BILL

Returned from the Legislative Council without amendment.

#### PARLIAMENTARY SALARIES AND ALLOWANCES ACT AMENDMENT BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendment to which it had disagreed.

The House of Assembly agreed to a conference, to be held in the Legislative Council conference room at 9.30 a.m. on Wednesday, November 27, at which it would be represented by Messrs. Burdon, Dunstan, Eastick, McAnaney, and Olson.

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

That Standing Orders be so far suspended as to enable the conference on the Bill to be held during the adjournment of the House and that the managers report the result thereof forthwith at the next sitting of the House.

Motion carried.

#### LICENSING ACT AMENDMENT BILL (HOURS)

The Legislative Council intimated that it insisted on its amendments Nos. 2 and 3 to which the House of Assembly had disagreed.

Consideration in Committee.

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

That the House of Assembly do not insist on its disagreement to the Legislative Council's amendments Nos. 2 and 3. I have explained my objections to these amendments, and it is a great pity that the Council has insisted on them, as they are contrary to sound principles. However, the Government has decided to accept them, only because it is considered that their importance does not justify a conference. It is difficult to see how any compromise could be reached, and no-one would be willing to lose the important reforms made by the Bill simply because of these amendments. The Government considers that these amendments are not to be treated as a future precedent, and would not contemplate including such provisions in any further amendment to this legislation.

Dr. EASTICK (Leader of the Opposition): I am pleased that the Attorney has accepted these amendments. Previously, he was seeking to deny justice to those who were already appearing before or had lodged an application with the court. Opposition members have consistently stated that they would not accept retrospectivity: indeed, the Attorney was trying another form of that retrospectivity. It is neither British nor South Australian justice to place persons, whose applications are already before the court, in the situation of being denied the final judgment of the

court on matters that were proceeding before it. I accept that no compromise was possible, and that the only action was the one the Attorney has now taken.

Motion carried.

#### PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

#### BUSINESS FRANCHISE (TOBACCO) BILL

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

Standing Orders having been suspended, the Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to provide for the licensing of persons who carry on the business of selling tobacco and for other purposes. Read a first time.

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

*That this Bill be now read a second time.*

I thank the Opposition for the assistance given to us to enable this matter to be brought in urgently. I have brought it before the House at the earliest possible moment after the completion of the drafting, and it is necessary for us to complete the debate on the measure this week. This Bill establishes a system of licensing for wholesalers and retailers of tobacco and is the second taxing measure I referred to in introducing the Business Franchise (Petroleum) Bill, 1974.

I reiterate in relation to this measure the statements I made in introducing that Bill, namely, that the Government has no alternative but to proceed with both measures in view of the Budget situation and the absence of adequate financial assistance from the Australian Government. This measure, if enacted, should contribute towards relieving that situation by providing an estimated \$2 000 000 this financial year and \$4 000 000 in a full financial year. The Bill is in most respects similar in form to the Business Franchise (Petroleum) Bill, 1974. It is based on the same licensing system which has been upheld constitutionally, but is less complex largely because the tobacco sales structure is less complex than the sales structure of petroleum products.

The Bill departs from the petroleum measure, however, by providing that the percentage component of the licence fee is payable by the wholesalers of tobacco, not the retailers, the latter being required to pay the percentage component only in respect of tobacco that was not purchased from a wholesaler licensed under the measure. This departure should result in greater administrative convenience for both the Government and licensees and was made possible by constitutional considerations arising from the fact that tobacco, unlike petroleum products, is not manufactured in the State. The remainder of the explanation is a formal explanation of the clauses of the Bill. The explanation will be available to members, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

#### EXPLANATION OF CLAUSES

Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of the Bill. While most of these definitions are reasonably self-explanatory, I would draw members' special attention to the definition of "value", which will be touched on in relation to clause 13. Honourable members will also note that

by subclause (9) of this clause the Crown is bound, since some Government instrumentalities are themselves retailers of tobacco. Clause 5 provides that the measure shall be in addition to any other legislation in this area. Clause 6 provides that this measure, as in the case of the petroleum measure, shall be administered by the Commissioner of Stamps.

Clause 7 provides for the appointment of inspectors and clause 8 confers on such inspectors the same powers in relation to tobacco as are conferred on inspectors under the petroleum measure in relation to petroleum products. Clause 9 requires persons engaged in tobacco wholesaling to be licensed on and from April 1, 1975, and persons engaged in tobacco retailing to be licensed on and from October 1, 1975. Clause 10 prohibits the sale of tobacco by non-licensees after October 1, 1975, and the sale of tobacco by licensees from premises other than those specified in their licences.

Clause 11 sets out the fees payable for licences. In the case of wholesale tobacco merchants' licences, the fee is to be \$100 and 10 per cent of sales made in the relevant period, that is, the previous financial year. Because the first licensing period for tobacco wholesalers is to be six months only, their licence fees for that period will be halved as a result of the operation of subclause (6) of this clause which reduces the fees payable for licences which will be in force for less than the full licence year. In the case of retail tobacconists' licences, the fee is to be \$10 and in respect of the first licence year 40 per cent of certain sales made in the April quarter of 1975 (this represents approximately 10 per cent of those sales over a full year) and in respect of subsequent licence years 10 per cent of certain sales made in the relevant period, that is, the previous financial year.

It must be emphasised however, that generally, retailers of tobacco will not be impacted by the percentage component of the licence fee, since that percentage is applicable only to sales of tobacco that was purchased from other than a licensed wholesaler. Almost invariably tobacco sold by retail in this State will be originally purchased from a licensed wholesaler. Under clause 12 the Commissioner may require tobacco wholesalers and retailers to furnish particulars relating to their sales, purchases or stocks of, or dealings with, tobacco. Clause 13 enables the Minister to attribute a value to sales of tobacco for the purpose of assessing the percentage component of the annual licence fee. It is the intention of the Government to ensure, by the use of this provision, that at no time will any increase derived from the licence fee in the wholesale price of tobacco be reflected in assessing future licence fees.

Clause 14 provides for the payment of fees in quarterly instalments. Clauses 15 and 16 make provision for the grant and renewal of licences by the Commissioner, such licences expiring annually on September 30. Clause 17 provides that a licence ceases to be in force if it is surrendered by the licensee or if an instalment of the fee, or an additional amount payable as a result of reassessment of the fee by the Commissioner, is unpaid. Clause 18 makes provision for reassessment of a licence fee by the Commissioner where he considers it was incorrectly assessed in the first instance. Clause 19 provides for the transfer of licences.

Clause 20 requires persons selling tobacco to keep certain records for a period of five years and at subclause (2) provides appropriate exceptions to this requirement. Clauses 21, 22 and 23 provide for appeals against refusals of licences or transfers of licences and for objections to, and appeals against, assessments and reassessments

of licence fees. The appeals may be made to the tribunal established under the Business Franchise (Petroleum) Bill, 1974. Clause 24 is the usual provision prohibiting improper disclosure of information obtained in connection with the administration or execution of this measure. Clause 25 provides that it is an offence to provide false or misleading information to the Commissioner.

Clause 26 provides protection from personal liability for officers acting in pursuance of this measure. Clause 27 is an evidentiary provision. Clause 28 provides that offences against this measure shall be dealt with by courts of summary jurisdiction. Clause 29 provides that officers of bodies corporate convicted of offences against this measure may be personally liable in certain circumstances. Clause 30 provides for service of documents and notices by post. Clause 31 provides for the making of regulations necessary or expedient for the purposes of the measure.

Dr. EASTICK secured the adjournment of the debate.

*Later:*

Dr. EASTICK (Leader of the Opposition): I oppose the Bill, which is another result of the Socialist doctrinaire policy that seeks to make peasants of more and more of the population because, as of old, they are being robbed of their income in the name of State taxes and are becoming like serfs bonded to the Labor Party hierarchy and its 1984 dictators. This is a similar measure to that introduced in Victoria, and flows from an earlier decision to introduce similar legislation in Tasmania. Victoria had to take this action because of the failure of the Commonwealth Government to provide funds to the States, and that matter has been canvassed recently. This afternoon the Treasurer has admitted that, after two approaches to the Commonwealth Government, there has been no response and that he has approached the Government for the third time. Perhaps he may consider that, with new management of the Commonwealth Treasury, he may receive a better response, but one wonders whether he has applied to Dr. Cairns, who until this morning was believed to be the new Treasurer, or whether he has applied to the Prime Minister who now seems to have taken over control of economic matters in Canberra.

I wonder whether the lack of aircraft services last Friday prevented the Treasurer from making a "Dear Gough" approach in Queensland. This State (as are other States) is being brought to its knees and starved of funds by the Commonwealth Government, and deliberately so. When we debated the Budget, I indicated that the signs were right for a complete demolition of the State system within 18 months, and I suggested that the way in which the Commonwealth Government was progressing would make us totally dependent on its financial bosses. Nothing that has happened since then has improved the situation: in fact, the failure of the Commonwealth Government to provide funds has caused the situation to deteriorate. This legislation brings a major new debit item to the living standards of about one-third of the adult population of Australia. It also heralds a significant change in the nature of the Australian political economy. State tobacco taxes point the way to what one can describe as awesome changes in taxation in Australia, and to the balance of power between the Commonwealth Government and State Governments. The same could be said about the petrol tax, which has recently been discussed in this House. Also, the same could be said about other consumer taxes that might be imposed by the State Government.

If tobacco taxes were applied without challenge, they would represent an important break-through of the States

into new revenue areas. When the Tasmanian Government first introduced this sort of legislation, it tried to increase State taxes on tobacco in order to augment the State's deficit. As a result of the High Court decision, the method of approach was accepted but the means of administration as suggested by the Tasmanian Government was questioned. Following the court's decision and the failure of the Commonwealth Government to provide funds, we now find that New South Wales has imposed such a tax on petrol, Victoria on tobacco, and South Australia on both petrol and tobacco.

This is a discriminatory tax that affects about one-third of the adult population of Australia. It is a similar measure to that introduced in Victoria, and many parts of it are exactly the same as the Victorian legislation. However, the Victorian provision allows for the tax to be 1½ per cent for the first 12 months. Why has the Treasurer not adopted the same attitude as has been adopted by the Victorian Government? He condemned that Government for having taken the action it took, and now suggests that Victoria and its Liberal Government are a good example for us to follow, as well as suggesting the same thing about the New South Wales Askin Government regarding petrol. We have a tax of about 10 per cent, whereas in Victoria it is 1½ per cent for the first 12 months. Is Victoria a better manager (and under a Liberal Government this would be so), or has that Government reached a better understanding with the Commonwealth Government about additional funds being made available? Victoria introduced the 1½ per cent rate because small wholesalers could not handle a rate of 5 per cent or 10 per cent; they did not have credit facilities to allow for the consumption required.

This legislation will allow the South Australian tobacco industry to levy the tax as from January 1 (if the measure is passed), but it will not be called on to make the first payment until March. That allows time for funds to be obtained to meet commitments, but we still find that the Victorian Government has been more reasonable to the industry than has the South Australian Government. Representatives of wholesalers are concerned at the discrimination existing between the two States. Because of section 92 of the Constitution and because many people travel between Victoria and South Australia, there will be a degree of trade by persons who purchase in the other State at a lesser price increase, and bring the tobacco back here for themselves and their friends. By this means a further burden will be placed on owners of small delicatessens and other small businesses in South Australia. To indicate the magnitude of the problem, I instance the case of a wholesaler with a yearly turnover of \$1 000 000 who will have to find an extra \$100 000 as a result of this measure. To finance this sort of impost on a quarterly basis, he will have to make interest payments of between \$10 000 and \$14 000 a year, so his costs will escalate. In order to maintain his business, he will have to find funds to pay not only the franchise commitment but also the interest charges.

Naturally, the overall cost to the consumer will inevitably be increased as costs are passed on. What will happen to a business proprietor whose sales decrease as a result of the increase in the price of tobacco and cigarettes? In this connection, we must bear in mind that, for the purposes of this legislation, his charges will be based on his returns for the previous year. Obviously the legislation has not been thought out carefully. I do not want to speak any longer. I have already said that the provisions of this Bill are against the best interests of the people. The Government has introduced this measure in an attempt to prop up an ailing Commonwealth Government that cannot

and will not meet its commitments. This imposition should never be placed on the people of South Australia, on whose behalf I protest.

Mr. COUNBE (Torrens): Some members may be surprised to learn that I wholeheartedly oppose the Bill. The Bill, as a form of State consumer legislation, is similar to the Business Franchise (Petroleum) Bill that we dealt with this afternoon. Those of us who have travelled to the United States of America have been appalled to see the forms of consumer legislation in various States of that country. I had hoped that legislation of this type would never be introduced in South Australia, yet today two Bills in this form have been debated. As a result, bureaucracy will become rampant in this State. Control will be imposed by the Government on various aspects of the tobacco industry. Although he did not do so in so much detail, the Treasurer gave similar reasons in explaining this Bill to those he gave in explaining the Business Franchise (Petroleum) Bill. Everything that the Opposition said in opposing that Bill applies equally to this Bill. Whether people are smokers or non-smokers, this Bill places an impost on all people in the State.

It is carefully drawn so that excise is avoided, as that is the province of the Commonwealth under the Constitution. What is happening is that, as a result of the deliberate policy of the Commonwealth Governments and its fiscal approach, the States are virtually being bled dry. Even today the Treasurer has said that he has written to whoever is in charge of finances in Canberra, whether it is the Treasurer designate, the existing Treasurer, or the Prime Minister. We are not sure who is the ultimate authority, although it looks to me as though someone will lose much authority in this area. I am sure the Treasurer of this State will agree with me when I say that, had the Commonwealth Government kept the promises that he alleges were made to him regarding the finances to be made available, this Bill would not have had to be introduced. Some of the statements made by the Treasurer indicate that this is his view.

Mr. Venning: Do you think we should change the Treasurer in this State?

Mr. COUNBE: As the Treasurer in another area is being changed by devious means, perhaps we should change our Treasurer more directly. Whether this Party or his own Party should bring this about is a matter of conjecture, but together they could have the same effect. There is a difference between the date from which this legislation will operate and the date from which the Business Franchise (Petroleum) Bill will operate. This Bill will operate from January 1. Under this Bill, the wholesaler rather than the retailer is affected, whereas in the petroleum Bill the retailer is affected. Although there are nine categories of licence under the petroleum Bill, the last outlet would be affected. As this impost relates to trading for the previous 12 months, the wholesaler will have to do homework on his sales for that earlier period. The wholesaler's licence system will begin in April, 1975, and the licence system for retailers will begin in October, 1975. I presume that this is being done to allow the retailer to become organised. Whilst I applaud that, I think the matter needs more explanation.

The impost on the average man will commence on January 1. The wholesaler's fee is \$100, plus 10 per cent on sales for the present year. However, there is provision for a wholesaler who ceases business. The retailer must pay a fee of \$10, and this will affect every shop in South Australia that sells cigarettes or tobacco products. It will cover shops like John Martins and Myers, as well as every road-

house, restaurant and other small shop in the State. It will also cover the proprietors of vending machines, and the Crown will be included here, because the Crown has places where cigarettes and tobacco are sold. A fee of \$10 must be paid by every corner shop, and paper work will be involved here.

Mr. Keneally: The Overland Tavern at the Adelaide railway station may be affected.

Mr. COUNBE: Yes, and canteens in the Highways Department and in other places also will be affected. The Parliamentary refreshment rooms also will be affected. The 10 per cent increase imposed in this Bill is the equivalent of about 5c on a packet of 20 cigarettes and the averaging system has been introduced in the measure in the same way as has been done in regard to the fuel tax. Whilst some cigarettes cost more than others, the banding system has been introduced. This is good, because otherwise a big administrative problem would be involved. However, the man in the street or on the land is again hit by this Socialist Government that is supposed to be the friend of the small man. The Government says, "Vote Labor and we will look after you. Support the small man."

The impost will bring in \$2 000 000 in the first six months of operation and, on the basis of present population and sales, \$4 000 000 in a full year. This Bill has in it a similar clause to the rather infamous clause about inspectors, and the member for Eyre was extremely vocal about that earlier today. I assume that the Treasurer will say that we should have this inspectorial clause in the Bill because it is a big revenue-raising measure. We also have reference to a tribunal. In the Business Franchise (Petroleum) Bill, there was provision for the appointment of the Business Franchise Appeal Tribunal. The tribunal will be competent to hear matters under both the Business Franchise (Petroleum) Bill and this Bill. What worries me is that additional consumer taxes could be levied in South Australia in future.

Mr. Venning: They'll never end.

Mr. COUNBE: The tribunal, when established, can hear any other matters referred to it under similar legislation. Unfortunately, similar tax measures to those we have considered today may be introduced in South Australia. I am not happy about certain matters raised by the Treasurer in his second reading explanation. The Bill is retrospective, as was the Business Franchise (Petroleum) Bill, and the 10 per cent tax on sales by the wholesaler relates to the previous financial year. I am not sure what the position will be on sales, either in the coming financial year or from the date of operation of the Bill, if they drop. Large wholesalers work through distributors who, I believe, as agents, are exempted from the provisions of the Bill. I hope my interpretation is correct and that the tax will be paid only by the original wholesaler.

Having studied the Bill, I am drawn back to the underlying principle that the measure is once again a slug on South Australians. As with the petroleum Bill, it involves broken promises by the Commonwealth Government, promises that have led South Australia into the parlous state of having to introduce this measure. This tax is being imposed on South Australians because the Commonwealth Government did not give the States, including South Australia, reimbursement funds to carry out normal financial functions. If the Commonwealth had provided funds by way of reimbursement of section 96 grants, South Australians would not be faced with a 10 per cent increase in the price of tobacco (the equivalent of 5c for a packet of 20 cigarettes). Unfortunately, this measure expands the indirect taxation system and adds

considerably to the working man's difficulty in making ends meet. I am referring not simply to this measure when talking about indirect taxation but to the many measures taxing the working man today.

Mr. Crimes: It depends on what you're working for.

Mr. CUMBE: I am working for the advancement of the people of this State. Perhaps the member for Spence is heralding another statement. He is working for only one section of the people.

Mr. Crimes: So are you.

Mr. CUMBE: I represent all sections, but especially people in the Torrens District.

The SPEAKER: Order! The honourable member must get back to the Bill.

Mr. CUMBE: I am a working man and there are thousands of working men in my district and throughout South Australia; they are the people for whom I am speaking this evening. They are the people whom the so-called Labor Government is going to hit with a 5c impost on tobacco. That is the philosophy of the Socialist Government opposite. If the Commonwealth had reimbursed the State this tax would not be necessary.

Mr. Keneally: How does opposing the Bill change what you say the Commonwealth Government should do?

Mr. CUMBE: The Commonwealth Government would have done better for South Australia (and, by his statement, I have the concurrence of the Treasurer on the matter) if it had made direct grants, because the measure would not then have been necessary. I oppose the tax because it is wrong in principle. The Commonwealth should reimburse South Australia with the moneys South Australian taxpayers have contributed to the Commonwealth so that the South Australian Government would not have to introduce a 10 per cent tax on tobacco, compared to 1½ per cent in Victoria. This is a bad financial measure and I oppose it as strongly as I opposed the Business Franchise (Petroleum) Bill. The only possible mitigating factor is that the measure might reduce the consumption of tobacco, but my knowledge of human nature is such as to suggest that, no matter what price people pay for tobacco, they will still smoke.

The member for Glenelg is one who has often tried to promote advertising measures aimed at reducing smoking, and I commend him for his efforts. This Bill, which I point out to you, Mr. Speaker, is a purely financial measure, will impose a further tax on the people of the State from January 1. So, it will not be long before the resentment that is gradually building up against the Commonwealth Government and the State Government will boil over. It has already begun to boil, and it will boil over in various ways. The member for Peake may smile, but I warn his Government that people are beginning to resent these measures, and I give the member for Unley the same warning, as a result of impositions placed on the people by the Commonwealth Government and the State Government. Members should heed what I am saying, because it will not be long before these things catch up with them. I oppose the Bill.

Mr. BECKER (Hanson): I support the remarks made by the Leader and the Deputy Leader in opposing the legislation. There is only one way the legislation can be described: namely, a miserable, lousy inflationary tax on the people of the State, who enjoy little pleasure today. By introducing this legislation, the Government has reached the bottom of the barrel by taxing men and women who enjoy smoking. Although smoking may be a health hazard, most people would enjoy smoking cigarettes or cigars, rather than take drugs. This tax will return about

\$2 000 000 to the Revenue Account this financial year and about \$4 000 000 in a full financial year, whereas the Treasurer has said that the State deficit could exceed \$30 000 000. A few months ago the Treasurer brought down a Budget that forecast a \$12 000 000 deficit, so it makes me wonder how low the Government will sink.

I am disappointed that this Government, which claims, as the Deputy Leader has said this evening, to represent and do everything for the worker, must introduce this impost. The Liberal Party has always been criticised as being a wowsler Party, both in the Commonwealth and in the State; yet this Government is introducing a cigarette tax that we would never have introduced in this State, because we would never have got ourselves into the ridiculous financial situation in which the Government now finds itself.

Mr. Harrison: Would you sack people?

Mr. BECKER: No; that is not my policy, and it has never been my policy. I am proud to be a worker, and I am aware that we must have full employment. We should try to restore confidence throughout the community and, what is more important, we should devise ways and means of restoring full employment throughout the State.

Mr. Burdon: Be a man and be positive: say what you would do!

Mr. BECKER: One area in which we will have to face the facts of life is that the State Government has got the Treasury into a financial mess, and we will have to consider not only a tobacco tax but also probably other forms of taxation. It will cost the taxpayers about \$45 000 000 this financial year to keep the public transport system afloat. We are losing \$12 329 a day, or \$154 an hour, or \$8·60 a minute, to run the public transport system. What a ridiculous situation!

Mr. Keneally: If we didn't have it, we would need more freeways.

Mr. BECKER: If we can get the money from the Commonwealth Government well and good, but what hope have we of doing that when that Government is \$1 800 000 000 in the red? The money must be raised somewhere. Today, the Treasurer has said that a review made at the end of the first quarter of the financial year indicates that some departments believe that they will have difficulty in holding expenditures within the original appropriations made by Parliament (exclusive of salary and wage increases, which were provided as a block sum). Notwithstanding these forecasts, departments have been told that the original appropriations must stand unless the Treasurer specifically authorises an increase. So, the Government is now putting clamps on various Government departments, but we are still witnessing great waste in all Government sections in the handling of the State's finance.

This tax will cost the average smoker about 35c a week. If he happens to be a worker, more unfortunately a shift worker who must have a motor vehicle, the petrol tax will cost him about \$1 a week. So, if he and his wife smoke, they will be down about \$1·70 a week. They must get that money somewhere. As overtime is now becoming a thing of the past, what will the average citizen in the community do? He must lower his standard of living, simply because the State Government could not foretell, or was not willing to handle with responsibility, the finances of the State. The poor man in the street is facing this situation daily, not weekly, and, when the State Government slaps on this tax, something must give. The whole matter revolves around how long the average citizen in the community can take this sort of treatment. How long can he stand being continually taxed, either

directly or indirectly? Although the Commonwealth Government has reduced income tax and will make it possible for some people in the community to claim housing loan interest repayments as taxation deductions, it gives with the one hand, whereas the State Government takes it with the other hand and, what is more, the State Government takes it at a far faster rate.

There will be a general decline in the standard of living of the average citizen in the community, and it is a shame and pity that the Government should be responsible for this decline. I only hope that the children of the State will not suffer as a result. It is usually the children who go without and the pensioners and other people living on fixed incomes will feel the pinch. They will not get compensation or be paid any allowances. This legislation is only a start because, once a tax is imposed, only rarely is it ever removed. If this legislation is put on the Statute Book it will become a great slug on the taxpayer.

Mr. Coumbe: It will increase in volume and percentage.

Mr. BECKER: Of course it will: cigarette smoking will be a luxury the same as it will be to drive a motor vehicle. This tax could well lead to the manufacture of synthetic cigarettes, because cigarette companies will not tolerate the effect on their overall business. We are finding today that, as a result of the poorer quality of tobacco and of higher prices, young people are smoking other things, particularly marihuana. This is a problem in the community today, but this Government could not give a damn about it because it does not give a damn about the moral standards of the community. Keeping cigarettes in business premises has always been a great security risk. Railway refreshment rooms, the transport industry, and many individual businesses have suffered from theft. The incidence of breaking and entering offences is not decreasing, and cigarettes are usually the first items to be taken.

Another problem for the small business man is the abuse that he will receive. Each time there has been an increase in the price of cigarettes, the fellow who operates the delicatessen near my house suffers further abuse, and he is sick and tired of being the punching bag as a result of Commonwealth Government and State Government decisions. Clause 4 provides an interesting definition of "premises". I shall be interested to know how the Treasurer will police the sale of cigarettes on all ships that visit South Australia (not that many do), and how he will police this legislation on aircraft. The moment a person flying with Ansett Airways crosses the Victorian border into South Australia, the air hostess must charge an additional 5c for a packet of cigarettes. Social clubs, sporting bodies, and every club that has a permit to sell liquor or retail cigarettes will have to pay \$10 for a licence fee, and the effect will be that many of them will not sell cigarettes. The operator of a vending machine will be liable for a fee; if he sells the business he has to pay a \$10 transfer fee, so that the Government is getting it both ways.

The definition of "tobacco" does not cover every brand or form of tobacco consumed. Also, retailers could be compelled to keep records of sales, and they must keep records of buying, another impost on a small business man. He seems to have to pay a licence fee for everything, and people are wondering what has happened to freedom in the community. Since this Government has come to power people have been taxed as they have never been taxed before; they are being regulated as they have never been regulated before; and this impost will

hasten the decline in the standard of living of the community. The Government should learn that it will not keep out of trouble if it spends more than its income; but that is what this Government has been doing, and so it has arrived at the present situation. It should be taught a lesson, and should be willing to face the music. The Government should reconsider its priorities and not continue with some of its ambitious programmes. In recent years much money has been spent but we have little to show for it, except that people in this State are being bled dry.

Mr. MATHWIN (Glenelg): I oppose the Bill for several reasons, mainly because, again, it has a crack at the little people, including pensioners and others who have little enough to enjoy now. Members would be aware of my opinion about smoking and cigarettes, particularly in relation to the legislation I introduced previously. Nevertheless, I sympathise with people who find that they cannot stop smoking because they are addicts of tobacco and nicotine. Nevertheless, this Government, the great protector of the ordinary guy and the working class, has now slugged them twice today. It is all very well for the Treasurer to say that he will trim the tall poppies. He is not doing that with this tax: he is hitting the ordinary man in the street, the pensioner, and those at the bottom of the scale. What will be the next tax imposed? We have had a tax on petrol and on cigarettes, and no doubt the next tax will be on beer.

I register my opposition, and complain to the Government about how this legislation has been introduced. It was introduced by the Treasurer a short time ago, and now it must be debated to a conclusion this evening. The Treasurer half-read his second reading explanation and did not read details of the explanation of the clauses. I have been told that it was by agreement that the introduction of this Bill was not opposed. However, what time have we had to consider it? The Treasurer would know that other legislation could be debated and this Bill postponed, but he wants it bulldozed through the House immediately. Everyone will be affected by this legislation, particularly small shopkeepers, small clubs, and many other organisations.

Mr. Keneally: Will it affect you?

Mr. MATHWIN: No, not directly.

Mr. Keneally: You said it would affect everyone.

Mr. MATHWIN: I said that it would affect everyone in some way, and it will affect me in some way. The cost of running clubs and organisations will increase. The local lacrosse club, football club or kids' show that has a clubroom selling tobacco will have to fork out an extra \$10 just for the privilege of selling members cigarettes. I have to pay a donation, and that will increase with the extra going to the Treasurer. It will affect all small clubs, sporting bodies, shops, and petrol resellers, who have already been hit with \$50 this afternoon for the privilege of carrying on the business of selling petrol. This evening we see the situation of these people, who sell cigarettes not to make a profit but mostly just to give an extra service to the customer, paying another \$10 for the privilege. Most of these poor guys who are working long hours to keep in business are being slugged by two taxes in one day. If that is not good enough for the *Guinness Book of Records*, I do not know what is.

Mr. Arnold: They've only just got started.

Mr. MATHWIN: Those of us who really know Socialism (and many members opposite claim to know about it but do not really know) realise that its essence is high taxation for the provision of all the welfare efforts

required. Those Governments have to do it quickly and at the same time. Therefore, Socialism means the working man's dollar in the Government's pocket. Taxation must be got from the ordinary man in the street rather than from the tall poppies, as the ordinary men pay the most collectively in taxes. Legislation such as this is the way the Government does it. People will be faced with the situation in which they cannot afford to smoke cigarettes, so they will have to find some other means. In my life I have seen a situation in which people could not procure cigarettes. Immediately after the Second World War the greatest asset a person could have was a cigarette. The black market was in cigarettes and not German marks. At that time people were smoking dried tea leaves, cabbage leaves, or anything else to satisfy their craving. I believe we have a situation here where people could be dragged down to this type of thing. They will not be able to afford to smoke, and in their craving they will find something to smoke, smoking anything they can lay their hands on.

Small businesses will be affected by the legislation, having to pay \$10 for the privilege of being in business and supplying their customers with cigarettes. If they disobey the rules under the legislation they will be punished and fined \$1 000 a head. This is obviously cost-push inflation, although the Treasurer did not say so.

Mr. Coumbe: Why?

Mr. MATHWIN: The Treasurer is so used to introducing legislation of this type and pushing up inflation that it no longer means anything to him. People are getting used to it and he is getting used to it, so he does not think it is worth calling it cost-push inflation. However, a couple of weeks ago he referred to this.

Mr. Venning: Do you think this Government will ever have enough money?

Mr. MATHWIN: No, because it spends money more quickly than it makes it.

Mr. Evans: How does it make it?

Mr. MATHWIN: The people pay the taxes and the Government spends revenue more quickly than it can collect the taxes. In his explanation, the Treasurer stated that the Government had no alternative but to proceed with this Bill and the petroleum Bill because of the Budget situation and the absence of adequate financial assistance from the Australian Government. Here again, we have broken promises of the Commonwealth colleagues of the Treasurer who have failed to provide an unspecified sum of millions of dollars. This Government has again been kicked in the face by the Commonwealth Government. The only way money will be released from the Commonwealth Government is if a Commonwealth election occurs in the middle of next year, and millions of dollars will be released to the States before that election. Our Treasurer will then say that Mr. Whitlam is a good guy; he will say that taxation of this type is no longer necessary and he will not have to rip money from ordinary citizens and pensioners in the community. That will happen if the saviour, Gough Whitlam, releases a few more millions.

Mr. Coumbe: He's the greatest.

Mr. MATHWIN: He's the greatest "what's it". There has been exorbitant spending to satisfy the elaborate tastes of the State and Commonwealth Governments. Socialist Governments do this with monotonous regularity, procuring high taxation from the little guy.

The Hon. D. J. Hopgood: Every time you ask a question in the House it is for expenditure in some area or another.

Mr. MATHWIN: That is not true. I asked a simple question recently about planting pines on the foreshore. The Treasurer professes to be a professional in this sphere, yet

he cannot grow a vegetable marrow in his backyard. He says that pines can be grown along the sea-front. He would not have a clue how to grow these things anyway; he would not know the price of butter.

The Hon. D. J. Hopgood: There's a Norfolk Island pine on the beach at Victor Harbor with its roots in the sea-water.

Mr. MATHWIN: That may be so, but it would be an old tree. The Minister should try to grow them now. I know about this, as I have had the experience. I am talking about the metropolitan foreshore. Why does the Minister think that people living in this area have not grown these trees? Does he think they cannot afford them, or could it be that the trees will not grow? The way things are going the Treasurer will be well advised to start growing tobacco in his backyard. In his explanation, the Treasurer stated:

Clause 11 sets out the fees payable for licences. In the case of wholesale tobacco merchants' licences, the fee is to be \$100 and 10 per cent of sales made in the relevant period, that is, the previous financial year.

It is retrospective, and the stage will be set for the rip-off. The first licensing period will be six months, and the Treasurer has therefore halved the fee for that period. The fee for the wholesalers will be \$100 and that for the ordinary tobacconist's licence will be \$10. Of course, at one time we could shop in a supermarket for about half an hour in spending \$10, but the value of that amount has been decreasing and decreasing and now we are fortunate if it is sufficient to shop for five minutes. The Treasurer has also stated in his explanation that almost invariably tobacco sold by retail in this State will be originally purchased from a licensed wholesaler. However, people import special tobacco and cigarettes into this country. The member for Hanson has drawn attention to the provision regarding premises, and I ask how this provision will be policed. People going abroad can buy cigarettes and tobacco duty free, and people buy these items on aircraft and in ships. The Government will be in a ridiculous position regarding that matter.

Mr. Becker: We'll have to have our own Customs Department.

Mr. MATHWIN: I think the Government is aiming at that, and we could well have retired members of Parliament as customs officers. We also have a provision regarding inspectors that is similar to the provision about which there was a disturbance this afternoon, when the Government could not get sufficient numbers to win the vote.

Mr. Becker: There'll be more inspectors than workers.

Mr. MATHWIN: Yes, and the administration will be colossal. The powers of an inspector could well line up with those of a storm trooper. In terms of clause 8, inspectors will be able not only to enter premises but also to remain there if they reasonably suspect that tobacco is being sold or if they reasonably suspect that the premises are being used for the storage of documents relating to the sale of tobacco. If the inspector suspects that a person has information in his bedroom wardrobe, the inspector will be able to go to that bedroom and stay there for as long as he likes. Further, the inspector will be able to take copies of or extracts from any accounts, records, books or documents.

He will also be able to request any person on premises used for the sale or purchase of tobacco, or premises on which tobacco is stored for sale, to produce accounts and answer questions about them. Whether the answer incriminates the person does not matter: the person still must answer the question, and here he has no protection.

These storm troopers will demand the information, without having a warrant. If the person objects, the Government will punish him by imposing a fine of \$200. The person also will be liable for that fine if he gives false or misleading information.

Mr. Keneally: You're making us suffer.

Mr. MATHWIN: I am not making the honourable member suffer half as much as he is making the working-class people suffer hardship as a result of the legislation that his Government has introduced today. Can the Government get any lower than it is getting in imposing a tax of 5c on a packet of cigarettes? Government members ought to be ashamed of themselves, and I ask them why they do not defend their Government on the measure. I assume that all members opposite have workers and pensioners in their district, so why do they not speak in the debate on this measure?

Socialism means high taxation: there is no getting away from that. Clause 9 provides that tobacco sellers shall be licensed and that a person shall not on or after October 1, 1975, carry on tobacco retailing unless he is the holder of a retail tobaccoist's licence. If he does not have a licence the Government imposes a \$1 000 penalty on him. A further penalty of \$250 is provided by clause 10 (3) if a licensee who carries on the business of tobacco retailing or tobacco wholesaling on premises that are not specified in the licence as premises to be used for that business shall be guilty of an offence against the Bill.

The Hon. Hugh Hudson: Are you aware that that is the maximum that can be imposed by the court?

Mr. MATHWIN: I am aware that the Minister supports the legislation. Such a penalty could be imposed on a person who operates a small corner delicatessen or a local football club, golf club, baseball or basketball club where cigarettes are sold for the convenience of club members. The Minister and his colleagues say that the provision and penalty is fair enough and that if people break the law the Government will punish them to the tune of \$250. A further penalty of \$1 000 is imposed if a person wilfully fails to comply with any requirement under subclause (1) of clause 12. The sorry story is continued throughout the Bill. If a person wishes to transfer or to sell his business he must pay a fee of \$10 and apply on a form approved by the Commissioner requesting the Commissioner to enter in his records the transfer of the licence from the holder to another person.

If a person wishes to leave his business because he is sick and tired of a Government that is taxing him out of business he must pay \$10 to do so, after he initially paid \$10 to supply cigarettes to the public. How far can the Government go with this type of legislation? If a person fails to keep records under clause 20 he is subject to a \$1 000 penalty. The Government is putting the boots in left, right and centre; it is hitting the small shop owner, the person who operates a club, pensioners, and anyone who smokes. The problem is bad housekeeping as far as the Government is concerned.

The Hon. Hugh Hudson: You're against smoking, aren't you?

Mr. MATHWIN: Indeed I am. I shall be glad when the Minister gives up smoking because, when we attend functions together, as we do at times, he will not blow smoke in my coffee. The Government cannot keep its house in order. Members opposite must have marvellous wives to do their domestic budgeting because, when they are running the business of the State, they cannot balance a State Budget. Members opposite are like a person who goes into

a supermarket and grabs everything on show because it looks good but, when he gets to the check-out, he has to pay for it. The Government grabs all the good things to win votes, but finds out in the end that it must pay for so doing. The Government does not pay: it is the people who pay, the little man and the pensioner.

Mr. GOLDSWORTHY (Kavel): The recently appointed Commonwealth Treasurer, Dr. Cairns (Deputy Prime Minister), said that one thing the Commonwealth Government must do is reduce indirect taxes. That is one of the many statements he has made on the economy from time to time. In fact, it is one of his more recent comments. One of the difficulties facing Australia is that there appears to be no co-ordination between decisions the Commonwealth Government deems to be appropriate and those that State Governments are forced to implement. The Commonwealth Government pledged before the last Commonwealth election to work hand in hand with the State Governments. Indeed, the South Australian Premier in supporting the election of a Commonwealth Labor Government said confidently that he had received an undertaking that the States would get a better deal. Headlines after the election indicated that the Premier was on the doorstep at Canberra with the great plans of the pace-setting State of South Australia. However, it seems that the co-operation promised has evaporated in the period since Australia has had a Commonwealth Labor Government. There seems to be a complete lack of co-ordination for communication regarding appropriate taxing methods in this country. The Tasmanian Government was the first Government to enter the consumer tax field. Initially, Tasmania proposed a tax on tobacco but ran into constitutional difficulties.

Mr. Coumbe: The Tasmanian Labor Government.

Mr. GOLDSWORTHY: Yes. However, a High Court judgment opened the door for the imposition of consumer taxes. It will be a sorry day for Australia if the States—

Mr. Venning: It's a sorry day now.

Mr. GOLDSWORTHY: It will be an even sorrier day if the States are forced more and more into the consumer-taxing field. The States have been pushed fairly and squarely into this field by a Commonwealth Government that is operating in complete isolation from the States. I do not believe that the present Treasurer (Mr. Crean) and his successor (Dr. Cairns) have tried to come to grips to any degree with the problems of the States and the sort of taxing methods they are being forced to use. The Commonwealth Government, supported by the South Australian Treasurer, pledged itself to an election policy of seeing that the States had sufficient funds to meet their programmes and to look after the welfare of the average person in the country whom the Labor Party purports to represent. However, as a result of the Commonwealth Government's operating in a vacuum, as it were, with regard to its financial measures, we find that some of the other States have had to introduce this kind of tax. I have already referred to Tasmania; Victoria is introducing a tobacco tax and New South Wales is introducing a petrol tax. The Treasurer is quick to point to these examples of tax being levied in other States, but no other State has introduced both of these taxes.

In this regard, South Australia is once again living up to its much vaunted reputation of being the pace-setter. It is a simple fact of life that, if we are going to be the pace-setter in social legislation that involves the expenditure of Government money, we must also be the pace-setter in the levying of taxes. The Treasurer has made no bones about this matter. Campaigning before the last election, he said that he was proud of the fact that his Government was the pace-setter of Australia and, with the accession

of a Commonwealth Labor Government, the State Government would make the pace even faster. He said he would be there waiting for the Prime Minister's signature on the dotted line, in order to set an even faster pace. If we are going to set the pace on economic measures, we must also set the pace on taxation measures but, unfortunately, the Treasurer's Commonwealth colleagues have not come to the party. They have been far too engrossed in their own social welfare programme, which has gobbled up every competitive tax the Commonwealth has been able to levy. This has led to a tremendous deficit and a highly inflationary Budget.

Mr. Payne: Where is that?

Mr. GOLDSWORTHY: In Canberra. The member for Mitchell has tuned in too late in the argument. The Commonwealth Government is so engrossed in its own highly inflationary Government spending spree (it is still continuing with it), that it has little money, let alone time, to consider the needs of the States, which is where the fundamental areas of responsibility for the day-to-day running of the country's affairs should properly reside. It is in this kind of economic climate that the Treasurer has introduced his pace-setting taxes. There must be some degree of co-ordination between the Commonwealth Government's taxing efforts and those of the States, and between the respective programmes of State and Commonwealth Governments. The Commonwealth Government is hell bent on introducing its own grandiose programmes and the State Government is hell bent on introducing pace-setting legislation. Whether or not we like it, we live in a competitive society. The States compete one with the other and Australia competes with overseas countries for trade. As the Treasurer's pace-setting efforts have eroded the cost advantage this State enjoyed in the past, we now see the fruits of his pace-setting efforts in the form of these taxation measures.

I do not believe that this tax will be as inflationary in its effects as the petrol tax will be, because the petrol tax will hit every area of activity in the State and will increase the cost of almost every commodity one can think of. Nevertheless, this tobacco tax is regressive, and the champion of the little people, as the Labor Party likes to think it is, especially when in Opposition, will tax the smokers in the community. No doubt, many little people in the community smoke tobacco in some form; I believe that more of these people enjoy smoking than do the percentage of tall poppies, who are already being heavily taxed.

Mr. Keneally: Is that a fact?

Mr. GOLDSWORTHY: I think so. The Treasurer also makes great play about his quality of life legislation. We heard this morning that the Treasurer would extend the Art Gallery's operations, and he was lauded in an editorial in this morning's *Advertiser* for doing this.

Mr. Payne: Will you link up your remarks?

Mr. GOLDSWORTHY: Yes; some people in the community think that smoking adds something to their quality of life, but the kind of activity involving the Art Gallery in which the Treasurer has achieved a minor measure of fame would affect only a small minority. In his recent Budget, the Treasurer allocated \$40 000 to help Theatre 62, because it had got its accounts out of order. He was pleased to make \$150 000 available to Theatre 62 over a three-year period. In anyone's language, \$150 000 is not peanuts, yet this was simply to enhance the quality of life. The sum of \$1 600 000 has been made available to the arts to enhance the quality of life of those people in the community who enjoy the

arts. If one took out statistics on the number of people interested in Theatre 62, it would be seen that this facet of the Treasurer's allocation would add to the quality of life of only a small percentage of the State's population, but at no small cost to the State's taxpayers. This legislation will affect the quality of life; certainly, smokers would see it as heavily affecting their quality of life.

Mr. Payne: Do you consider smoking to be a health hazard?

Mr. GOLDSWORTHY: I do not smoke, and I believe that smoking can have deleterious effects. About 32 per cent of the population smokes and believes that it adds to the quality of life. No Government is likely to outlaw smoking. This legislation will make it even more difficult for smokers to enjoy their quality of life, because they will not give up smoking as a result of the increase that will be imposed on them. The Treasurer cannot have it both ways. The Government has certainly set the pace, but at a greatly excessive cost to the people of the State. We have seen the Treasurer press on with his quality of life legislation and have witnessed a 20 per cent growth in the Public Service since the Government came to office. During the last 4½ years, the service has grown by thousands, and that is a spectacular growth in anyone's language. Such a growth must be propped up because, in the main, few of these appointments are productive in the sense that they generate revenue. Not many Government departments generate revenue or pay their way, and neither should they because, obviously, most of them are service departments. The Treasurer has shown no conservatism in this regard, although he called himself a conservative Premier in the Budget debate.

The Hon. D. A. Dunstan: I said that I was a conservative Treasurer.

Mr. GOLDSWORTHY: I do not see much conservatism in this legislation, in the way the Treasurer has set himself up as a pace-setter, or in building up the Public Service. It is the opposite trend. We see the complete lack of co-ordination between the State Government and the Commonwealth Government, each trying to outdo the other with quality of life legislation that has to be paid for by the community. Someone with much experience as Treasurer of this State said, "I believe things are getting top heavy." It is a feature of most Socialist regimes that the Government sector prospers at the expense of the private sector. The one-time Commonwealth Government Treasurer (Mr. Crean) said that we should transfer resources from the private to the Government sector. However, the Government has found that this system does not work, to the sorrow and hardship of people in this State.

Mr. Cameron, one of the numerous economic spokesmen of the Commonwealth Government, said that private enterprise must be profitable, and must be encouraged to invest capital in new projects in order to create jobs, because 75 per cent of the population depend on private enterprise for employment. The Treasurer will have to put on the brakes somewhere, but once people are on the public pay-roll it is difficult to retrench them. When the chill winds of hard economic times blow, it is difficult to reverse the cycle. At present we have an over-full Government sector, and the State Government is committed to large continuing expenses for the salaries of its work force. Following tremendous wage increases, the Government is in accelerating trouble, but the average wage-earner in this State has to pay. One cannot get the revenue required from the tall poppies: the petrol tax already imposed will hit everyone.

These indirect taxes are the least efficient taxes of all: they are difficult to collect, and require a new arm of the Public Service to administer them, and it is these people who have to be paid. I hope that we will not see a proliferation of these taxes forced on the States because the Commonwealth Government has shown no regard for difficulties encountered by them. The Prime Minister has proved to be completely untrustworthy. The Treasurer has proved either that he is completely naive in seeking to have the present Commonwealth Government elected or that he has been gravely misled. The Prime Minister has let him down several times, and, because the Prime Minister has not honoured one of his more recent undertakings (to make available \$6 000 000 to this State), we are faced with this regressive, indirect and costly tax. For these reasons I oppose the Bill.

Mr. McANANEY (Heysen): I oppose the Bill, but not as strongly as I opposed the Bill imposing petrol tax. I do not smoke, so that this legislation does not affect me, but that is not why I oppose it. I shall confine my remarks to comments on the second paragraph of the Treasurer's second reading explanation. I have said that I believe when things are going well the Treasurer has performed well. He has more or less balanced his Budgets, but it is easy to be a good Treasurer when money is flowing in, the economy is stable, and the Commonwealth Government does not upset it. Now, we are in the crunch period, and we will know whether the Treasurer is a boy, or a man willing to face the facts of life.

Mr. Goldsworthy: He's a mouse.

Mr. McANANEY: I believe in being fair, and we should give him a chance. The Commonwealth Government has budgeted for a large deficit, and, when considering unemployment, this action, in theory, would be the correct action to take. When unemployment is caused by inflation and industry is unable to compete on the world markets, providing additional purchasing power in the economy does not achieve the desired objective. That only adds to the inflationary spiral, causing the situation to worsen. The Treasurer made certain suggestions about what the Commonwealth Government should do. However, when he wanted more money from the Commonwealth, he did not say how it could get rid of its deficit. He did not make suggestions based on sound economic principles. The Commonwealth Government has now introduced certain economic measures as proposed by the Prime Minister, and it will have a deficit of \$1 850 000 000. When the Treasurer asked for more money, he did not say whence the Commonwealth would get it. He is always suggesting to Opposition members that we should say how he can cut expenditure, yet he did not tell the Commonwealth Government how it could save, say, \$100 000 000 and provide for a balanced economy.

I agree that a Government must budget for a deficit when the economy is run down. I admit that in 1972 the Commonwealth Liberal Government let the economy run down too far when it put cash reserves into the Reserve Bank instead of spending them and keeping unemployment down. That unemployment was caused by a slack economy, with insufficient money being kept in circulation. The situation now is entirely different. Any tightening of finance is due to inflation. Therefore, all businesses have to have more money to put into capital goods to get what they were getting before. This is the difficulty. The Treasurer has spoken about tariff reduction. The reduction of the tariffs on shoes was, I think, 11 per cent. Such a reduction would not have made us uncompetitive

in this market with Asia, and the tariff reduction would mean cheaper goods coming in, keeping costs down in Australia. As I said in my question to the Treasurer this afternoon, in 1973 when Australia had a balanced economy and was just running into shortages in some areas, the Commonwealth budgeted for a deficit of about \$600 000 000, and by March this year that deficit was \$1 500 000 000. That additional pressure in the community caused an excessive demand for goods. Employers of labour handed out increases in wages, and there was an offer of \$80 a week—

The SPEAKER: Can the honourable member link these remarks with the Bill?

Mr. McANANEY: I am linking them to the Treasurer's statement that he had to have additional money. I am explaining how we got into the inflationary situation that has caused this ridiculous attempt to collect taxation. The basic cause of inflation was that wages got out of all proportion, with some people getting too much and some not getting enough. That is the basic cause of inflation, which is not concerned with bringing down the tariff. Then we had an extra week's leave, a 17½ per cent loading for holiday pay, and increased workmen's compensation payments. I agree that many of these things are good. In fact, I do not disagree with most of what the Treasurer has done. However, we must be realistic. The general economy must be in such a condition that the private sector can produce goods with confidence, enabling the public sector to have more. When the private sector does not have confidence, production is down and there is not money for additional projects.

It is in this area that the Treasurer has broken down. How can a Commonwealth Government with a deficit of \$1 850 000 000 give more money to South Australia? The Treasurer must say where he expects the Commonwealth to spend less. Will it have to reduce pension payments? Can there be a deficit of \$1 850 000 000 this year without more inflation and a chaotic situation occurring? For the Treasurer and the other States to get the money they seek to balance their Budgets would mean a Commonwealth deficit of between \$2 100 000 000 and \$2 500 000 000, and that is just not possible. The Treasurer should not make these demands on the Commonwealth Government. In the first four months of this year he spent 32.1 per cent more than was spent in the first four months of the previous year. This expenditure involved increased losses on the railways. For many years we have been telling the Treasurer that he should reduce losses made on the railways. Some lines should be closed, as they provide no benefit to the community as a whole. Other lines need loan money spent on them to modernise them so that people can use them.

The Government is beginning to subsidise the bus service. I now use this service two or three times a week and find it excellent. In fact, when I started using it two or three months ago, I was surprised how good it was. One gets into town more easily without the need to dodge people who seem intent on running into one. Surely we must advertise this service, showing its advantages. Although everyone believes that education services should be provided, not everyone agrees with how much is spent in this way. In the country, hospitals that the Liberal Government set up are providing wonderful service to country people. One hospital that receives a subsidy is doing exceptionally well. As it is well managed, it has much money on hand. Although it has expressed the desire to reduce its charges to the community, it has been told that it cannot do so and that it must still charge the

standard rate. It would be better if it were permitted to charge a lower rate.

We could solve the problems of our Budget with a little careful pruning, as what is involved is not a big percentage of the overall Budget. We must look at the needs of people in the community who, as they are unable to get a house, must live in caravans. In many cases, labour is not available, despite unemployment in South Australia, to build Housing Trust houses quickly enough so that there can be a return on them. We have had a shortage of materials and bricklayers have been dismissed, but Housing Trust houses are still not being completed quickly enough.

The SPEAKER: Will the honourable member link up these remarks with the Bill?

Mr. McANANEY: Yes, Mr. Speaker. We are raising money to balance the Budget, and if Housing Trust houses were built more quickly we would get the rent and the trust would not need so much assistance. The Treasurer must give a better reason for introducing this Bill than he has given. I know that he never replies to anything that I ask him. He dodges the difficult issues or just does not understand finance. When he came here, I thought that he was an ideas man and he built up my hopes that he was becoming a reasonable Treasurer. However, now he has got into a difficult situation. The Australian economy is in a bad state, and a person really must show what he has got in solving the problem. How much unemployment will this Bill cause? The private sector will have to hand money over to the Treasurer, and this will create an even balance. Young people have turned against the Commonwealth Government, as has been shown in a Gallup poll. They do not want the Treasurer to be spending money on his "arty" friends and in other ways. It is fortunate that the Government provided an office for me in Mount Barker, because young people who are working in factories can come to see me. In fact, we have a Liberal group in our factories, and the number of people in the group is increasing.

Pay-roll tax collected in the first four months of last year was \$15 000 000, and collections this year have amounted to \$31 270 000. That kind of action adds to inflation and to the cost to the Government. Everything that the Government spends on materials or on schools, for example, is inflated, because the Treasurer is taking more and more in taxes. Stamp duty collections will not meet the estimate.

Mr. Coumbe: Why is that?

Mr. McANANEY: When the planning and development legislation was introduced some years ago, I said that it was necessary to see there was an adequate supply of blocks, otherwise the blocks would become as expensive as they were in other States. The initial interest on money borrowed from the Commonwealth Government has made it necessary to impose taxes, and this will cause a slow-down in the economy. I believe in the provisions of the Planning and Development Act, provided the administration operates quickly and efficiently. We should not have a position where people lodge an application in October, have the money available in December, and cannot get approval before the next February or March.

The SPEAKER: Order! I ask the honourable member to come back to the Bill.

Mr. McANANEY: The need to raise this taxation is due to a decline in stamp duty receipts, and that decline has been caused by Government action. The high interest rates involved in developing blocks of land has slowed down development. The figures for the first

four months of this year and for a similar period last year are \$59 000 000 and \$41 500 000 respectively, but the Treasurer still is not satisfied and wants more and more. He is like Oliver Twist and he has not learnt a lesson from Micawber.

One only has to travel on public transport to find out that the attitude of people has changed regarding their hope for the future. Instead of achieving development through the correct use of Loan funds, the Treasurer will spend the money to make up the Budget deficit. It is crazy to do that, because no business or family can live on its capital. From land tax this year—

The SPEAKER: Order! This is a debate on a Bill regarding a tax on tobacco; it is not a Budget debate.

Mr. McANANEY: I do not think the Treasurer's estimates regarding land tax are correct. We have figures of \$10 300 000 and \$12 000 000 in connection with land tax. The Treasurer already is getting more money from that tax to cover inflation, so why does he need to increase taxes? As a member of the Public Works Committee, I asked a question when the committee was dealing with a reference regarding a new building. It was stated that there had been a 6 per cent increase in the Public Service over a period of years and that then the rate of increase had gone up to 8 per cent. I asked, perhaps facetiously, why more accommodation was needed. If we do not give private enterprise a go and allow only a minimum of interference, it will fail and we shall have to accept a system of Socialism.

The SPEAKER: Order! The honourable member must speak to the subject of the Bill.

Mr. McANANEY: The imposition of taxes of this nature on the private sector will cripple it. The only way private enterprise can exist is without Government interference. Private enterprise will deliver the goods, and the Government does not need to put on such high rates of tax as this. The Treasurer wishes to take more out of the private sector. Given the advantage of competition and the Commonwealth Government's ability to create conditions of overall demand for goods equal to our capacity to produce, private enterprise will, without restriction or interference, produce more goods than any other system has ever produced. However, when private enterprise is being pushed around as it is at present, it cannot meet the added taxes needed for social requirements that all members, including members on this side, desire.

I object strongly to paying taxes of any form that assist able-bodied people or industry; however, I believe in giving the greatest possible assistance to people in need. The private sector will produce goods only if it can function efficiently and compete against other firms, which is not happening at present. If we are to have an indirect form of taxation that is less inflationary than any other form, it is far better to raise revenue on tobacco than on petroleum products, which is inflationary and will have a dire effect on the economy of this State.

The SPEAKER: Order! Reference to another debate of this session is out of order.

Mr. McANANEY: Both the Tramways Trust and the railways will require more funds to exist, and everything we buy will be so much more expensive. I hope that the Treasurer when replying will come up with something better than the pusillanimous, childlike speech he made when introducing the measure. Every citizen in Australia must cut down on his expenditure because of increased taxation measures such as this. The Treasurer, too, must get with the majority of people and suffer under these conditions in the same way as the rest of us are suffering. I hope he matures and shows—

The SPEAKER: Order! The honourable member should be speaking to the Bill.

Mr. McANANEY: I am referring to the Treasurer who, after all, is the one raising this tax. I oppose the Bill, even though it is a far better measure than the one introduced to tax petroleum products, which is a disaster to the community and to the future welfare of South Australians.

Mr. GUNN (Eyre): In opposing the measure, I wish to draw attention to one or two relevant matters.

The Hon. G. T. Virgo: The only reason you oppose it is that you are a heavy smoker.

Mr. GUNN: The only benefit that will accrue from this measure is that it may curb some people from smoking, and I support such a course of action. Because I engage in the habit, I do not recommend that other people should do so. However, there are far more important matters than that to discuss. The only reason we are debating the measure is the complete failure of the Commonwealth Government to face its responsibilities. This is another clear example of the Whitlam Labor Government's trying to strangle the States. The quickest way to do that is force the States into introducing unpopular revenue-raising measures, of which this is one. On many occasions the Labor Party has stated what it will do for the nation and how it will assist the States.

While researching this subject I came across a booklet published by the *Bulletin* called *A Complete Guide to the Labor Party*, on the front cover of which appears a photograph of Gough Whitlam and the words "Gough's Going Great". We can delete the "Great", because we know he's going. At the first opportunity, the people will make sure he goes, unless Dr. Cairns beats them to it. We are debating the measure because the Commonwealth Government has not provided the State with adequate funds. In 1957 the Labor Party conference—

The Hon. G. T. Virgo: Has this anything to do with the Bill?

The DEPUTY SPEAKER: What relation has this matter to the Bill?

Mr. GUNN: I refer you, Sir, to the Treasurer's speech on the matter, when he stated:

The Budget situation and the absence of adequate financial assistance from the Commonwealth Government makes this measure—

and the Treasurer went on in that vein. He was referring to the decision of the Commonwealth Government not to carry out promises that it had made. The 1957 Labor Party conference adopted the following resolution:

Conference reaffirms that the system of uniform taxation, if fairly and justly administered, is the best and most adequate system of serving the Australian people. This conference of the Australian Labor Party emphatically declares that failure by the Menzies-Fadden Government to justly reimburse the States has caused friction in the working of the federal system and seriously hindered the States in continuing and improving their various responsibilities.

Conference specifically condemns the discriminatory financial policy of the present Federal Government, which enables only the Commonwealth to finance many of their public works projects from "revenue", whilst demanding that all State public works programmes, including the building of schools and hospitals, and the provision of transport facilities (which in many instances are necessary only because of Federal policy, such as its immigration) be financed from Loan funds . . .

The publication goes on to explain that the Commonwealth Government can finance its projects out of revenue, whereas the States must pay interest. The publication continues:

Conference therefore requests that a committee comprising representatives of the Federal Executive, Federal Parliamentary Labor Party and leaders of the respective

State Parliamentary Parties or their nominees be set up, which will forthwith examine ways and means of retaining the principles of uniform taxation while providing more flexible machinery for securing adequate reimbursements to the States, and enabling such Governments to carry out policies which are in the interests of the people and/or endorsed by them without restriction by the Commonwealth. However, what we have seen since the Whitlam Government came into office has been a complete reversal of that policy.

The Hon. G. T. Virgo: It's working towards that objective.

Mr. GUNN: Although in office for about 2½ years, it has achieved nothing. The Labor Party is trying to centralise power in Canberra and destroy the States, but I believe in a policy that enhances the nation and makes it unnecessary to introduce such legislation as the Bill we are now considering. I refer to the *Federal Platform of the Liberal Party of Australia*, approved by the Federal Council last October.

The Hon. G. T. Virgo: Which has been rejected by the people twice.

The DEPUTY SPEAKER: Order! These political Party policies have nothing to do with the Bill. The honourable member must confine his remarks to the Bill we are debating. The honourable member for Eyre.

Mr. GUNN: Mr. Deputy Speaker, I contend that my remarks are relevant to this debate, because we would not be debating this matter now had it not been for the Whitlam Government's policies.

Dr. Eastick: Disastrous!

Mr. GUNN: Yes, and I challenge any Government member to rebuke the Prime Minister. The member for Elizabeth is vocal at times, but is that because he is engaged in a fight with the member for Playford for the office of Attorney-General?

The DEPUTY SPEAKER: Order! The honourable member for Eyre.

Mr. Duncan: The member for Playford is home in his sick bed.

Mr. GUNN: Then I am sorry I said what I said about him. This measure, like the one with which we dealt this afternoon, contains an obnoxious clause dealing with the powers of inspectors. Clause 8 is the obnoxious clause in this Bill. After all the debate that took place this afternoon on a similar provision, I should have thought that the Treasurer would amend clause 8. Obviously, the Labor Party has not yet realised that running the State is much the same as running a business and that Governments must be efficient and prudent in their financial management. This Government thinks that, so long as it can get its hands on money, it should spend it as quickly as possible. However, no matter how much money it had it would not be enough, because its policy is to take from those who work and give to those who will not work. That is this Government's philosophy. Clearly, from listening to Mr. Whitlam, Dr. Cairns, Mr. Crean, the State Treasurer and the member for Spence, that is also their philosophy, but I refer members to our sensible philosophy of liberalism that sets out to enhance the rights of the individual.

The Hon. G. T. Virgo: What has that to do with the Bill?

Mr. GUNN: It has much to do with the Bill, because the policy which we have adopted and which we support in this State—

The DEPUTY SPEAKER: Order!

Mr. GUNN: —guarantees the States a certain proportion of the income tax revenue.

The Hon. G. T. Virgo: You've learnt from your mistakes!

Mr. GUNN: The percentage allocation would be decided after consultations between the States and the Commonwealth. For the Minister's benefit, I will quote from No. 5 on page 7 of the Federal platform, as follows:

The guaranteeing of an adequate proportion of Commonwealth personal income tax revenue for the purposes of the States, such proportion to be determined by arrangement between the Commonwealth and the States.

The Minister of Transport should read all of page 7 of the platform. Undoubtedly, similar measures will be introduced in the House, if the Whitlam Government stays in power much longer, to inflict more regressive taxation on the people of the State. In Committee, I will have more to say about clause 8.

In conclusion, the legislation is a retrograde step, placing the State in a position whereby it must tax people who engage in enterprises to the extent that some people will be unable to purchase the commodities they require. Undoubtedly, the people will judge the Treasurer on his actions, because he is part of the campaign that helped get Mr. Whitlam elected. The Treasurer stood alongside Mr. Whitlam, but he is now trying to divorce himself from the marriage. I support the remarks made by the Leader and other Opposition members and strongly oppose the Bill.

Dr. TONKIN (Bragg): I do not support the Bill. I believe that the Government has introduced it with a fair degree of insight into what might be the reactions to it. I think the Government hopes that, by believing that non-smokers would not care one way or the other about what were the provisions of the Bill, it might avoid the censure of at least one section of the community. In doing this, it is imposing what amounts to a selective luxury tax on the people who smoke. Although the term "luxury tax" has been used in relation to this form of taxation, I do not believe that this is a luxury tax. I believe that dependence on tobacco is very much part of the general drug dependence, on nicotine. I believe that people who smoke, especially chronic smokers, depend on nicotine. Surveys and oversea experience have shown that smokers continue to smoke just as much, regardless of the price they must pay for their tobacco. So the Government is surely banking on this situation just as surely as the pedlar of any other drug relies on the physical dependence the drug has built up in the individual. The Government is relying on the physical dependence smokers have developed in respect of tobacco to ensure that it will get this revenue of about \$4 000 000 a year to help reduce its deficit.

I do not believe (and I am on record as saying this in the House previously) that smoking is a good thing. Indeed, I strongly support the remarks made many times a day on radio and television that smoking is a health hazard. I believe that it is a health hazard, and anyone who pretends that it is not a health hazard is rationalising and whistling in the dark. Such a person is kidding himself.

Mr. Payne: Will this Bill stop anyone smoking?

Dr. TONKIN: No doubt Government members will say that this is good legislation because, even if it stops only one person from smoking, it will be a good thing. What a load of rubbish! I do not believe that smoking is good but, although I do everything I can in this place and outside to discourage people from smoking, I still defend their right to choose whether they smoke or not.

Mr. Simmons: Who's interfering with it?

Dr. TONKIN: The member for Peake has now confirmed what I have put as a hypothesis: the Government is relying on people who depend on tobacco continuing to smoke it. This legislation has been introduced for the same reason as the Bill dealing with petroleum products was introduced—to raise money. If the Government thinks

it can get any kudos from supposedly discouraging smoking, it has another think coming.

Mr. Payne: I haven't heard anyone say that.

Dr. TONKIN: I think I heard the honourable member interjecting along those lines. We are considering this Bill because the State is short of money, and it is short of money for two reasons: first, the State Government, which is absolutely reckless in its spending, has not been willing to reduce expenditure until recently and, even then, it is doing so half-heartedly; and secondly, we are not receiving the money from the Commonwealth Government that the Prime Minister undertook to provide. He is not providing money that the Treasurer said he was depending on, and we are not receiving money which is rightfully ours and which has been paid by taxpayers of this State. It is for those reasons that we are considering this Bill. The views of the Opposition on this and similar matters are well known. I believe, as I said in an earlier debate on a similar matter, that, if the Treasurer were genuine in his concern for this State, and if he were genuine in his concern for people who have to pay this additional tax because they are not getting back a fair share of the taxation they have already paid, he would not be campaigning with the Prime Minister to help return a Labor Government in Queensland, and that he would not campaign in order to try to return a Labor Government at the next Commonwealth election. No matter how hard he tries, the Treasurer has been totally discredited and people will no longer believe him. I look forward at the earliest opportunity to seeing a Liberal Country Party Government in Canberra, because that is the only answer to our problem and is the only salvation for this country. Roll on the day!

The House divided on the second reading:

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

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

Pairs—Ayes—Messrs. Corcoran and McRae. Noes—Messrs. Blacker and Evans.

Majority of 6 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

Mr. COUMBE: What does the definition of "relevant period" mean in the case of people who will be affected for part of the year, and how will it work once the Bill is operating fully?

The Hon. D. A. DUNSTAN (Premier and Treasurer): The licence or renewal must date from a date after September 30. Therefore, the year relevant to this matter is the year ended on June 30 preceding that date.

Mr. Goldsworthy: Why don't you say "year" in the same way as another member of this Chamber who went to the same school as you?

The Hon. D. A. DUNSTAN: To get the same accent from two people who went to St. Peters College is just as difficult as trying to get the same doctrine from two people who attend the Anglican Church.

Mr. BECKER: How will the State Government police the sale of cigarettes on aircraft and ships entering and leaving South Australia?

The Hon. D. A. DUNSTAN: I do not think we will have too many inspectors on vessels and aircraft leaving South Australia. As I have explained, getting at the sales in this matter is much easier than was the case with the petroleum Bill. We will be able to assess sales that take place by retail anywhere; we will have returns from the wholesalers, who are the basis of the administration.

Mr. BECKER: If a person buys cigarettes while he is on a ship outside the 19-kilometre limit, how will the State obtain tax on that? There cannot be a tax on the individual.

The Hon. D. A. Dunstan: There won't be.

Mr. BECKER: Why is the reference to aircraft and vessels included in the definition of "premises"?

The Hon. D. A. DUNSTAN: We have a most important service to Kangaroo Island that operates in our waters. If there are sales of cigarettes on that service, we shall apply tax to them.

Clause passed.

Clauses 5 to 7 passed.

Clause 8—"Powers of inspector."

Mr. GUNN: This clause is identical to that which we discussed earlier in the debate on the petroleum licensing Bill. Again, I protest about this provision: it is without proper foundation and cannot be justified by anyone who claims to be a Democrat. It gives inspectors unlimited power to intrude on the privacy of individuals. I refer the Government to the second report of its own committee, the Criminal Law and Penal Methods Reform Committee of South Australia, which states at page 58 in the paragraph entitled "Search Warrants":

The police have no greater right to enter and search premises without a warrant than has a private citizen.

I believe that, without a warrant, inspectors have no rights at all. The Government is being hypocritical about this matter. On the one hand, it commissioned a group of people to look at the rights of citizens yet, on the other hand, it wants us to pass legislation that will destroy the rights of individuals. At page 66, a recommendation of this committee states:

(a) We recommend that the powers of entry, search and seizure contained in the statutes set forth in schedule 3 be examined with a view to substituting for an absolute right of entry, search and seizure the requirement that a judicial warrant be first obtained for such purposes or any of them. I entirely agree with that recommendation and again ask the Treasurer to amend this legislation to bring it into line with provisions in the Fisheries Act protecting people against the arbitrary use of power.

Mr. RUSSACK: Subclause (1) (c) (i) relates to the production of accounts, records, books or documents. I hope that inspectors use common sense in requesting the production of this material. However, employees or junior employees could often be instructed to go to records and accounts that an employer would prefer to keep confidential. Can it be spelt out more plainly that the person requested to produce the records shall be a responsible person in that business, not any person?

The Hon. D. A. DUNSTAN: The last two lines in that subclause apply to all persons concerned.

Mr. GOLDSWORTHY: It is specious for the Treasurer to suggest that we enact this clause now and take action later if there is merit in the Mitchell committee report. Either the recommendation in the report has merit or it has not. If it has, as I contend it has, now is the time to act. I should be surprised if the Treasurer's view was not similar to the committee's view. It is taking a false stance to include this provision merely because it has been provided elsewhere over a period of 100 years. That is deplorable.

The Hon. D. A. DUNSTAN: I am sorry if the honourable member deplores it, but the Government must look through these specific cases with the department, testing those cases that have occurred against the recommendation of the Mitchell committee and the proposals of the departmental heads. For instance, the committee has proposed an ending of the system of general search warrants. Certainly, that attitude accords with my general view and I opposed the provision regarding general search warrants when it was written into the Police Offences Act in 1953. The amendments made to the Fisheries Act were as a result of my protests when we were in Opposition.

Mr. Goldsworthy: Yet you go along with this clause?

The Hon. D. A. DUNSTAN: It is clear that the heads of departments have insisted that these powers, which are similar to provisions enacted previously, have been proved to be necessary. The heads of departments have said that there is no way effectively to check records if there is a notified delay to someone about getting those records, because the result of the delay is that the records are destroyed. The power in this Bill is used widely in Australia, particularly in relation to revenue measures. When cases that have been cited have been checked fully against the recommendation, the Government will make a decision. That matter was raised in Cabinet when the draft of this Bill was before Cabinet, and we concluded that, because of the need to get the legislation through, we did not have time to check out the Mitchell committee's report.

Mr. Goldsworthy: Have you had time to check on the search warrants?

The Hon. D. A. DUNSTAN: No, and no conclusion has been reached on that matter. I opposed it in 1953. That matter will have to be checked with the Police Department, just as matters relating to revenue provisions are checked with the revenue departments. When they have been checked fully, the Government will make a policy decision and, if that involves changes to legislation, those changes will be introduced promptly. However, as that checking will take some time, we cannot do it before this measure is passed. Consequently, we have had to retain in this measure what has been the traditional power in revenue measures of this kind that have been passed in this Parliament under this and previous Governments over a period of about 50 years.

Mr. COUMBE: I think my colleagues are right in bringing this matter forward, but it is obvious that the Government has the numbers to pass the clause. I wish to seek information about incrimination, and I refer to subclauses (3) and (5). As I am aware of the rules of court in relation to obtaining evidence in criminal cases, will the Treasurer assure me that inspectors, to be used despite Opposition protests, in carrying out their duties properly, will advise people whom they are questioning or from whom they are requesting documents of their rights in this regard? I believe that is a fair assurance. It will not allow the miscreant the opportunity of getting away from punishment; that will be for the court to decide.

The Hon. D. A. DUNSTAN: Inspectors will be instructed to carry out their duties properly and inform people of their rights under the law.

Mr. GOLDSWORTHY: The Treasurer has indicated that this clause is not dissimilar to other legislation that involves taxation measures. Since I have been a member, I have seen several Bills in which inspectors have been appointed to fulfil certain functions. However, I do not recall any legislation during that time that has vested such far-reaching powers in inspectors or, indeed, their assistants. Inspectors can enter premises and remain

there for any period they wish; they can look at documents and books and take notes; and they can request a person to answer any questions, which that person must answer. Will the Treasurer therefore indicate the other taxation measures that give inspectors powers as wide as those given in this measure? The powers are far wider than those available to members of the Police Force in carrying out their duties in investigating crime. Investigations made by the Police Department have more impact on the community than would a person's infringing the provisions of this Bill.

The Hon. D. A. DUNSTAN: The Motor Fuel Distribution Act, 1973, is one such measure. In addition, Parliament annually renews the Prices Act, which contains similar powers. As to the powers of the police, I point out that, under general warrants, police have wider powers than those vested in inspectors under this Bill. General warrants are issued by the Police Commissioner, not by a magistrate.

Dr. TONKIN: I find it absolutely ridiculous that the Treasurer should state as a justification for introducing out-dated legislation in respect of this clause that it is necessary to introduce it to obtain a certain amount of case experience so that the Director of his department can say whether it is justified or not. I have never heard anything so ridiculous in my life, and it does not do the Treasurer credit. I would have thought that he, at least, would be one person who would say, "O.K., there has been no case law for the department to fall back on; there has not even been a department, so let us start and see how it goes." Instead of that, he is reacting by saying, "Let us not change anything." It simply goes to prove what I have said for some time: that the Treasurer and his Government are more conservative than the Conservatives.

The Hon. D. A. DUNSTAN: For the benefit of the member for Kavel, I refer to section 208 (1) of the Licensing Act, which ought to be known to most members and which provides:

No witness in any proceedings for an offence under this Act shall be excused from answering any relevant question notwithstanding that the answer thereto would or might tend to show him to be an accomplice or accessory with, or an aider or abettor of, the person being tried, in the offence for which he is being tried, or otherwise to incriminate him.

It is therefore standard procedure under the Licensing Act. I refer now to what the member for Bragg said. He obviously did not understand what I was saying: that the history of cases under sections of this kind (in relation not to new legislation but to what has happened so far regarding taxation legislation) will be checked with heads of departments to see whether, in the Government's view, the objections that are raised to the Mitchell committee's report are well based.

Dr. Tonkin: What has that got to do with this Bill?

The Hon. D. A. DUNSTAN: It was not possible to check them in time in relation to this Bill. In this Bill we have repeated what is the standard clause in relation to inspection in revenue measures.

Mr. GOLDSWORTHY: It would probably be a more valuable exercise to limit the powers of inspectors. Then we would have a basis on which to compare the experience of the new department with that of departments in the past. If we were looking for some form of comparison in this respect, now would be the time to launch into changes so that we could compare what happened in future with past records.

Clause passed.

Clauses 9 and 10 passed.

Clause 11—"Fees."

Dr. EASTICK: During the second reading debate I said that the South Australian public had been hoodwinked by the Treasurer in relation to the fees to be levied. It was suggested that this action was virtually identical to that taken in Victoria and that the fee to be charged in South Australia was similar to that charged in Victoria. I refer to the Tasmanian Act, which was passed on November 16, 1972, and under which the charge levied by the Tasmanian Government on tobacco sales is 7½ per cent. A scale of fees applies in Victoria. Indeed, for the first six months of operation the figure is 1½ per cent. Section 10 (1) of Victoria's Business Franchise (Tobacco) Act, which relates to fees payable for licences, provides:

The fees to be paid for licences issued under this Act shall be as follows:

(a) For a wholesale tobacco merchant's licence—

(i) which is in force for any period before the 31st December, 1975, a fee of \$100 together with an amount equal to 2½ per centum of the value of tobacco sold by the applicant in the course of intrastate trade in the period commencing 1st April, 1974, and ending 30th September, 1974 (other than tobacco sold to a person who was in the opinion of the Commissioner engaged principally in tobacco wholesaling); and

(ii) which is in force for any period after the 31st December, 1975, a fee of \$100 together with an amount of 5 per centum of the value of tobacco sold by the applicant in the course of intrastate trade in the year ending on the 30th September last past (other than tobacco sold to the holder of a wholesale tobacco merchant's licence);

Initially, the figure was 2½ per cent a year but, taken on a six-monthly basis, it reduces to 1½ per cent. In South Australia we are dealing with a specified fee plus 10 per cent of the value of tobacco sold. Indeed, for a retail tobacconist's licence a fee of \$10 plus 40 per cent of the value of tobacco sold during a period of three months is payable. This is an administrative action taken by the Government which, I believe, apart from my resistance to the whole Bill, is not unreasonable. Under section 10 (1) (b) of the Victorian Act, the figure of 5 per cent applies to a retail tobacconist's licence. We in South Australia are being called on to pay a much larger fee than that which obtains in Victoria.

I now return to another point I made during the second reading debate. The Victorian tax will make a significant difference to the price the consumer must pay for the product he purchases. South Australian people who live near the Victorian border will obviously trade with Victorian outlets and, therefore, because no zoning is provided for in the Bill, South Australian delicatessens, service stations, clubs and hotels near the border will lose sales. The amount of tobacco purchased in Victoria and smoked in South Australia will have a serious effect on tobacco sales in South Australia.

The Hon. D. A. DUNSTAN: Certainly, the rate of tax in South Australia will be higher than it is in Victoria. However, that situation will be only short-lived.

Dr. Eastick: Because we are going to come down?

The Hon. D. A. DUNSTAN: No. If the Leader examined the Budget introduced by Mr. Hamer, he would find that, whereas South Australia provided \$30 000 000 for increased wages this year, Public Service salary increases have already taken up most of that sum. Victoria provided \$50 000 000, whereas in proportion it would have needed

to provide much more, because wage increases there have not been less than here.

Dr. Eastick: Including the Police Force?

The Hon. D. A. DUNSTAN: Those increases have not been as high in Victoria. In the public sector wages have increased in Victoria by twice as much as they have increased in South Australia, and several times tribunals here have had to consider the flow-on from decisions in Victoria. The Victorian Budget will be in more trouble than our Budget is in, because early in the new year Mr. Hamer will need to raise much more revenue. I do not expect the rate to be lower for long.

Dr. EASTICK: The Treasurer has presumed much about the Victorian Budget, which was introduced later than our Budget. In the original Victorian Budget provision had been made for many wage decisions, and the \$50 000 000 will be more than adequate for increases in wages that will apply for the rest of the year, so that perhaps the Hamer Government finds itself in a better position. After considering its priorities, perhaps this Government will not continue to spend wantonly.

The Hon. D. A. DUNSTAN: I do not know what the Leader considers is wanton spending. The Victorian Budget provides for more generous spending in several aspects than does our Budget.

Clause passed.

Clauses 12 to 22 passed.

Clause 23—"Objection to an appeal against assessment or reassessment."

Dr. EASTICK: Having regard to the earlier experience with similar legislation, can the Treasurer say whether this Bill has been thoroughly researched and discussed adequately with the industry, so that it contains no errors and will not require any amendments in order to operate satisfactorily?

The Hon. D. A. DUNSTAN: The matter has been discussed with the industry, and we have examined local industry conditions and legislation introduced elsewhere. As we are at present advised, the measure is in order.

Clause passed.

Remaining clauses (24 to 31) and title passed.

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

*That this Bill be now read a third time.*

The House divided on the third reading:

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

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

Pairs—Ayes—Messrs. Corcoran and McRae. Noes—Messrs. Blacker and Evans.

Majority of 6 for the Ayes.

Third reading thus carried.

Bill passed.

#### SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the South Australian Railways Commissioner's Act, 1936-1973. Read a first time.

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

*That this Bill be now read a second time.*

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

#### EXPLANATION OF BILL

This short Bill is intended to make three changes to the present provisions relating to the sale of liquor at the Adelaide railway station. As members may be aware, further renovations have been carried out to the Overland dining-room at the station. The Railways Commissioner has proposed that full advantage should be taken of these upgraded dining-room facilities by the introduction of dinner dances open to the general public and the extension of catering services to wedding receptions, private parties and similar functions. By extending the closing hours on Mondays to Saturdays from 10 o'clock in the evening to 12 midnight, this measure would enable the Commissioner to give effect to that proposal.

Secondly, the Railways Commissioner has proposed that he be able to dispense liquor with meals to passengers on the railways and the general public on Sundays. The Government considers that this is a reasonable proposal and, accordingly, this measure provides for the sale of liquor to persons taking *bona fide* meals on Sundays between the hours of 11.30 in the morning and 9 o'clock in the evening; hours that are aligned with arrivals and departures on Sundays. The Government also considers that the sale of bottled liquor to the considerable number of persons who pass through the Adelaide railway station daily should be permitted. The provisions of such a service should be both profitable to the South Australian Railways and an added convenience for its passengers. The Bill therefore makes provision for the sale of liquor in sealed containers from the Overland Tavern or from a bottle department that is established for the purpose at the station between the hours of 8 o'clock in the morning and 10 o'clock in the evening, Mondays to Saturdays.

Clauses 1 and 2 of the Bill are formal. Clause 3 amends section 105 of the principal Act to permit the sales of liquor outlined above. Clause 4 amends section 133 of the principal Act by empowering the making of by-laws relating to bottle sales from any bottle department that is established at the Adelaide railway station.

Mr. GUNN secured the adjournment of the debate.

#### LOCAL GOVERNMENT ACT AMENDMENT BILL (BOUNDARIES)

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

That the time for bringing up the report of the Select Committee on the Bill be extended to Thursday, February 27, 1975.

Motion carried.

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

That the Select Committee on the Bill have power to invite any specially qualified persons whom it may desire to attend any of its meetings in an advisory capacity.

The committee is progressing well, although there is much work still to be done. It is becoming increasingly clear that we will require to avail ourselves of expert information, and it is desirable that such information ought to be available while the Select Committee is in progress. Accordingly it is necessary to have the authority of the House to have such a person or persons available and capable of attending.

Mr. MATHWIN (Glenelg): I wish to ask a question, if I may.

The SPEAKER: Order! This is not Question Time; it is a debate.

Mr. MATHWIN: I support the Minister but I would like to have some indication from him about the expert information he seeks. Whence will he obtain these specialists, and what type of person will he ask? Will they be people from the Minister's department, or people from the Local Government Association, or will it involve the ordinary man in the street, who may claim to have specialist knowledge on this subject? We are well aware of the beliefs of the Minister in regard to some sections of local government, and that is why I ask him exactly what he has in mind when he speaks of people to give specialised information to the Select Committee. Who will call for them: the Minister, members of the Select Committee, or the Select Committee itself, which will be governed by the Government because it has the majority of members on the committee?

Motion carried.

#### BUSINESS FRANCHISE (PETROLEUM) BILL

In Committee.

(Continued from November 20. Page 2154.)

Clause 2—"Commencement."

Dr. EASTICK (Leader of the Opposition): When is it intended to proclaim this Bill? I ask this question because of the rumour that is rife in the community that the Government does not intend to implement the provisions of this Bill at any time because the Prime Minister has an arrangement with the Treasurer that funds will be made available to all States, which will obviate the need for them to levy further taxes on the people. To restore lost prestige, the Commonwealth Government will take action that will benefit the States' finances. The belief in the community is that, because of future action by the Commonwealth, this Bill and the provisions of another recent measure will be unnecessary.

The Hon. D. A. DUNSTAN (Premier and Treasurer): Obviously, the Leader is privy to information to which I have not been privy. If I had an assurance along the lines referred to by the Leader, I would not ask members to deal with this legislation. Originally, I did not think I would have to introduce this Bill, and I have expressed much disquiet at having to do so. I have said throughout that, if funds were made available by the Commonwealth Government that would mean that I did not have to proceed with this legislation, I would not proceed with it further. However, I have not yet had that assurance. As I pointed out to an honourable member earlier this afternoon, I raised the matter with the new Commonwealth Treasurer designate again this morning, but I have no assurance. In these circumstances, I have to proceed with these measures. I cannot allow the funds of the State to be in a position of danger.

Mr. Chapman: When did the Commonwealth dissociate itself from assurances it made earlier?

The CHAIRMAN: Order!

The Hon. D. A. DUNSTAN: The honourable member had better look back through *Hansard*.

Mr. Chapman: You said earlier that you had assurances.

The CHAIRMAN: If the honourable member completely disregards the Chair, I shall have to take other action.

The Hon. D. A. DUNSTAN: I have outlined what is the position in this matter, and it remains. I would not be proceeding with the petrol tax now, and I would not have introduced a Bill dealing with the cigarette tax this afternoon, if that position were different.

Mr. COUMBE: The Treasurer is saying that the new boy in Canberra has not come to the party.

The Hon. D. A. DUNSTAN: He isn't the Treasurer yet.

Mr. COUMBE: I know; I am beginning to wonder who is in authority in Canberra. Earlier, the Treasurer said that this legislation would operate from March 24 next. Obviously, certain administrative work would have to be done before then. What is the latest date by which this Bill can be proclaimed? If Commonwealth funds become available, will the Treasurer not proceed with this matter further?

The Hon. D. A. DUNSTAN: We will have to proclaim the Bill as soon as possible in order to get the administrative arrangements made. If funds come from the Commonwealth Government, arrangements will be made that we do not proceed with the measure, and a repeal Bill will be put before Parliament early in February.

Mr. CHAPMAN: On August 29 (as reported at page 776 of *Hansard*), the Treasurer specifically referred to arrangements he had made with the Prime Minister. He said that there had been much discussion about the State's budgetary problems and that the Prime Minister promised to consider the matter we are now discussing. He said that in the financial papers he had included the receipt of \$6 000 000 as an unspecified addition to the total of known or firmly estimated details.

The CHAIRMAN: Order! I do not think that what the honourable member is saying has anything to do with the commencement of this Bill.

Mr. CHAPMAN: This Bill deals with raising revenue.

The CHAIRMAN: Order! All this clause deals with is the commencement of the Bill. We are not dealing with financial arrangements.

Mr. CHAPMAN: I realise that we are dealing with the commencement of the legislation, but I am saying that we should not be commencing it at all.

Clause passed.

Clause 3 passed.

Clause 4—"Interpretation."

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

In the definition of "Class 2 licence" to strike out "products" third occurring and insert "product"; and in the definition of "Class 8 licence" to strike out "person who is not a licensee" and insert "persons who are not licensees". The Parliamentary Counsel, on examining the Bill, recommended these amendments for the purposes of better grammar.

Mr. MATHWIN: I take it that merely a point of grammar is involved.

Amendments carried.

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

"licensee" means the holder for the time being of a licence.

This amendment merely provides a definition of "licensee".

Dr. EASTICK: I accept the amendment, as there would be a deficiency in the Bill without it. However, I do not want the Treasurer or any other member opposite to think that the members on this side agree to the passage of the Bill.

Mr. BECKER: Does "licensee" specifically cover such organisations as K Marts? Only this morning I found out that K Marts sell types of oil product similar to those sold by service stations. Large supermarkets sell, at discounts, various products that can be bought from service stations, and they also sell oil in one gallon drums. Is the Premier aware of this? I understand that they are Mobil and Castrol products.

The Hon. D. A. DUNSTAN: As far as dealing with what are normally accepted by people as petroleum products is concerned, yes, they will be covered. Several

exemptions will be given. The licences have been drawn so widely that they will cover a large range of goods, including intimate personal chemists' products for which I do not think it reasonable to ask a chemist to hold a licence. It will be necessary to make a list of exemptions but, where they are selling the normal petroleum products as accepted by the customer, they will require to be licensed.

Amendment carried.

Mr. EVANS: Will, say, Ampol be able to take out a licence for all its service stations in the State, as long as that company sold no other maker's petroleum products, on only one licence at a cost of \$500 to cover all its retailing? There is no reference to premises in the provision regarding class 3 licences.

The Hon. D. A. DUNSTAN: Theoretically, it would be possible for such a company to do this if it could structure its business that way. However, I am instructed that no company can do that.

Mr. EVANS: Is the Treasurer instructed that no company can do it?

The Hon. D. A. DUNSTAN: It would not be practicable for any company to do that. That matter has been examined.

Mr. EVANS: A class 9 licence refers to an individual operator and the fee there is \$50. A major company could have 200 outlets and obtain a licence for \$500 for all of them, as the provision is worded. I consider that a company can operate that way, and that leaves a loophole.

The Hon. D. A. DUNSTAN: No petrol station can carry on effectively selling only products that it manufactures. It is not possible, given this kind of structure, to structure a company to do as the honourable member has suggested.

Mr. EVANS: Is the Treasurer saying that no petrol company in this State could say that it would not handle, say, Castrol oil and would handle only its own goods? We are creating an incentive for companies to do that, and the matter should be covered in the legislation.

The Hon. D. A. DUNSTAN: All the companies concerned in Australia have more than one company in their structure and they structure their operations in such a way that it is impossible to arrive at the conclusion that the honourable member is suggesting. He suggests that, say, the Ampol company will produce and sell in outlets that it owns and operates (so that it is not selling to anyone other than to the public directly) a product produced by only one Ampol organisation. The Ampol organisation is a multi-company structure, not only one company structure. That also applies to Mobil. The Mobil refinery at Port Stanvac that sells petrol is a separate company from Mobil organisations involved in producing products sold through Mobil outlets. It would be impracticable for a company to restructure so as to achieve the result the honourable member has suggested. I move:

To strike out the definition of "value" and insert the following new definition:

"value" in relation to a quantity of petroleum products sold means the value attributed to that quantity of petroleum products pursuant to section 16 of this Act.

This amendment inserts a new definition of "value" related to proposed new clause 15a.

Mr. CUMBE: Do I understand the purport of the amendment to be that we are averaging products sold by an outlet or any other producer whereby there will be a type of averaging system operating and the word "value" will be a term applied to new clause 15a in that regard?

The Hon. D. A. DUNSTAN: The trade calls it banding. Amendment carried.

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

In subclause (4), after "outside the State", to insert "not being a sale made in the course of trade or commerce among the States within the meaning of section 92 of the Constitution of the Commonwealth".

The purpose of the amendment is to make clear that sales made in other States are not touched by this subclause.

Mr. CUMBE: I have no objection to the amendment because it clarifies subclause (4), although I have considerable doubts about the meaning. The subclause now provides:

(4) Where pursuant to a sale made outside the State petroleum products are delivered within the State, that sale shall for the purposes of this Act be deemed to have been made within the State.

A sale made anywhere outside South Australia and delivery to South Australia is regarded as a sale within the State. That is what the Treasurer is saying in the measure. I am not reflecting on anyone in particular, but I believe I know what the Treasurer is driving at because, if a sale occurs outside the State and the petroleum product is delivered to South Australia, the sale is deemed to have taken place in South Australia.

The Hon. D. A. DUNSTAN: Delivery is an essential part of the sale. What could happen otherwise would be that someone with a contract in South Australia could specify that the place of making the contract was in another State and say, "It is not a sale within South Australia." That person could physically go to another State and say to someone, "I am purchasing the product from you and want you to deliver it to South Australia."

Mr. Venning: What if you pick it up yourself?

The Hon. D. A. DUNSTAN: That question is not involved in the measure. Where it relates to sales for South Australia and the completion of the sale is by the delivery of goods to a customer in South Australia, that is something with which we should be able to deal. I believe it is perfectly practicable.

Mr. RODDA: What is the position if someone collects the fuel for his own use? A person could bring in fuel from another State in such circumstances. The negotiation is between the supplier in another State and the user in this State.

The Hon. D. A. DUNSTAN: That is not touched, because the sale and delivery is completed elsewhere. It is whether the delivery is to a customer in South Australia, which is a different matter. The case of someone who goes to a place that does not have a licensing system and makes a wholesale purchase does not involve South Australia. There is no South Australian involvement unless the person lives here. It is like going overseas and buying goods.

Mr. Chapman: What about duties?

The Hon. D. A. DUNSTAN: Duties would not be paid, because customs duties do not exist between the States.

Mr. VENNING: If I lived near the border, I could go over the border, buy my fuel and bring it back to South Australia. Is that so?

Mr. CHAPMAN: Would the same situation apply to an agent acting on behalf of several other people, going over the border, purchasing on their behalf, taking delivery on their behalf, and bringing it back for individual use in this State?

Mr. RODDA: Does the Government intend that the inspectorial powers provided by subsequent sections will be used to keep an eye on the practice referred to by the member for Alexandra?

The Hon. D. A. DUNSTAN: Yes; inspectorial powers will be used to police an obvious avoidance of the Act.

Mr. EVANS: An employer could send an employee over the border to pay for the goods and bring them back into the State without paying duty. If that is so, where is the difference in the case of a group of people employing someone to act as their agent to go over the border, buy in bulk, and bring back the fuel to their properties, because such an employee would be bringing back fuel for use on the employer's property?

The Hon. D. A. DUNSTAN: I will get a report on each of those questions; however, each matter will depend on the facts of the case.

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7—"Appeal Tribunal."

Mr. COUMBE: What type of person has the Treasurer in mind to act on the appeal tribunal? I would have in mind a member of the legal profession who had had practice in this type of jurisdiction, or a qualified accountant.

The Hon. D. A. DUNSTAN: It will be the latter class of person, that is, someone well qualified in accountancy, because the appeals will necessarily relate to the amount of fees.

Clause passed.

Clause 8 passed.

Clause 9—"Inspectors."

Mr. RUSSACK: Subclause (2) provides:

An inspector may hold his office in conjunction with any other office in the Public Service of the State.

Is it intended that an inspector from an already existing Government department will do this work and, if it is, has the Treasurer any specific department in mind in this respect?

The Hon. D. A. DUNSTAN: It may be possible for us to use the inspectors appointed under the Road Maintenance (Contribution) Act or inspectors of the Labour and Industry Department who operate under the Motor Fuel Distribution Act.

Mr. Coumbe: Under what Minister?

The Hon. D. A. DUNSTAN: I expect that it will be the Minister of Labour and Industry.

Mr. MATHWIN: Subclause (3) provides:

Each inspector shall be furnished by the Commissioner with a certificate of his appointment.

The clause does not provide for the payment of expenses or allowances, although clause 7 does so in respect of the appeal tribunal. What will the position be if the inspector shares this duty with any other duty he may have?

The Hon. D. A. DUNSTAN: That matter is coped with by the Public Service Act.

Clause passed.

Clause 10—"Powers of Inspector."

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

In subclause (3) to strike out "ascertain" and insert "have ascertained".

The amendment arises from a grammatical change.

Amendment carried.

Mr. GUNN: It is a sad day when a Government resorts to legislation such as this. Any Minister who stands up in this place and puts his name to a document such as this could hardly claim to be a democrat.

Mr. Keneally: One usually sits down to sign a document.

Mr. GUNN: It is all very well for the member for Stuart to make snide objections when we are considering a most objectionable clause that will allow an inspector to enter anyone's house in the middle of the night. It is a most objectionable provision.

Mr. Keneally: You're an objectionable member, though.

Mr. GUNN: I take strong exception to the remark made by the member for Stuart, who implied that I was an objectionable member, because I regard it as unparliamentary.

The CHAIRMAN: To what does the honourable member object?

Mr. GUNN: The member for Stuart said that I was an objectionable member, and I ask that he withdraw his remark.

The CHAIRMAN: Did the honourable member for Stuart make such a remark?

Mr. KENEALLY: If, by way of interjection (which is unparliamentary, anyway), I did make such a remark, and if you, Mr. Chairman, rule that my words were unparliamentary, I will bow to your ruling. However, if you do not rule that way, I need not withdraw my remark.

The CHAIRMAN: The point of the objection has been made. The honourable member for Eyre.

Mr. GUNN: It is not surprising that that includes this type of—

The CHAIRMAN: Order! I point out that the Committee is now dealing with inspectors and not with any other matter. The honourable member for Eyre.

Mr. GUNN: I was explaining how an inspector could enter anyone's house in the middle of the night and request information from any person in that dwelling. As many country service stations have dwellings attached to them, why should an inspector be empowered to enter those dwellings? The fisheries legislation originally contained a similar provision, but the Bill was amended in another place to deny an inspector, not having a warrant or the permission of the occupiers of the dwelling, the right to enter that dwelling. A similar provision should be included in the clause we are now discussing, because it would be deplorable for any Government to place such a power in the hands of an inspector.

Surely a person has the right to be protected in his own house. Why should an inspector be empowered to question any person on the premises, even a person not involved in the business? I hope that the Treasurer will move to amend the provision before the Bill leaves the Committee. I do not support the provision, and I hope that other members will prove to the Committee that they are true democrats.

Mr. Slater: It's in the New South Wales legislation.

Mr. GUNN: We are dealing with South Australian legislation in a situation that has resulted from the failure of the honourable member's friends in Canberra.

Mr. Payne: Get on with your business: stick to what we are here for.

Mr. GUNN: I will not be told by the member for Mitchell or anyone else how I will make my speech.

The CHAIRMAN: Order! The honourable member may be warned by the Chair if he is not careful.

Mr. GUNN: I seek an assurance from the Treasurer that he will remove part of this clause to allow for a true democratic process.

The Hon. D. A. DUNSTAN: This provision is the standard provision in taxing measures, and is on all fours with legislation introduced for many years by Governments in this State. This matter was considered when the Bill was being drafted, as was the advice given to the Government by the Commissioner of the State Taxes Department that this provision was necessary.

Mr. MATHWIN: I object to this shocking clause. It seems that an inspector can get anyone to help him with

his job, and this situation reminds one of what happened in Nazi Germany before the Second World War.

The CHAIRMAN: Order! I warn the honourable member: we are dealing with powers of inspectors.

Mr. MATHWIN: I am referring to those powers. Under the Bill, an inspector can get anyone to help him, and can do his job without a warrant: he can do whatever he wants to do. If the person refuses, he is liable for a penalty of \$50, and that is in addition to the \$50 he pays for his licence. What a shocking state of affairs! An inspector will have more power than a police officer has, and yet anyone can be appointed an inspector.

Mr. COUMBE: I am aware of provisions in other legislation, but that does not prevent Opposition members complaining about the present clause. I support the protests. It seems that a person can be required to answer any questions, even if he believes that such answers may tend to incriminate him. I believe that this legislation is breaking new ground in matters to which the Treasurer referred a few moments ago, because subclause (5) provides:

A person is not excused from answering any question if required to do so under paragraph (c) of subsection (1) of this section on the ground that the answer might tend to criminate him or make him liable to a penalty but the information furnished by him shall not be admissible against him in any proceedings, civil or criminal, except in proceedings for an offence under subsection (2) of this section.

We have recently passed the Builders Licensing Act Amendment Bill, which provides that a person shall not be obliged to answer questions put to him if the answers would tend to incriminate him. What about the double standards of the Government in this respect? Today the Government is asking us to accept a measure which contains a different approach to incrimination from that contained in the recent builders licensing legislation. This measure is equally as important as that legislation; indeed, it will deal with many more people. I believe a person should have the right to be protected from incrimination, but subclause (5) does not give him that right.

Mr. VENNING: As clause 10 seems to be in a mess, I move:

That progress be reported.

I believe the Treasurer should be given time to straighten out this clause and remedy its deficiencies.

Motion negatived.

Mr. GUNN: We have not yet heard from the Treasurer. Surely he is going to do the Committee the courtesy of answering questions raised in the debate on this clause. I ask the member for Mitcham to lend his support to it, because during his second reading speech he was critical of this clause. I draw the Treasurer's attention to another Act which has a similar provision but which contains exemptions. The Treasurer went to great lengths to explain how this was a normal clause in this type of legislation, but I do not agree with that. Section 12 of the Fisheries Act, 1971, provides, in essence, that an inspector cannot enter the residence of a person without a warrant from a police officer, unless he is invited in by the person occupying that residence, and that is a proper protection of a person's privacy. This clause gives wide powers that completely disregard the rights of individual citizens who are to be subjected to Big Brother's having the right to step in and question him and examine any documents requested, and there is no right of appeal: it will be absolute. This is not democratic, it is not just, it is not fair, and it cannot be substantiated by the Treasurer or any other Government member. It is a disgraceful state of

affairs that not one member on the Government side has had the courage to get up and defend the clause.

Mr. Keneally: It doesn't need defending.

Mr. GUNN: The member for Stuart has proved he no longer believes in the democratic rights of the citizens of this State. He puts the powers of the inspector above the rights of the individual; that is what he says. It is a disgraceful action to be adopted, and he ought to be ashamed of himself. We on this side will not support this clause in any circumstances.

The Hon. D. A. DUNSTAN: I point out to the honourable member that this clause is similar to other clauses that have been passed previously by Governments of various Parties in relation to taxation matters. For instance, a provision of this type was passed in 1973 in a related measure, namely, the Motor Fuel Distribution Act.

Mr. Coumbe: There was a row at that time, too.

The Hon. D. A. DUNSTAN: Yes, but there was an extraordinary inconsistency by members in what they said about that measure. The inspectorial powers in this measure are no different from the powers provided by a Liberal Government under the Prices Act. In relation to the inquiries that are made of this kind, the only difference between this and the Motor Fuel Distribution Act is the provision to which the honourable member referred. Under the Motor Fuel Distribution Act, a person is not obliged to produce documents or answer questions where that would tend to incriminate him, but that is not a taxation measure, and in these matters it is essential for the Taxation Department to have information so that there is a careful limitation of the answers that can be given. Where there is any question of incrimination the proceedings have to be confined to proceedings under this measure. What is more, it does not refer just to any premises: it involves premises in which it appears that the sale of petroleum is taking place.

Mr. Gunn: It does not say that in the clause.

The Hon. D. A. DUNSTAN: Clause 10 (1) provides:

An inspector may at any time, with such assistants as he considers necessary, without any warrant other than this section—

(a) enter and remain in any premises at which he reasonably suspects the business of selling petroleum products is carried on or which is or which he reasonably suspects is being used for the storage or custody of any accounts, records, books or documents relating to the sale or purchase of petroleum products;

Mr. Mathwin: I could have a tin of grease in my laundry, which could be entered.

The Hon. D. A. DUNSTAN: I would not expect the honourable member to be carrying on a business with one tin of grease; I think it would need to be in a more substantial way than that which would lead to an inspector's wanting to have a look.

Mr. MILLHOUSE: I talked about this clause amidst interruptions during the second reading debate. I said I did not like it then and I still do not like it. There is no point in debating the matter *ad nauseam*. Members of the Liberal Party have already said everything that needs to be said in opposition without going on and on and saying over and over again the same thing. I merely say that the Treasurer, in his defence of the clause, has relied mainly, if not solely, on what has happened in the past. He referred to the Prices Act, which I for one have habitually opposed. What the Treasurer said in defence of this clause referred to other Acts. I oppose the clause.

Mr. GUNN: I draw to the Treasurer's attention section 12 (6) of the Fisheries Act which provides;

This section does not authorise an inspector to enter any residential premises or to exercise in residential premises any power conferred by subsection (1) of this section unless—

(a) the occupier of those premises consents to such entry and exercise of powers;

or

(b) the inspector has obtained from a justice a warrant under subsection (7) of this section.

That is proper for the protection of the rights of the individual. It should be included in all legislation that has a provision such as that included in clause 10 of this Bill. No matter on which side of the Chamber I may find myself in future, I will never support a provision such as this; for a person who believed in democracy to do so would be an act of hypocrisy. Surely a man operating a business such as this should have protection from the intrusion of inspectors when he is in his private residence. Can the Treasurer give an unqualified undertaking that inspectors will not enter the private residence of a service station operator?

The Hon. D. A. DUNSTAN: I cannot give that undertaking. If someone wants to conceal his books of business by removing them to private premises, that is obviously an invasion of the provisions of the Bill. To give such an undertaking would negate the clause completely.

Mr. MATHWIN: Previously the Treasurer said that the provision did not refer to private premises, so he has now contradicted himself. In country areas, service station proprietors have their private residence close to their business. Surely they should be allowed to live in peace in their private residence. It is up to the inspector to catch them in the right way; he should not be allowed to search private premises at any time. In respect of incriminating evidence, the provisions in this Bill are different from those in other legislation.

This Bill will affect ordinary guys who are operating small service stations, trying hard to make a living. We should not permit inspectors to intrude on their privacy at any time of the day or night. Often the Treasurer talks about the rights of individuals, but in this provision he is going against that principle.

Dr. TONKIN: There is no reason at all why such high-handed powers should be given to an inspector. A protection individuals have enjoyed until now has been that an officer of any type, in order to justify his intrusion into private premises, has had to satisfy a magistrate that he has reasonable grounds for entering those premises. I can see no reason why that principle should not apply in this case. If the Treasurer is wise, he will report progress (as he has done on other occasions in similar circumstances) and examine this matter again.

Mr. GUNN: The Treasurer has now acknowledged that inspectors have unlimited powers to enter private premises. Apparently, the Government no longer believes that departmental officers should have to obtain a warrant for this purpose. In future, these inspectors will have powers that go beyond the rights of individuals. One can liken this to the cases of the colonels in Greece, Allende in Chile, and so on. I sincerely hope that the Government will soon be changed so that provisions such as this can be changed.

Mr. RUSSACK: Do the provisions of clause 10 (1) mean that an inspector may carry out his work out of business hours, at any time of the day or night, and that he can be accompanied by as many people as he deems necessary to enable him to obtain the information he requires?

The Hon. D. A. DUNSTAN: Yes, and that is the standard procedure under taxing legislation.

The Committee divided on the clause:

Ayes (15)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Dunstan (teller), Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, Payne, Simmons, Slater, and Virgo.

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

Pairs—Ayes—Messrs. Corcoran and McRae. Noes—Messrs. Becker and Blacker.

Majority of 3 for the Noes.

Clause thus negated.

Clauses 11 to 13 passed.

Clause 14—"Fees."

The Hon. D. A. DUNSTAN—I move:

In subclause (1), after "of" first occurring, to strike out "a" and insert "any"; and after "part" to strike out "of a" and insert "of any"; in subclause (2) (b) to strike out "other than the quantity of a" and insert "reduced by the quantity of any"; in subclause (3) (b) to strike out "other than the quantity of a" and insert "reduced by the quantity of any"; in subclause (4) (b) to strike out "other than the quantity of a" and insert "reduced by the quantity of any"; in subclause (5) (b) to strike out "other than the quantity of a" and insert "reduced by the quantity of any"; in subclause (6) (b) to strike out "other than the quantity of a" and insert "reduced by the quantity of any"; in subclause (7) (b) to strike out "other than the quantity of a" and insert "reduced by the quantity of any"; in subclause (8) (b) to strike out "other than the quantity of a" and insert "reduced by the quantity of any"; and in subclause (9) (b) to strike out "other than the quantity of a" and insert "reduced by the quantity of any".

These amendments are all in similar terms and are designed to make the provision clearer. They are only drafting amendments.

Mr. RUSSACK: Could the meaning of the provision about a class 1 licence be explained? If a manufacturer passes on petroleum to a reseller, will the manufacturer be responsible for tax on the amount passed on? Will he be responsible for the amount that he uses, and is the term "non-accountable" applicable to the quantity that is passed on to the reseller?

The Hon. D. A. DUNSTAN: "Non-accountable" refers to petrol that is wasted by spillage.

Mr. MATHWIN: The licence costs range from \$500 down to \$50 in the case of an ordinary person. If the licence fees go into general revenue, what will the people get for their money? They will have a licence to sell petrol and they will be there to be interviewed and caught up by inspectors. Ordinary garage owners have difficulty staying in business now, and it seems wrong to saddle them with an additional \$50. This measure is merely a revenue raiser, and some of these people will be taxed by another Bill to be introduced.

Mr. RUSSACK: What is the procedure involved as between the manufacturer and the reseller?

The CHAIRMAN: Order! There is too much audible conversation.

Mr. RUSSACK: Quantities of fuel could be used by the petrol companies. Do they pay the 10 per cent and pass it on down the line to the distributor? Is the tax applied twice to the same fuel being distributed?

The Hon. D. A. DUNSTAN: No.

Amendments carried; clause as amended passed.

Clause 15 passed.

New clause 15a—"Value in relation to petroleum products."

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

15a. The Minister may from time to time by notice published in the *Gazette* set out the basis upon which and the means by which a value shall be attributed to any quantity of petroleum products sold during the period specified in the notice and for the purpose of this Act the value of that quantity of petroleum products shall be the value so attributed.

The effect of the clause is to state with some precision the powers of the Minister in attributing a value to a quantity of petroleum products, as was referred to in the second reading explanation. These products will be banded: products of varying prices will be grouped under the one price.

New clause inserted.

Clause 16—"Value of petroleum products."

The Hon. D. A. DUNSTAN: In view of the amendment already made, I now oppose clause 16.

Clause negated.

Clause 17 passed.

Clause 18—"Payment of fees by instalments."

Mr. MATHWIN: Will the owner of the petrol station or the distributor pay the instalments?

The Hon. D. A. DUNSTAN: The station operator will pay it and recover it from his customers.

Mr. MATHWIN: The petrol station operator will pay the money; he will do the organising and the book work. Is it his responsibility and not the company's or the distributor's?

The Hon. D. A. DUNSTAN: It is possible for him to arrange with his company for it to make a return for him. Some companies have already approached the Government on that score: it will be up to the companies and the dealers concerned. We are not making legislative provision for it but, in the terms of the legislation, it is possible for that arrangement to be made.

Clause passed.

Clause 19—"Licences."

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

In subclause (1) (b) to strike out "by the applicant".

The effect of this and the following amendment will enable premises to be substituted in place of class 9 licences; this is the class of licence normally applicable to a service station.

Amendment carried.

The Hon. D. A. DUNSTAN moved:

In subclause (2) after "licence" second occurring to insert "and shall upon receipt at any time of a request in the prescribed form and payment of the prescribed fee by the holder of the licence and in accordance with the request substitute for, or delete from, premises so specified, such premises as are specified in the request".

Amendment carried; clause as amended passed.

Clause 20—"Renewal of licences."

The Hon. D. A. DUNSTAN moved:

In subclause (1) (b) to strike out "by the applicant".

Mr. MATHWIN: Is there any reason for choosing March 23 as the date on which the licence will expire?

The Hon. D. A. DUNSTAN: It was for the convenience of the oil companies after consultation with them.

Amendment carried; clause as amended passed.

Clauses 21 and 22 passed.

Clause 23—"Transfer of licences."

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

In subclause (1) to strike out "that holder proposes" and insert "it is proposed".

This is merely a drafting amendment.

Amendment carried; clause as amended passed.

Clauses 24 to 28 passed.

New clause 28a—"False or misleading statements."

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

28a. (1) A person shall not—

(a) make or deliver an application or other document under this Act; or

(b) make an answer whether orally or in writing to a question put to him pursuant to this Act by the Commissioner or the tribunal,

that is to his knowledge false or misleading in a material particular.

Penalty: Five hundred dollars.

(2) A person shall not—

(a) in furnishing any information;

(b) in giving any notification;

or

(c) in keeping any record,

pursuant to this Act make or cause to be made any statement or representation that is to his knowledge false or misleading in a material particular.

Penalty: Five hundred dollars.

(3) The court before which a licensee is convicted of an offence that is a contravention of subsection (1) or subsection (2) of this section may in addition to imposing any other penalty order that the licence of the licensee shall cease to be in force and that order shall have effect accordingly.

The purpose of the new clause is to provide a sanction against the making of false declarations.

New clause inserted.

Clause 29 passed.

Clause 30—"Institution of prosecutions."

The Hon. D. A. DUNSTAN: I oppose the clause; it is unnecessary in the South Australian context, because there is no restriction on who may bring a complaint under an Act.

Clause negated.

Clause 31—"Evidence."

Mr. COUNBE: The clause provides:

In any proceedings for an offence against this Act an allegation in the complaint that—

(a) a person is an inspector;

or

(b) a person named therein was or was not the holder of a licence at the time mentioned therein, shall, in the absence of proof to the contrary, be deemed to be proved.

Surely, that is a complete reversal of the onus of proof and, to me, it is contrary to normal justice. Will the Treasurer explain this matter?

The Hon. D. A. DUNSTAN: It is common in summary proceedings to allow, in effect, prima facie proof of a particular fact simply by allegation in the complaint. This is not a new procedure; it means that the time of the court, regarding obvious facts, is not wasted. One does not go through the procedure of tendering the inspector's appointment or the certificates showing that the person named was the holder of a licence. It is to be taken only prima facie that that is shown to be the case; however, if it is contested, the normal provisions of criminal proof apply.

Clause passed.

Clauses 32 to 34 passed.

Clause 35—"Regulations."

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

In subclause (4) to strike out "petroleum products" and insert "petroleum product".

This is merely a drafting amendment.

Mr. COUNBE: Although this regulatory provision is normally contained in most of our Acts, I am wondering about the amount of paper work that will be involved in a small retail outlet. During the last couple of days I have checked with certain outlet owners, who are most concerned about the number of returns they will have to make and about the extensive records of stocks, purchases and sales they will have to maintain. Many of these small

outlet operators must work hard to make a living and, as a result of an overdose of paper work, they will be ground even further into the dust. Many of them do their paper work in the evening or at weekends. Can the Treasurer say in what amount of paper work the operator of an average-size outlet will be involved?

The Hon. D. A. DUNSTAN: I simply do not have examples of an average, and it is difficult to calculate the average, because, in some cases, the oil-wholesaling companies have already arranged to provide the returns, so that an arrangement is made by them with people down the line, and it is all simplified. However, the Government will facilitate keeping the amount of paper work to a minimum.

Amendment carried; clause as amended passed.

Clause 10—"Powers of Inspector"—reconsidered.

The Hon. D. A. DUNSTAN moved:

That clause 10 be reconsidered.

The Committee divided on the motion:

Ayes (22)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Crimes, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

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

Pairs—Ayes—Messrs. Corcoran and McRae. Noes—Messrs. Blacker and Nankivell.

Majority of 4 for the Ayes.

Motion thus carried.

The Hon. D. A. DUNSTAN moved:

That clause 10 as amended be agreed to.

Dr. TONKIN: The Treasurer has taken an action that is contrary to specific recommendations of the Criminal Law and Penal Methods Reform Committee of South Australia, which devoted much time to considering rights of entry and inspectors. This committee has commented on 123 Acts of Parliament in which provisions similar to the one we are discussing are included. I commend page 66 of this report to the Treasurer because, if it is good enough for this committee to suggest updating the provisions of 123 Acts, it is time that we updated the present legislation and enjoyed the benefit of that committee's advice.

Mr. GOLDSWORTHY: Under this legislation inspectors will be able to enter premises and remain there for as long as they wish: police officers do not have this power. A person cannot hinder an inspector when he is exercising his powers, and the owner of the property has no redress. This provision contradicts recommendations of the Criminal Law and Penal Methods Reform Committee, and common sense indicates that powers conferred on inspectors by this legislation are completely dictatorial. The clause should be rejected or at least severely amended.

Mr. MATHWIN: I object to the reconsideration of this clause. It seems that the Treasurer's explanations leave much to be desired, because he has made many contradictory statements. We are faced with a situation in which an inspector, with any help he likes to use, can enter premises and ask for information, and the owner must reply to the questions. The occupier will have no rights: an inspector will be able to enter the house and disturb his privacy. We are asked to believe that a man's home is his castle, yet this Government sees fit to appoint these inspectors with authority to enter a man's

house at any time and harass such people in the privacy of their own homes.

The Hon. D. A. DUNSTAN: The Government is well aware of the contents of the report of the Criminal Law and Penal Methods Reform Committee which, after all, it set up. The Government is undertaking an evaluation of that report because the effect of the report, particularly in relation to taxation, is contested by the head of the department concerned. In consequence, it will be necessary for us at some length to go through specific cases to show the practical effects of what the committee is proposing. If, after we have done that, we decide to take action in relation to the 123 Acts cited by the committee, action will also be taken in relation to this Bill and the amending measure will be brought before Parliament. It is, however, necessary for us to proceed with that evaluation before we change what has been a long-standing policy of all Governments in this State in relation to taxing measures. We are here introducing a taxing measure that cannot await that evaluation and this clause was therefore brought before Parliament in its present form, which is the form adopted previously by this Parliament.

Mr. DEAN BROWN: I cannot possibly accept that explanation by the Treasurer. The Treasurer has tried to justify the tremendous powers to be given to inspectors under clause 10, as amended. I believe the Treasurer is trying to push aside the powers given under this clause without any regard whatsoever to the rights of the individual. Although he says that members of the Government are aware of the findings of the Criminal Law and Penal Methods Reform Committee of South Australia, I question particularly whether Government members do appreciate the findings of that report. Why have they proceeded with such powers as those in clause 10 if they are aware of the findings of the report, because those powers do not agree in any way with the sentiments and philosophy of the report. I refer to the beginning of chapter 5 (page 55) of the report, which states:

The Problems. The right of the individual to go about his lawful business unmolested by policemen or anyone else, and to limit the right of entry to his home or business premises to those to whom he expressly or impliedly authorises admission, is one which is deeply enshrined in most communities. That right has to be balanced against the right of the general public to be protected from the dangerous or unlawful acts of the individual.

This is why we are objecting to this clause. The inspector is given the complete right to enter without any protection whatsoever being given the person who owns the premises or the house. The report continues:

The achievement of the proper balance is a task which should always be under consideration by the Legislature.

That is exactly what we are doing. The report continues:

In some countries, for example in England, the tendency has been to place so high a value on the rights of the individual as to limit greatly the right of entry to premises by law enforcement officers. In South Australia the tendency has been the reverse.

I suggest that the Treasurer should take note of that. Although the committee states that England has gone too far in one direction, Opposition members consider that South Australia has gone too far in the other direction. Clause 10 of this Bill gives even greater powers to inspectors than South Australian police officers have at present, and far greater powers than the committee recommends. I believe that the Treasurer should reread paragraph 3 of chapter 5, because I doubt whether he has read it and absorbed what the chapter is all about. Paragraph 3, in relation to search warrants, states:

The police have no greater right to enter and search premises without a warrant than has a private citizen.

Therefore, neither the police nor an inspector should have any greater right than any other private citizen within this community. We fully realise that the average private citizen does not have that power. The report continues:

At common law the only exception to the declaration of Lord Coke "that the house of everyone is to him as his castle and fortress", was that where information was laid before a magistrate on oath showing reasonable ground for believing that stolen goods were in a house, the magistrate could grant a search warrant authorising a constable to enter the house and seize the goods. The informant was required to make a complaint on oath in order to found the granting of a search warrant. The common law right to grant a search warrant has been confirmed and extended by Statute. In South Australia the first statutory provision was contained in the Police Act, 1863, which authorised the issue by a justice of the peace of a warrant to search for goods of a specific kind reasonably suspected of having been taken or stolen and prescribed penalties which might be imposed upon persons found to be unlawfully in the possession of such goods.

I refer members to paragraph 3.1, which refers specifically to the recommendations regarding search warrants. As the Treasurer has obviously not read it, I will read paragraph 3.7 at page 65:

(a) We recommend that section 67 of the Police Offences Act, 1953-1973, be repealed and that there be substituted for it a provision similar to that contained in section 10 of the Crimes Act, 1914-1973.

(b) We recommend that a judicial warrant should be granted by a special magistrate except in localities where there is at the time of the application for the warrant no magistrate, when a justice of the peace may hear the application.

I believe that recommendation (b) is the more important of the two. The Police Force of this State has exercised its power with great restraint and great respect for the common rights of the individual. The Police Force has done that because of its high training and because of the reputation it has to uphold.

The CHAIRMAN: I direct the honourable member back to the clause dealing with inspectors.

Mr. DEAN BROWN: I am comparing police officers with inspectors. Police officers, who have a fine reputation to uphold, have had long training. On the other hand, inspectors under this legislation would have no reputation to uphold; they are not members of a profession; they cannot be classified by the community; and they cannot be ridiculed as a group of people by the press, Parliament or any other section of the community. These inspectors will be given almost unlimited power. Earlier, the Government tried to blow up the issue of privacy.

The CHAIRMAN: Order! We are not dealing with the Privacy Bill.

Mr. DEAN BROWN: If inspectors use the powers under this clause, they will grossly abuse the rights of privacy of individuals. The Government has a double standard on privacy, as it has on other matters, such as taxation. It is willing to give power to Government officers that will affect people's privacy. Under sub-clause (4), all that an inspector will have to present before he exercises his powers is a certificate of appointment. I believe that in each case he should have to produce a search warrant authorised by a magistrate or, in isolated instances, by a justice of the peace. I am sorry that we are considering this matter again. When it was voted on previously and the Government was defeated, obviously Government back-benchers, who did not like the clause, decided to abstain from voting. As some of them have strong principles, they could not support such a clause.

The CHAIRMAN: Order! We are dealing with the powers of inspectors.

Mr. DEAN BROWN: In view of the Government's defeat, I think that the Treasurer should have gone across to see the Governor.

The CHAIRMAN: I ask the honourable member to refer to the clause as amended.

Mr. DEAN BROWN: As the amendment was only minor, I am debating the clause in its amended form. Again, I ask the Treasurer to consider the recommendations of the Mitchell report spelling out the rights of an individual in a democratic society. The Treasurer may laugh, but many people in our society, especially people who have come from Europe, are frightened of the powers of Government agents, and that is what inspectors under this Bill will be. In areas such as the Baltic States (which the Prime Minister has sold down the drain), Government agents and inspectors have powers, and people who have migrated from there to Australia are frightened that those powers may be given to our officers. People who complain to me are scared to let me talk to officers of the Government because they fear their premises will then be searched.

Mr. Keneally: You probably tell them that.

Mr. DEAN BROWN: Of course I do not. Despite a time lag of three months, the Treasurer supported—

THE CHAIRMAN: Order! I ask the honourable member to refer only to clause 10, as amended. I warn him that he must discuss the clause under discussion.

Mr. DEAN BROWN: I should appreciate knowing under which provision I have been warned.

The Hon. D. A. Dunstan: You have been grossly repetitive.

Mr. DEAN BROWN: I believe inspectors should have to produce a true search warrant, as recommended by the Mitchell report. I oppose the clause.

Mr. GUNN: Again, I express my great concern at this clause. I considered that it had been defeated properly by the Committee.

The CHAIRMAN: Order! The honourable member must not reflect on a vote of the Committee. He must refer to clause 10, as amended.

Mr. GUNN: I was congratulating the Committee on the decision it had made.

The CHAIRMAN: Order! The honourable member is reflecting on a vote of the Committee, and he must not do so.

Mr. GUNN: One can imagine an inspector under this provision going to anyone's place at any time. If this Government can hold its head up in the community and if it supports the principle of open government, it will not allow a clause like this to pass. I agree with most of the recommendations in the Mitchell report. This Government has introduced a Bill dealing with the right of privacy and it also supports open government. However, this clause destroys those principles.

The Hon. D. A. DUNSTAN: On a point of order, Mr. Chairman, the clause has nothing to do with open government, as the honourable member knows.

The CHAIRMAN: I uphold the point of order, under the rules of debate in Standing Order 156.

Mr. GUNN: I want to know how a person who occupies a dwellinghouse attached to a service station can protect himself and his family against the complete abuse of power by an inspector who decides to enter the premises in the middle of the night. I ask the Treasurer, as a democrat and someone who believes in the right of the individual, to give me an assurance about that matter.

The Hon. D. A. DUNSTAN: Obviously I cannot give an undertaking of that kind, because I cannot say what circumstances will be involved. An inspector, to go there,

must have a reasonable belief in the need to search, a basis for that belief, and he must produce evidence of his identity. It would be proper for a householder to ask him what he had come to search for. If the honourable member thinks that there will be searches at large under this provision, I remind him that it is strange that that does not happen under the other 123 Acts that the committee has cited.

Mr. GUNN: We have Governments that do not recognise the rights of the individual, and they believe in the rights of statutory authority. In another Parliament, a Minister led a group of people into an organisation—

The CHAIRMAN: Order! The Committee is dealing with clause 10, as amended, and I have already warned the honourable member.

Mr. GUNN: The clause has not been amended sufficiently to satisfy members on this side. It is a sad day for democracy when a Government deliberately sets out to deny the people proper protection under the law.

Mr. CHAPMAN: As an agent, I have handled fuel for about 14 years and have had experience of conducting premises where fuel has been stored and records have had to be kept. Inspectors already have powers in relation to those premises under the Inflammable Liquids Act. The powers apply also to members of the Police Force and it is provided that inspectors may enter premises at any time and examine any place where they have cause to believe that inflammable liquid may be found. It is reasonable that an inspector shall have that right. However, in this clause the Treasurer has gone further and given the inspector power to enter any premises that he reasonably suspects are being used for the storage of records. That provision is objectionable to the Opposition, because the records would be kept on private premises. I see no reason why we should not have a clause similar to the provision in the Inflammable Liquids Act.

The Hon. D. A. DUNSTAN: That's not a revenue measure.

Mr. CHAPMAN: Fees are obtained, and I ask the Treasurer not to try to differentiate about revenue. Why should inspectors have the powers provided in this clause? The Inflammable Liquids Act deals with the same fuels and products as does this Bill.

The Hon. D. A. DUNSTAN moved:

That the question be now put.

The Committee divided on the motion:

Ayes (22)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Crimes, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

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

Pairs—Ayes—Messrs. Corcoran and McRae. Noes—Messrs. Blacker and Mathwin.

Majority of 4 for the Ayes.

Motion thus carried.

The Committee divided on clause 10 as amended:

Ayes (22)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Crimes, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

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

Pairs—Ayes—Messrs. Corcoran and McRae. Noes—Messrs. Blacker and Mathwin.

Majority of 4 for the Ayes.

Clause as amended thus passed.

Title passed.

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

*That this Bill be now read a third time.*

Dr. EASTICK (Leader of the Opposition): I oppose the Bill. I have indicated earlier that members on this side are clearly opposed to what is the default of the Commonwealth Government in failing to provide adequate funds for the States. The matter has been canvassed thoroughly over a long period, so I merely reiterate that I believe the Bill is obnoxious, inflationary and against the best interests of South Australians. I can have no part of it whatever.

The House divided on the third reading:

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

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

Pairs—Ayes—Messrs. Corcoran and McRae. Noes—Messrs. Blacker and Mathwin.

Majority of 5 for the Ayes.

Third reading thus carried.

Bill passed.

[Sitting suspended from 6.3 to 7.30 p.m.]

#### INDUSTRIAL ORGANISATION (BUILDING GRANTS) BILL

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

Standing Orders having been suspended, the Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to authorise the Treasurer to make a grant of money to the Trades Hall, Adelaide Incorporated, to make a grant or grants of money to any organisation or organisations representing employers and for other purposes. Read a first time.

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

*That this Bill be now read a second time.*

As members are aware, the United Trades and Labor Council of South Australia, through the Trades Hall management committee, has recently erected a new Trades Hall, on South Terrace, in order to provide employee organisations generally in South Australia with facilities in the provision of office space and meeting rooms necessary for the continuance of their activities. The original Trades Hall in Adelaide received public assistance, but no such assistance was given to the new Trades Hall on this occasion. The new Trades Hall in New South Wales was assisted by the Askin Government guarantee, and in Western Australia by both the Tonkin Government guarantee and an undertaking to lease for the Public Service certain parts of the Trades Hall offices. The Trades Hall management committee has run into difficulties in the present economic climate and does not have sufficient income to meet its interest liabilities on the Trades Hall. After an investigation of its situation by the Under Treasurer, it is apparent that the only way in which the

Trades Hall can remain viable is by a reduction in the capital liability on the hall to an amount which the Trades Hall management committee's income could service. The amount necessary for this purpose is \$200 000, and it is intended that a grant be made to the Trades Hall management committee of such a sum.

Mr. Goldsworthy: Are you making them an offer?

The Hon. D. A. DUNSTAN: One they cannot refuse. If assistance is to be given to employee organisations in this way, it is only proper that similar assistance should be granted to employer organisations. At this stage there is no application before the Government by employer organisations for such assistance, and, in fact, the Chamber of Commerce and Industry, the largest employer organisation, does not provide facilities for employer organisations generally. It might be necessary in those circumstances to receive applications from employer organisations and to allot moneys in proportions appropriate to the circumstances. This Bill therefore proposes to make a grant of \$200 000 to the Trades Hall management committee, and to allow the Treasurer to receive applications from employer organisations which apply for a proportion of the \$200 000 available to employer organisations and to allot moneys as he deems proper among them after consideration of the applications. This Bill will have to be referred to a Select Committee.

Clauses 1 and 2 are formal. Clause 3 sets out the definitions necessary for the purpose of the Bill, and I draw members' attention to the definition of "the corporation"; this corporation is the body corporate responsible for the construction of Trades Hall. Clause 4 provides that the Treasurer may on such terms and conditions as he sees fit grant to the corporation an amount not exceeding \$200 000 for the purpose of assisting it to meet its financial liabilities arising from the construction of Trades Hall. Clause 5 provides that any "prescribed organisation" being an organisation that directly or indirectly represents the interests of employers as such may apply for and be granted assistance in providing a building for its use. Subclause (2) of this clause limits the total assistance that may be provided under this clause to \$200 000. Clause 6 makes the necessary preparation of money for the purposes of the Act presaged by this Bill.

Dr. EASTICK secured the adjournment of the debate.

#### ADELAIDE FESTIVAL THEATRE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

#### NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

#### LAND TAX ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 1, line 25 (clause 2)—After "estate or interest" insert "other than an estate or interest of leasehold".

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

That the Legislative Council's amendment be agreed to. As the Government has been advised that the amendment will not cause it any difficulty, I recommend to the Committee that it be agreed to.

Mr. COUMBE: I am pleased that the Treasurer has accepted the amendment, because I believe that it extends and clarifies the provision.

Motion carried.

#### ADELAIDE TO CRYSTAL BROOK STANDARD GAUGE RAILWAY AGREEMENT BILL

Returned from the Legislative Council without amendment.

#### ROAD TRAFFIC ACT AMENDMENT BILL (RADAR)

Returned from the Legislative Council without amendment.

#### TARCOOLA TO ALICE SPRINGS RAILWAY AGREEMENT BILL

Returned from the Legislative Council without amendment.

#### SOUTH AUSTRALIAN MUSEUM BILL

The Legislative Council intimated that it insisted on its amendment No. 4, to which the House of Assembly had disagreed.

#### PUBLIC FINANCE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

#### INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

#### INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (REGISTRATION)

Returned from the Legislative Council without amendment.

#### NURSES' MEMORIAL CENTRE OF SOUTH AUSTRALIA, INCORPORATED (GUARANTEE) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

#### LOTTERY AND GAMING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 21. Page 2189.)

Mr. BECKER (Hanson): Despite the large sum needed to assist racing in South Australia and despite the need to speed the passage of this Bill, it is important that the House be reminded of the implications of the Committee of Inquiry into the Racing Industry in South Australia, under the Chairmanship of Professor K. J. Hancock. The Bill will result in additional funds to the racing industry in a full year of about \$960 000, but the Government has been slightly dishonest in relation to the allocation of this money. There will be no change in the turnover tax on bookmakers in relation to local betting and in the deduction that is made on on-course and off-course totalisator win, place, and quinella betting. However, the commission in respect of metropolitan racing held outside the State is to be increased to 2.6 per cent; it was previously 2 per cent. Of this commission, the Government is to receive 1.5 per cent and the clubs 1.1 per cent, while for country meetings held outside the State the Government is to receive 1.3 per cent and the clubs 1.1 per cent. So, the clubs' percentage is constant at 1.1 per cent. Previously, the Government received 1.25 per cent on racing in other States. It is estimated that the increase in turnover tax will yield \$228 000. It is recommended that there be a rounding off of fractions. Regarding fractions, at page 300 of its report the Hancock committee states:

The committee recommends that dividends be rounded upward as well as downward. For example, although a "true" dividend of 57 cents would, as now, be rounded to 55 cents, a "true" dividend of 58 cents would be rounded to 60 cents. This will effectively abolish fractions, leaving only a small amount.

For the past few years fractions have been paid to the Hospitals Fund. The Auditor-General's Report for the year ended June 30, 1974, states that fractions paid to the Hospitals Fund from the Totalizator Agency Board for 1971-72 amounted to \$366 469; for 1972-73, \$419 497; and for 1973-74, \$537 835. So, through rounding off the fractions, great benefits can be derived. It is estimated that the industry will receive \$120 000.

Regarding the off-course totalisator, there will be no change in the deduction in connection with win, place and quinella betting. At present this deduction is 14 per cent. Of this 14 per cent, 8.75 per cent is retained by the totalisator to cover costs and 5.25 per cent goes to the Government. I am a little disturbed that 16 per cent will be taken from investments in betting on doubles. In connection with other forms of multiple betting, such as triellas and fourtrellas, the percentage deducted will be 17½ per cent. We are reaching the stage where the totalisator is faced with tremendous operating costs. However, to give the racing industry the money it desperately needs, it is necessary to take these higher percentages from the totalisator. This is a pity, because it means that the punter will really contribute to the \$960 000 that the racing industry will receive. In other words, the person who supports the racing industry will now have to contribute in this way. The Government will get the benefit of a rake-off from the various commissions in unclaimed dividends. I do not think the Government is being fair to those who support racing. The small punter has, to some degree, carried the racing industry. However, if we did not have trainers such as Bart Cummings and Colin Hayes and very wealthy gentlemen such as Wyndham Hill-Smith and Claude Haigh, racing would really be in the doldrums.

It is estimated that, by increasing to 16 per cent the commission on the doubles, the increase will be \$244 500. By increasing the deduction from the triella and fourtrella, the revenue to the clubs will be \$203 750. The ¼ per cent rebate on T.A.B. turnover will be continued. This was initially intended to finance the capital establishment of T.A.B. Now, to meet capital costs and interest arising from the databet operations, this is estimated to be \$175 000. Together, these figures are as follows: bookmakers' turnover tax is increased to \$228 000; on-course fractions are \$120 000; double betting is \$244 500; triella and fourtrella is \$203 750; and the databet rebate is \$175 000. Therefore, the total is estimated to be \$971 250. Here comes the crunch. The Government has accepted the proposal of the Hancock report that the Betting Control Board grant to country racing of \$10 000 be eliminated, although the Bill permits from June 30 this year until the date of operation of this legislation payment of a percentage figure, and I hope that nearly \$10 000 will be given to country racing in this way.

Mr. Arnold: What happens after that?

Mr. BECKER: I am worried about that, as are country racing representatives. At page 299, the Hancock report states:

We recommend that the turnover tax on betting with premises bookmakers be raised (along with the tax on on-course betting) to 2.7 per cent; that the stamp duty on betting tickets used by premises bookmakers be abolished; and that they be permitted to retain unclaimed moneys. The effect would be to increase Government revenue by about \$11 000. We recommend also that the B.C.B. distribution of \$10 000 to country galloping clubs from the turn-over tax paid by premises bookmakers be abolished. The present arrangement is a clumsy method of assisting country galloping and is inequitable to country trotting and dog racing. If the recommendations in chapter 9 are adopted, it will be for the controlling body of galloping, in

distributing T.A.B. receipts, to ensure a reasonable flow of funds to country galloping clubs.

Chapter 9 appears at page 236. There is difficulty in accepting what is recommended, because it is left to the controlling club to make an allocation to country clubs. There could be a conflict in this case between the survival of racing in the metropolitan area and its survival in the country, but we need both to survive. We must have provincial racing clubs. We must have small trainers in the country. There are many of them in these areas, and they must be given the opportunity to train and prepare horses and race them. Generally, many trainers have started successfully in this way, with many horses having their first start on a small provincial track. Bart Cummings does this to some degree. My uncle always did it, having the first race of a horse on a country track and from there graduating to the metropolitan area. By this means we assist the industry in country towns.

Large country towns are entitled to enjoy the benefits of racing in the same way as the metropolitan area enjoys it. It is vital that we do everything that we can to assist country racing. It will need more assistance than it has received up to the present. This may be done at present at a slight cost to metropolitan racing. I believe in the interests of racing the South Australian Jockey Club and the two other metropolitan racing clubs will see that country racing survives. I would like to think so. I believe the gentlemen involved in the administration of metropolitan racing clubs surely appreciate the contribution to the racing industry that country clubs have made in the past and will do all they can to ensure it is continued on a high plane in the future. I hope that the Chief Secretary (and it is left to him if he wants to use his powers) will ensure that country racing will receive a greater percentage and share of the funds now available from T.A.B.

Another matter I refer to is racing dates. I know there should be a controlling body for racing, and the three major metropolitan clubs must have a workable return. The legislation deals with investments, but we can deal with the various clauses in Committee. I want to refer to the recommendations in the Hancock report in relation to illegal betting. I remind the Minister of Education of the speech he made in 1966 when legislation to establish T.A.B. was introduced. He then said that he had been told that illegal bookmaking in Victoria had a turnover of about \$500 000 000 before T.A.B. was established there. However, in the first 12 months that T.A.B. operated in Victoria its turnover was only about \$130 000 000. We would all be burying our heads in the sand if we said there was no such thing as illegal betting in South Australia and that it was not taking place in certain areas throughout the State, even on the racecourse. This certainly happens. It is interesting to note that, when I called for an inquiry into racing, it was claimed that S.P. betting would be running at a certain figure in the State. Everyone knew I could not prove it but it was taken on the basis of the figures that the Minister of Education had used previously in the House. Statements were made that there was no such thing as any significant degree of illegal betting in South Australia. On page 325 of the Report of the Committee of Inquiry into the Racing Industry appears the following:

The Deputy Commissioner of Police informed the committee that "illegal betting is still prevalent and operators in licensed premises (hotels) are usually only in a small way, being agents to larger principals. The principal is usually in a private house operating over the telephone. The agents rarely record any bets but phone them out to the principal as they are made.

The principal rarely uses his own home and changes addresses and telephone numbers almost weekly to avoid detection." Some witnesses stated that illegal bookmakers in hotels escape prosecution by using Totalizator Agency Board forms to record bets claiming when challenged that they are merely deciding on bets to be lodged subsequently with the Totalizator Agency Board. We are quite unable to estimate the present volume of illegal betting in South Australia. There can be little doubt that it has fallen greatly since the inception of the Totalizator Agency Board. Equally, it is plain that some S.P. bookmakers are still operating and that their activities must be eroding the revenue of the Government and the racing industry. Continuing efforts should be made to curb them. Improving the services provided by the Totalizator Agency Board is important, and acceptance of our recommendation for after-the-race payout should contribute to reducing the volume of S.P. betting.

The Totalizator Agency Board has introduced betting by telephone to assist to eliminate illegal betting. I understand the turnover of such betting is about \$10 000 000 annually; but the S.P. bookmaker does not stop there. He now offers a 10 per cent deduction on a losing bet. That makes it awkward for the T.A.B. to compete with him. The illegal bookmaker can offer this 10 per cent deduction on losing bets, and he can also offer a choice of odds—starting price odds, fixed price odds, or T.A.B. odds, and in some cases the T.A.B. odds are better than the starting price prices. That is the difficulty we are facing with illegal betting in the State.

The Government's proposal is to increase the penalty, which, I believe, has not been increased for 40 years; it is suggesting a fine of \$2 500 or imprisonment for six months in the case of a bookmaker, and a fine of \$500 or imprisonment for three months in the case of the person laying the bet. One hopes that, if this is accepted by the House, there will be sufficient publicity about it and that notices will be sent to hotels and industries to be placed on notice boards, spelling it out in bold letters, because the industry that provides the facilities for people to bet illegally is not receiving the benefit of the operations of those people. They are parasites to the racing industry and the community. Therefore, we should do all we can to stamp out illegal bookmaking in this State. If we do that, racing will benefit tremendously, and the State Treasury will also benefit. All members will be pleased to see that the State deficit can be reduced in this way, no matter what the contribution is (say, up to \$1 000 000), and this would be preferable to imposing a tax on cigarettes.

The point that troubles me is the provision allowing the Racecourses Development Board to borrow money, with the consent of the Treasurer, for improving racing facilities. I agree with the idea behind that. If we did not have the Racecourses Development Board, certain facilities would not be provided on racecourses. Racing clubs can now go to the Industries Assistance Corporation or the Industries Development Committee for financial assistance, and such a body can give them a Government guarantee.

However, if the board can arrange terms at a better rate, well and good. The other point that really worries me is that racing clubs in this State, whether they be horse-racing, trotting or greyhound racing clubs, must pay taxes on their incomes and on moneys they receive from the Totalizator Agency Board. If this Bill is passed, the amount to be deducted from revenue derived from non-multiple betting is 14 per cent, 16 per cent on daily doubles, and 17½ per cent on all other forms of multiple betting. People pay such taxes, the State gets its share and the T.A.B. and the on-course totalisator get their share; it goes into the industry and then is subject to a further tax, and the main racing clubs, like the South Australian Jockey Club and the Adelaide Racing Club, are

taxed the same as companies are. If we tax every dollar that is invested through a bookmaker or the totalisator, by the time it gets into the industry it is severely eroded.

I have tried to work that out; I cannot make a guess, but not very much goes into the industry. It is taxed all the way fairly severely, and the State does very well out of the racing industry. The impression has been created that the Government is doing all it can to assist racing, but the people who are paying the tax and supporting racing in this State are the ones keeping the industry going, and they are entitled to better facilities and more consideration. They are the ones who, in the long term, would benefit from any arrangement the Government could make to ensure that racing in this State remained the industry it is and was kept at a high level. I support the Bill.

Mr. McANANEY (Heysen): Briefly, I support the Bill and particularly the remarks of the member for Hanson about illegal bookmaking. I raised this matter in this House last session. Letters I have received indicate that there are many instances of offences of this type against the Act, and, as the penalties are only nominal, they will continue to exist. It is in the interests of the State to stamp out illegal bookmaking. It always amazes me that the Government takes 14 per cent of the amount invested on the T.A.B., whereas it takes only 2 per cent from bookmakers' turnover.

Horse-racing really thrives in countries where the only form of betting is totalisator betting, and I cannot see how we will get a really prosperous industry until an adjustment is made in regard to what the Government takes from totalisator betting compared to what it takes from bookmakers' turnover. I think the member for Hanson stated that an illegal bookmaker will give a 10 per cent refund on a losing bet. These bookmakers can do this because they do not pay out as much as the totalisator does.

I invested 50c on Think Big in the Melbourne Cup and got a return of \$7·80, whereas the horse started at 12 to one with the bookmakers. We can see the odds fluctuating on the on-course totalisator, and it is interesting to compare the odds being bet by the bookmakers. To summarise, first, I consider that what the Government takes from the totalisator is unjust, compared to the amount from bookmakers, and, secondly, I consider that strong action must be taken to eliminate illegal bookmakers in South Australia.

Mr MATHWIN (Glenelg): I support the Bill in general, but I should like to deal with a few aspects of racing. The member for Hanson has mentioned the position regarding country racing clubs, and new subsection (4) being inserted in section 41 of the Act provides that \$10 000 will be given to country clubs. As the Minister knows, country racing really is the lifeblood of the industry. I should imagine that the additional \$10 000 would be going to Government revenue.

The Hon. Hugh Hudson: Look at clause 6 (c).

Mr. MATHWIN: New subsection (4) being inserted in section 31p provides:

The controlling authority in relation to horse-racing (except trotting) in allocating moneys received by it under paragraph (d) of subsection (1) of this section to country racing clubs for the administration and promotion of horse-racing shall have regard to payments made to country racing clubs by the Betting Control Board prior to the commencement of the Lottery and Gaming Act Amendment Act, 1974.

That provision merely tells us that the controlling authority is to have regard to payments made before the commencement of the Lottery and Gaming Act Amendment Act of 1974. New subsection (4) being inserted in section 41 provides:

Out of the commission paid or payable on bets made in registered premises in respect of horse races (other than trotting races) held within South Australia after the thirtieth day of June, 1974, and before the commencement of the Lottery and Gaming Act Amendment Act, 1974, the Board shall apply, in such manner as it thinks fit, the sum of ten thousand dollars for the benefit of country racing clubs, or any of them, and if the aggregate commission paid or payable on such bets does not amount to ten thousand dollars or more, the whole of that commission shall be so applied.

It is really what is not stated in the provision that is concerning people in the country. If this \$10 000 is not to be paid by the Betting Control Board, who will pay to the racing clubs the \$10 000 that they will lose in future? I see this as a rather under-hand way of dealing with the matter. I refer the Minister to the report of the Cabinet subcommittee into the racing industry, submitted immediately after the Hancock committee reported. Paragraph 46 of the subcommittee report states:

The B.C.B. distribution of \$10 000 to country galloping clubs from the proceeds of the turnover tax on premises bookmakers to cease and all turnover tax proceeds from premises bookmakers to be paid to the Treasury.

We cannot have it both ways. The Minister has referred me to clause 6, which inserts new subsection (4) in section 40, but that provision does not throw any light on the matter. If we couple the matters I have raised with the subcommittee report, we see that the intention is that the country towns be starved of the \$10 000 after the commencement of this legislation. They will have to whistle for the money from another source.

Country racing clubs must be assisted by the injection of finance, not the rejection of it. Horse-racing is an industry throughout the country areas of the State and, as the member for Hanson has said, it is a training ground where people start in the racing industry. If they are good enough, they come to the city. The industry does a service to people who live in country towns, and it is of paramount importance that there be this injection of finance for them. I consider it most unfair for the Government to take this \$10 000 for general revenue, and I hope that the Minister will consider this matter seriously and realise what will happen to the racing industry in South Australia. If effect is given to what the subcommittee has laid down, the position will be bad.

Another point that the member for Hanson and the member for Heysen have made is about bookmakers. Clause 9 inserts in section 42a the following new subsection (1):

Any person who carries on business as a bookmaker except in accordance with this Part shall be guilty of an offence and liable to a penalty not exceeding two thousand five hundred dollars or imprisonment for six months.

New subsection (1a), which is also inserted by clause 9, provides:

Any person who bets with a bookmaker on the result of any racing or coursing event except in accordance with this Part shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars or imprisonment for three months.

These penalties should be higher. Indeed, illegal book-making should be stopped, if this is possible, although this is a difficult if not impossible objective to achieve. Greater penalties would help the police in their almost impossible task of bringing these people to justice. I hope the Minister will see fit seriously to consider the two matters I have raised.

Dr. EASTICK (Leader of the Opposition): As this Bill will benefit the racing industry (I refer to the racing of dogs, gallopers and trotters), the recent experience of a country trotting club warrants consideration. Certain

information has been made available to me by the General Manager of the Totalizator Agency Board, who gave me a full statement on the matter. A country trotting club sought permission to conduct a race meeting on Melbourne Cup night. Although there was no difficulty in staging a meeting that night, the club could not obtain off-course T.A.B. betting facilities. Having lost that meeting, it not being a financial proposition for the club to run a major meeting without off-course T.A.B. facilities, the club sought permission to conduct a meeting on Christmas Eve. However, it was also denied the opportunity of having off-course T.A.B. facilities on that occasion.

I realise that Melbourne Cup day was indeed a busy day for T.A.B., many bets being placed on the races run that day. Also, staff members had to be on duty early that morning and be available during an extremely busy day. It was considered that, if they were to be retained for a trotting meeting in the evening, not only would some staff have been exhausted but also their efficiency would suffer. Also, because of the time for which they would have had to work, high overtime costs would have been involved. All those arguments can be sustained. Regarding the meeting to be held on Christmas Eve, it is stated that most T.A.B. staff members are married women who would, in any case, prefer to be at home with their children that evening, which could also be the late trading night, although no announcement has been made in that respect.

The SPEAKER: Will the honourable Leader of the Opposition say whether his remarks are related to the Bill?

Dr. EASTICK: Yes, Mr. Speaker, they relate to the income derived from T.A.B. If the whole racing industry is to be viable, it is necessary that those clubs which have a legitimate right to run on certain occasions have betting facilities made available to them. Although I acknowledge the statements made by the General Manager of T.A.B., we may have to accept increased costs for certain meetings held, say, on Melbourne Cup night, or a group of people taking over certain betting facilities on days when there is a full racing programme. Indeed, if race meetings are being held on a Saturday afternoon and trotting meetings on a Saturday night, the situation is not unlike that to which I have referred regarding Melbourne Cup day and night, except perhaps in respect of the volume of turnover.

If we are to get the best out of all forms of racing, we will have to make available betting facilities for the racing public. Fortunately, the Victor Harbor Trotting Club, which was denied an opportunity to conduct a race meeting on either of the two nights to which I have referred because it could not obtain off-course T.A.B. facilities (which would have helped the club to meet its commitments in relation to stake money), has now been granted a race meeting on its own course on December 27. I hope for its sake that that will be a successful meeting as, indeed, it is likely to be at that venue and at that time of the year.

The Hon. Hugh Hudson: It is more likely to be successful on that day than it is on December 24.

Dr. EASTICK: The T.A.B. General Manager having given me the history of Christmas Eve race meetings, I know that they are not particularly successful financially. What the Minister says may therefore be correct. Forgetting December 24, which is a special occasion, the point was made to me that trotting facilities would not be available to a certain club that wanted to hold a meeting on Easter Monday night, merely because the T.A.B. facilities would be heavily committed to the Easter Monday Oakbank meeting. Also, as that is a gazetted public holiday, overtime costs would be involved.

I return to the real issue of this matter. The advancement of the racing industry will depend on the ability of all

forms of racing to obtain maximum penetration, which can only occur if maximum betting opportunities are provided, so that increased sums will go to clubs and sufficient stakes be made available. I have related a specific set of circumstances which are pertinent to the best interests of the racing industry and to the Bill.

Mr. EVANS (Fisher): I reluctantly support the Bill. We are trying to help one of the most protected sports in the State, which has received more legislative help than has any other sport. It is doubtful whether this can be described as an industry; it is an accepted occupation for certain people and a sport for others. Four years ago, I raised doubts and proclaiming Adelaide Cup day as a public holiday, when everyone is forced to take a day off at the expense of consumers.

[Midnight]

I think that has contributed to the problems of the State and the community. This evening the racing sport receives another boost, whereas other sports remain in the wilderness. I do not protest strongly about this legislation, because at least it helps one sport, but I do not consider that sport to be an industry.

The Hon. HUGH HUDSON (Minister of Education): It may help members if I refer to several matters now and thus avoid arguments in Committee. My first point relates to the matter raised by the Leader of the Opposition. Like the Leader, I think the reasons given by T.A.B. are substantial. The cost of T.A.B. operations involves a fine margin in order to sustain a return to the industry, and the net return on turnover to the industry is about 3 per cent out of the total revenue obtained. T.A.B. costs are about 6 per cent, with the return to the industry at 3 per cent, and the return to the Government at 5 per cent. Considerations of the amount of turnover that occurs in the evening, perhaps with overtime rates being paid, are relevant, and it may mean that the effect on T.A.B. profits is negative unless a correct decision is made. There may be times, from the point of view of the return to the industry, that T.A.B. should not operate.

Dr. Eastick: Tuesday is a trotting evening.

The Hon. HUGH HUDSON: It may be, but also the turnover involved is such that, when compared to extra costs, the net effect for the racing industry generally is negative. Several members referred to Betting Control Board allocations to country clubs. It is true to say that the Hancock committee's recommendations on this matter are governed by the opinions that the board is not the appropriate authority to make allocations to country clubs, and only country galloping clubs at that. As we were establishing controlling authorities in each sport, following the Hancock committee's recommendations, the appropriate authority for allocating funds to country clubs should be the controlling authority for that sport. That view has been accepted by the Government.

It is recognised that the total assistance to be given as a result of this legislation is about \$960 000; that is, \$970 000 minus the \$10 000 that was previously distributed by the Betting Control Board to country clubs. It is expected, however, that the controlling authority for horse-racing will consider the amounts previously paid by the board to country clubs. This Bill specifically provides that the controlling authority for horse-racing shall have regard to previous payments. I draw the attention of members to clause 6 (c), which inserts the following new subsection:

(4) The controlling authority in relation to horse-racing (except trotting) in allocating moneys received by it under paragraph (d) of subsection (1) of this section to country racing clubs for the administration and promotion of horse-racing shall have regard to payments made to country racing

clubs by the Betting Control Board prior to the commencement of the Lottery and Gaming Act Amendment Act, 1974.

It is thereby provided that the controlling authority for horse-racing, after the commencement of this Act when the payment from the board ceases, shall have regard to the previous payments when making its allocations to country clubs. All we are saying is that, if we are to have effective control, payments to the clubs should go through the controlling authority, and there should not be any payments through the Betting Control Board. That is what the Bill seeks to do.

I hope members will accept that on this basis: the South Australian Jockey Club, currently the controlling authority for horse-racing, already makes payments to country clubs and, as it will receive much additional revenue, there is no reason why it cannot take into account, in making its next payments, the payments previously made by the board.

Dr. Eastick: Is there any significance in the term "currently"?

The Hon. HUGH HUDSON: Yes. One recommendation of the Hancock committee is that the three metropolitan clubs should amalgamate and, together with some country representation, form a new club that would be the controlling authority for galloping. That recommendation has been accepted by the Government, and we have been assured that the clubs will, in fact, amalgamate. I make clear that this legislation is presented and intended to be passed on the understanding that that amalgamation will proceed. We will thereby have a reorganisation of the controlling authority with respect to gallopers. The proposal is not identical with, but is similar to, that which has been recommended by the Hancock committee, and there will be country representation on that controlling authority.

Naturally, as the S.A.J.C. is the main racing club at present, its representation on the controlling authority will be more significant than the representation of any other existing club. Nevertheless, it should be made clear to members that the Government understands that the metropolitan racing clubs will, together with representatives from, I think, two country clubs, and a representative nominated by the Jockeys and Trainers Association, form a new amalgamated club that will be the controlling authority for gallopers. That explains why the reference in the clause to which I have referred is to the controlling authority in relation to horse-racing, except trotting; that is, in relation to galloping. I thank members for their comments, and I am pleased that the Bill is receiving the support it is receiving.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Disposal of amount deducted from investments made with the board."

Mr. MATHWIN: I move:

To strike out new subsection (4) and insert the following new subsection:

(4) The controlling authority in relation to horse-racing (except trotting) shall allocate from the moneys received by it under paragraph (d) of subsection (1) of this section not less than ten thousand dollars in each year for the benefit of country racing clubs.

I am not happy about the current situation, because it is not clear. By reading this clause in conjunction with the explanation provided by the South Australian Cabinet subcommittee on the Hancock report, the situation is confused. The subcommittee states:

. . . the turnover tax on premises of bookmakers to cease and all turnover tax proceeds from premises of bookmakers to be paid to the Treasury.

It is obvious that such action could be taken, and the situation in the existing clause is not clear. I ask the Minister to accept my amendment, because it puts the matter beyond doubt and ensures that country racing clubs will receive this benefit.

The Hon. HUGH HUDSON (Minister of Education): I regret that I cannot accept the amendment. It does not do the job that the honourable member thinks it will do. The controlling authority for racing already makes allocations to country clubs in respect of the administration of the sport and the promotion of the industry. This amendment merely confines the allocation to \$10 000. Although I am not certain about what amount is currently allocated, I think it is at least \$10 000. If the S.A.J.C. is already allocating X dollars (and it may be more than \$10 000) to country racing clubs, and if the honourable member's amendment is accepted it will have no effect at all because the conditions are already being met by the S.A.J.C. In such circumstances, the amendment is completely ineffective and does not do what is sought.

Mr. Mathwin: Neither does the Bill.

The Hon. HUGH HUDSON: The Bill states clearly that, in making allocations to country clubs, the controlling authority shall have regard to the allocations previously made by the Betting Control Board. If that does not create an almost overwhelming moral requirement for the allocations by the controlling authority to be increased by at least \$10 000, plus a share in the overall expansion of funds provided by this Bill, I do not know what it does. When the amalgamated club is established, there will be representatives of country racing on it. I believe the controlling authority will be under a clear obligation to expand subventions to country racing clubs.

I do not want to specify in the Bill (and this would be the alternative) that the S.A.J.C. shall continue the exact allocation that was previously made by the Betting Control Board, because the board made a set of allocations without considering, and without being in a position to consider, the kind of issue that must govern the attitude of a controlling authority in a sport. A need is recognised in certain quarters that in various South Australian country areas some rationalisation must occur. The S.A.J.C. must pay attention to that, as must the new trotting authority.

I do not believe that the Betting Control Board was ever the appropriate authority to make allocations to clubs. It is not a promoter of clubs: it is a controller of betting arrangements. That is its function. The controlling authority is the appropriate organisation to make allocations, and the clause we have put in here tells the controlling authority, "In addition to what you are now doing for country racing clubs, and in addition to any share of expansion that country clubs get as a result of this Bill, you shall have regard in making your allocation to country clubs to the amounts that were previously allocated through the Betting Control Board." That is all that can be done in these circumstances. I believe we can rely on the sense of fairness of the people who are administering racing in South Australia to carry out the purpose of this amendment.

Mr. ARNOLD: Does the Minister believe that the controlling authority will be far more considerate of the needs of small country racing clubs than was the Betting Control Board? Does the Minister really believe that, in the interests of racing, the controlling authority will give more consideration to the need to retain small country racing clubs as an important part of racing and as a

starting point for the progression of developing horses to eventually race in the metropolitan area?

The Hon. HUGH HUDSON: I believe the controlling authority in a sport is much more likely to be in a position to take decisions that are in the long-term interest of that sport or industry. I refer to the example that within 27 km of each other we have the Tailem Bend and Murray Bridge racing clubs. I do not know whether the Tailem Bend club still races, but I think it has been amalgamated with the Murray Bridge club, largely as a result of pressure from the controlling authority. That is the kind of approach that a controlling authority should take. It was not the kind of approach that could ever be taken by the Betting Control Board, because the board was not the controlling authority. It is not aware of all the issues involved in the promotion of the long-term interests of racing in a specific area of the State.

Mr. ARNOLD: Have the small racing clubs any redress if they believe they are not getting a fair deal from the controlling authority?

Mr. BECKER: Unfortunately, the copy of the Bill that I received did not contain clause 6. I can now see that new subsection (4) of section 31p provides that the controlling authority shall have regard to payments made to country racing clubs by the Betting Control Board prior to the commencement of the Lottery and Gaming Act, 1974. I have with me some figures prepared by the country racing clubs. The current revenue of the outer country clubs is \$51 707, and the proposed revenue is \$54 309—an increase of \$2 602. If we eliminate the Betting Control Board grant, the reduction is \$7 850. The Berri-Barmera club's current revenue is \$3 682 and the proposed revenue is \$4 318—an increase of \$636. When the Betting Control Board grant is eliminated, the reduction is \$750. The reduction for the Mount Gambier club is \$1 000; Naracoorte, \$700; Penola, \$600; Port Augusta, \$1 000; Port Lincoln, \$1 000; Port Pirie, \$1 000; and Whyalla, \$400. So, there are significant reductions in respect of those clubs.

We must therefore impress on the controlling body that, particularly in view of inflation, those amounts will have to be increased. The T.A.B. turnover has increased at a rate slightly higher than the rate of inflation. The country clubs are worried about some of the recommendations in the Hancock report, which has suggested that, where race-courses are shared by country clubs, some small clubs could be eliminated. It would be a great shame if that suggestion was adopted. I believe that the Chief Secretary has the right to hear appeals from clubs. I should like it to be a direction from this House to the Chief Secretary that, if country clubs are dissatisfied, the money allocated to country clubs should be at a rate at least equal to the current distribution plus \$10 000.

The Hon. HUGH HUDSON: It is not necessary to do that. The honourable member can rely on the good sense of the controlling authority to do the appropriate thing. A substantial increase in revenue will go to the controlling authority for allocation to the various clubs. The overall allocation has to be approved. The only report that I can get from the Parliamentary Library is the South Australian Jockey Club's report for 1969. It gives some indication of the kind of position that applies. The report states:

In pursuing plans for the consolidation of country racing your committee, as controlling body of racing in this State, successfully applied to the South Australian Totalizator Agency Board for an allocation of \$20 000 to be paid from the galloping component of the surplus of the board to a country racing subsidy scheme, with payments to be

made at the discretion of the S.A.J.C. Committee. Payments were made in June and were in accordance with plans designed to centralise and consolidate country racing. The main clubs that received funds through the Betting Control Board would be clubs under the South Australian Jockey Club's current proposals. The amounts paid under the subsidy are significantly greater than they were in 1969. However, I point out to the member for Glenelg the ineffectiveness of his amendment, because the payments to the country clubs are over \$10 000 and were so in 1969. This provision means that we are saying that the country clubs must be looked after. It is appropriate to rely on the good sense of those involved in the administration of racing to reach just and sensible results in line with the proper long-term development of racing in this State. I do not think it is necessary to direct them any more specifically than has been done. Further, I do not think it is necessary to direct the Chief Secretary. If the controlling authority decided to put the boots into the country clubs, the Chief Secretary would undoubtedly take appropriate action.

Mr. VENNING: The Minister has referred to rationalisation. I take it that, through the authority, rationalisation of racing clubs will take place throughout the State. Does the Minister believe that there will be a phasing out of small country clubs?

The Hon. HUGH HUDSON: The Government believes that that is largely a matter for the controlling authority to determine in the best interests of racing. If, for example, it is proposed that money be put into facilities, if this has to be spread to club after club after club, and if there is no rationalisation, there will be wasteful expenditure of funds, and the community would have a right to object. I do not believe that the controlling authority of galloping wants to eliminate country clubs, but in one or two instances a sensible rationalisation can be carried out in the best interests of the local community; for example, the amalgamation of the Tailem Bend club and the Murray Bridge club. That amalgamation does not inconvenience anyone in the area. This meant that the combined club was strong in consequence. If development of that type can take place as a result of consolidation, I do not think that any member should object.

Mr. MATHWIN: I think the Minister's argument was poor when he said that country clubs were probably receiving more than \$10 000, as my amendment refers to a sum of not less than \$10 000. The Minister referred to figures for 1969. I was surprised that he did not refer to the decision of the Cabinet subcommittee on the racing industry that I quoted. Obviously, the Minister is trying to avoid that matter. The whole point is that the Government wants this \$10 000 in general revenue.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Arnold, Becker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin (teller), Nankivell, Rodda, Russack, Tonkin, Venning, and Wardle.

Noes (20)—Messrs. Broomhill, Max Brown, Crimes, Duncan, Groth, Harrison, Hopgood, Hudson (teller), Jennings, Keneally, King, Langley, McKee, Olson, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Blacker and McAnaney. Noes—Mrs. Byrne and Mr. Corcoran.

Majority of 3 for the Noes.

Amendment thus negated; clause passed.

Clauses 7 and 8 passed.

Clause 9—"Unlawful betting."

Mr. BECKER: I move:

In new subsection (1), after "months", to insert "for a first offence and a penalty not exceeding five thousand

dollars or imprisonment for twelve months for a second or subsequent offence"; and in new subsection (1a), after "months", to insert "for a first offence and a penalty not exceeding one thousand dollars or imprisonment for six months for a second or subsequent offence".

The Government recognises and has accepted the recommendation of the Hancock report that illegal betting is a serious offence. Paragraph 68 of the recommendations of the report states:

The penalty imposed on illegal bookmakers should be a fine of \$2 500 for each conviction. Persons betting with illegal bookmakers should be fined \$500 for each conviction. Imprisonment should be imposed for failure to comply with the court's terms for the payment of fines.

The committee, in accepting the evidence, states on page 325:

The committee was assured by a number of persons (both in oral evidence and in informal discussions) that S.P. bookmakers are still operating in South Australia and transacting a considerable volume of business. We were told that there were hotels where bets could be placed without difficulty, and we also learned that some trainers arrange for bets to be placed with S.P. bookmakers for owners who fear that if they bet on course the odds available will be less favourable.

I know that the S.P. bookmakers are competing with the totalisator by offering a 10 per cent discount on losing bets: we have the evidence of the Deputy Commissioner of Police. I refer now to a private member's Bill I introduced on October 11, 1972, when I sought to increase the penalties for illegal bookmaking by a significant amount. This penalty has not been increased for 40 years, as I have already said. We are intending to make it \$2 500, whereas I believe there should be a higher penalty for a second and subsequent offence. I do not accept what was stated in the evidence before the Hancock committee:

We agree that the penalties should be changed. However, we do not agree with the differentiation between first and subsequent offences, since this merely invites detected persons to give false names or induces the principals to replace their agents as they are detected. Moreover we think that the emphasis of the law in this area should be on monetary penalties rather than imprisonment, which imposes an economic burden on the community. We therefore recommend that the penalty for illegal bookmaking be a fine of \$2 500 for each conviction. Imprisonment should be imposed only if the convicted person fails to comply with the court's terms for payment of the fine. I am surprised that the police would even accept this. If a court convicts anyone of S.P. betting and trying to get away with giving a false name or inducing the principals to replace their agents as they are detected, that I can accept, but the other part I cannot. I am surprised we have not had some comment from the Commissioner of Police in that respect. We must stamp out S.P. bookmaking in South Australia. The State is losing revenue and the industry, whether greyhound-racing, trotting or horse-racing, should benefit, because it is providing a form of entertainment for the illegal bookmaker; therefore, we must do something to eliminate the activities of that person.

The other States cannot be out of step. There is similar legislation in at least two other States (Western Australia and New South Wales). We would not be out of step with the rest of the country by having a provision dealing with second and subsequent offences. The sum of \$5 000, although substantial, is quite reasonable for such an offence. The sum of \$2 500 as a maximum penalty for a first offence is severe but not severe enough. Some time ago there was the case of a person convicted of illegal bookmaking; he was fined \$40, yet I understand he was holding about \$160 worth of bets in his pocket. We do not know how long he had been operating, but the \$40 fine would have been nothing to him. Therefore, a

maximum fine of \$5 000 for a second and subsequent offence would in itself be an instruction to the court that, if the same person or a person connected with the same organisation came up again before the court, it would take a hard line with the penalty. My suggested penalty would provide the courts with the power to do something about eliminating illegal betting in South Australia.

The Hon. HUGH HUDSON: I cannot accept the amendments. I think the penalty imposed in the Bill, in the first instance, is severe enough. There is no chance of the upper limit being imposed for a first offence and therefore there would be plenty of ambit within which the court could operate for any subsequent offence. I know of no area where even a fine of this magnitude in the Bill would be imposed by the court for a first offence. The suggested penalty is far too tough and will not produce the result the honourable member wants, anyway.

Mr. BECKER: I think these penalties are realistic: \$2 500 is not a severe penalty for a first offence of illegal bookmaking. No-one has taken action against the Hancock committee for suggesting a fine of \$2 500 for each conviction. We know illegal bookmaking is going on on the racecourses. These bookmakers are getting away with it; a fine of \$2 500 for a big illegal operator is nothing, because he is doing it every day of the week. This deterrent is necessary. I hope that the T.A.B. and the Government will ensure that a campaign is mounted throughout the State, warning people of the penalties that we are considering, and we would welcome action by the Police Force to stamp out illegal bookmakers. The second part of my amendment contains the deterrent that will prevent the individual from placing the bet. The Hancock report states that trainers have been investing money with bookmakers on behalf of owners.

The Hon. HUGH HUDSON: The Government considers that it will stop illegal bookmaking. However, we will not accept the amendments.

Amendments negatived; clause passed.

Clause 10—"Appropriation of moneys in funds."

Mr. BECKER: I should like to know why this provision is needed. Would it not be just as advantageous for the clubs to be able to approach the Industries Development Committee or the Industries Assistance Commission, rather than borrow money and then re-lend it?

The Hon. HUGH HUDSON: The Racecourse Development Board has a source of income and, therefore, presumably it can use that to obtain borrowing, particularly if it can get a Treasurer's guarantee. It can borrow significant amounts of money. Under the financial agreement between the State Governments and the Commonwealth Government, there is a limit of \$500 000 on the amount that any statutory body can borrow without the approval of the Australian Loan Council.

I think the appropriate authority in South Australia is fairly close to that limit and, if we had a further burden, the amount would be likely to exceed the limit. If it did exceed the limit, Loan Council approval would have to be obtained, and the amount of money available to South Australia would be reduced. However, if approval has not to be obtained, the money is additional to the amount for this State. The board will be able to borrow up to \$500 000 as long as it convinces the Treasurer, and that can be done without affecting South Australia's Loan allocation.

Clause passed.

Title passed.

Bill read a third time and passed.

## EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 21. Page 2186.)

Mr. GOLDSWORTHY (Kavel): It is not surprising that the Minister should have introduced this Bill just before Parliament adjourned. It seems to me that most amendments to the Education Act are introduced at the end of a session. The Minister has stated that, as the reclassification proposals are to be implemented as from January 1, 1975, it is essential that the Bill be passed as a matter of urgency. I understand that positions for super headmasters have been advertised and that applications have been received. Now we have a Bill to fix up what the Minister has set in motion, and I wonder what the Minister's position would be if the Legislative Council rejected the Bill. If the Council did that, that would serve the Minister right, because he has gone about the matter in the wrong way and has put the cart before the horse.

There is little in the second reading explanation to tell us what the Bill is about, but I recall reading about the proposal in a report in the *Teachers Journal*, and I think the Minister had some difficulty convincing the South Australian Institute of Teachers on the matter. However, apparently agreement has been reached, but it seems to me that Parliament plays a minor role in all these matters. The method of selection of these appointees will be different, and the appeal provisions will be varied. I understand that normally appointments are made from the promotion list. A panel in the department makes the selection and then the Minister approves, so in effect the Minister makes the appointments. If anyone who is not on the list is unhappy about the matter, he can appeal to the Appeals Board against an appointment. In these circumstances, appeals have in the past not infrequently been won. However, all that is now thrown overboard. The committee, unnamed in the Bill, will make appointments, and the selection committee will have on it a person nominated by the Institute of Teachers and the Director-General of Education. The only other information I have is that the committee will be set up by the Minister in agreement with the Institute of Teachers. No other information is given to members in the Bill.

No appeals can be lodged against these appointments but, if the Director-General or the Minister decided that they did not like an appointment, they could decline to make it. Then, the provisional appointee could appeal against the Minister's decision. Although the present appeal provisions will apply, in the case of these appointments an appeal can be lodged only by someone who has been nominated by the committee and whom the Minister has decided to turn down. That is a departure.

Dr. Eastick: You mean Ministerial veto?

Mr. GOLDSWORTHY: That is so, or it could be the Director-General. No-one else who favoured himself as eligible for appointment as a super head could appeal against the committee's recommendation. Therefore, much responsibility devolves on the unnamed committee. In the past, the personnel of committees has been spelt out, and it would not be inappropriate for the Minister to say who was going to be appointed to this committee and, indeed, whether its personnel had, in fact, been decided. If this matter has not been decided, the Bill is far too vague. The Minister obviously having sorted out his differences with the Institute of Teachers, I am willing to support the second reading. The committee can be appointed only by agreement with the institute, which I suppose is fair

enough. Whatever policy decision the Minister takes, he should have the agreement of the Institute of Teachers, so we are merely enacting what has applied for some years.

The Minister should tell the House who will be appointed to the committee. If he does not do so, I should not be surprised if he finds himself in the unhappy position of advertising jobs that do not exist. The Minister's second reading explanation was a bit thin. However, he has done his explaining to the Institute of Teachers, which is fair enough. But he should give the House more than this brief explanation and say who will be appointed to the committee. I have no objection to the appointment of class A heads, which is the Director-General's original proposal. However, more details should be given on how they will be appointed. I support the second reading in the hope that the House will be given more information.

The Hon. HUGH HUDSON (Minister of Education): I could not possibly resist this opportunity to reply to the debate. First, I am surprised at the attitude taken by the member for Kavel who, when the Education Act was amended in 1970, voted for a similar provision. Then, the right of appeal was removed in relation to the appointment of teachers in the further education area, as teachers were represented on the selection panels that dealt with those positions. As he previously voted for this principle, I should have expected the honourable member to support it this time. However, that is obviously not to be.

Mr. Goldsworthy: When was that?

The Hon. HUGH HUDSON: In 1970.

Mr. Goldsworthy: In the dying hours of the session, I suppose.

The Hon. HUGH HUDSON: That is not so. The member for Kavel supported it, but he has obviously forgotten what he voted for. I should point out to the honourable member that the initial step in this matter was taken before the salaries board, which has already made an award for these positions at the secondary and primary levels. If the honourable member wants to encourage the Upper House to throw out the Bill, he could be taken to be denying those salaries for the people who might otherwise be able to obtain these positions.

Mr. Coumbe: Why didn't you bring it before Parliament before?

The Hon. HUGH HUDSON: It has not been possible to do so. The agreement was reached only recently, and the regulations providing for the reclassifications were presented to the House only last week, virtually at the same time that this Bill was introduced. Although I realise that it is late in the session, agreement was reached with the Institute of Teachers late in the day and, naturally, the institute is concerned to get the scheme going, because it will mean increased salaries for the people concerned. The member for Kavel has not understood the Bill properly. If the Bill was thrown out, that would not prevent our proceeding with the appointments to these positions, which are now provided for by regulation. That regulation would have to be disallowed otherwise. There could be a right of appeal against any appointments made. As I think 58 applications were received for 20 positions, it would be a complicated appeal process. This would make it virtually impossible for outsiders to be appointed to any of these positions, as the delays before appeals were resolved would be so prolonged as to cause outsiders to lose interest.

Dr. Eastick: What percentage of schools would require 20 appointments?

The Hon. HUGH HUDSON: If the Leader cared to discuss that matter with me privately at some time, I would be happy to go through the list with him. For

the secondary appointments the committee of eight will consist of two Deputy Directors-General, the Director of Secondary Education, two secondary teachers and one primary teacher nominated by the institute, plus two outside people associated with, say, a college of advanced education, or a judge, or a person experienced in the selection of educational personnel but not connected directly with the department or the institute.

Mr. Goldsworthy: Would they be permanent appointments?

The Hon. HUGH HUDSON: They would be involved in each set selection. No doubt if someone experienced in this area wanted to continue with the job, he would do so. Of the panel of eight, the Education Department will have three representatives, the institute will have three, and there will be two outsiders, so that the department representatives do not form the majority.

Mr. Coumbe: Who will be the Chairman?

The Hon. HUGH HUDSON: The Deputy Director-General of Education (Schools), Mr. Barter.

Dr. Eastick: There will not be a member of Parliament?

The Hon. HUGH HUDSON: No. I wish to correct the member for Kavel about the appellate provisions. A teacher can appeal against his position on the promotion list, but once a promotion list is used and an appointment made from the top of the list, there can be no further appeal. If a position is declared "special", and applications called for and an appointment made without the use of a selection panel, an unsuccessful applicant can appeal against the successful application. This situation is peculiar because it involves open advertisements, and once we become involved with that, if we want it to be genuine, we must do something about the normal appeal provisions, and these arrangements have been made. The use of a selection panel on which there is teacher representation applies in the same way as it did to further education legislation in 1970 for which the honourable member voted, and I hope he will do the same this evening.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Appeals against recommendations."

Mr. GOLDSWORTHY: Can the Minister say what percentage of appointments will be from South Australia, what percentage will come from within the present teaching service, and what led to the conclusion that it is desirable to attract people from outside into our teaching service to fill these positions?

The Hon. HUGH HUDSON (Minister of Education): It was a recommendation of the Karmel committee that open advertisements should be used for this sort of position. The proportion will apply only to initial appointments, and it will mean at least one-half must come from within the teaching service and at least two-thirds of them must come from within the department. Arrangements for open advertisements permit officers of the department who are not members of the teaching service to apply. Later, the position will be open advertisements and open competition. The Karmel committee recommended the same degree of flexibility between administrative positions and school positions, and this is one way of achieving that flexibility. It remains to be seen whether this system will work satisfactorily. I believe that if we had more interchange between States the educational future of Australia would be better, because we would get a greater cross-fertilisation of ideas. An inbred system has some disadvantages.

Dr. EASTICK (Leader of the Opposition): If positions are to be filled from outside, provision must be made for superannuation, and portability of superannuation has been a problem in the past. However, there may be a secondment for a period from a service in another State, and arrangements regarding superannuation may have to be considered. The right type of person will require an assurance that his superannuation requirements will be covered. I seek information about what arrangements have been made in respect of this most pertinent issue.

The Hon. HUGH HUDSON: I agree with the Leader. Full portability is provided under the Education Act in respect of long service leave. The Act enables us to recognise service in another State department in respect of long service leave. However, there is only limited portability of superannuation. An entrant to the South Australian teaching service or the Public Service has certain rights to pick up entitlements, and those can be exercised, but unfortunately they are only limited.

This matter is being considered by the Australian Education Council in an attempt to achieve a greater degree of portability of rights than now exists. We have moved only partly in that direction, and in the initial period we may not get many outsiders because of the superannuation problem. Anyone who withdraws from another superannuation scheme can use the refunded contributions to build up rights within our scheme.

That gives some protection, but it does not provide a sufficient degree of portability to make this arrangement really effective. All the appointments are for five years, whether the appointees be from within the teaching service or from outside the service. Appointees are eligible for a further period after satisfactorily completing the first five-year period, however.

Clause passed.

Title passed.

Bill read a third time and passed.

#### LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 20. Page 2111.)

Dr. EASTICK (Leader of the Opposition): It is ludicrous that we should be debating such an issue at this time of the morning. When a Bill dealing with this matter was previously considered by this House it was a Committee Bill. That will be the situation in respect of this Bill. The Minister has introduced several amendments to the Act, as requested by members of the industry over a period. Not only was the Attorney-General involved but, during his absence overseas, the Premier made several announcements on this matter, and on another occasion the Minister of Education, as Acting Premier, made other statements. The Bill can be described as a Bill typical of the Attorney-General. We have been presented with pages of amendments, and it is ludicrous for us now to begin dealing with them, as they were provided to the House only late this evening. It has not been possible for people in the industry to undertake research to determine whether the amendments provide the cover and safeguards that have been requested of the Attorney.

People involved in the industry have indicated that they were more than happy with the original provisions of the Bill, although they said that they did not go far enough. The absence of the assurance given by the Attorney, as reported in *Hansard*, was especially questioned. The Attorney intended to introduce certain amendments because he recognised a need for an improvement in the existing Act. Although I support the Bill, I believe that, because

of the late hour, it will be necessary for this Bill to receive far greater scrutiny in another place, as well as by members of the industry.

I point out to the Attorney that the Opposition, both in this House and in another place, sought to have inserted in the original Bill many of the provisions contained in this Bill. It was obvious to members then involved in discussions with experienced people in the industry that several of the Attorney's proposals were not practical. They were theoretical, and the job of putting them into practice was impossible. The proof of the pudding is in the eating, and the fact that several of the problems to which I have just referred will be resolved by the Bill clearly shows that people in business do know something, and that their thoughts should be given greater regard to than the non-compromising attitude of a person determined to get his own way.

The industry has improved as a result of the measures previously passed in this House. True, they could have been taken almost 12 months sooner. The difficulties that have been faced by the industry in many instances were foreseen. These difficulties have involved a great cost to many people engaged in both the buying and selling of real estate. The failure of several Government departments and other organisations, especially local government, to make details available in sufficient time to allow early completion of transactions in a period of huge cost escalation, especially when interest rates have rapidly increased, has resulted in higher costs and has disadvantaged many members of the community.

I refer specifically to the heartbreak caused to many young couples seeking to purchase their first house. I have no new material to provide to the House, but I point out to the Attorney that, if he intends to proceed with all phases of the Committee consideration this morning, it will be an abortive effort. I take no responsibility for the passage of clauses or amendments, which might or might not bring the kind of benefits sought. I support the Bill.

Mr. EVANS (Fisher): I am not thrilled at the prospect of considering the amendments that the Attorney-General has foreshadowed. The Bill imposes an obligation on an agent to seek information from Government departments and local government before completing a sale. The agent must list any development proposals that are likely to take place in an area and any encumbrances held over the land, so that the intending purchaser can be fully informed of what may take place. In the case of a property in Gloucester Avenue, Belair, the Highways Department had not answered an agent's letter six weeks after he had sought the information. What is the benefit of passing legislation that imposes an obligation on the agent if an obligation is not accepted by the Government department? If we attempted to make it an obligation that the Government department reply within 14 days, the Attorney-General would not accept the suggestion; he would say that it would be too big a burden for Government departments. Of course, he might accept the suggestion in respect of local government, because that would be in line with his thinking.

The Highways Department does not set out to co-operate. I hope that the Attorney-General, in replying to the debate, will say whether he believes that the Bill should be amended so that Government departments are compelled to accept the responsibility of making information available. Regarding the case I can cite, rumours are circulating that the Highways Department intends widening Gloucester Avenue to a considerable extent. If that is done, each property will lose some frontage. Surely

an intending purchaser should be informed of such proposals and should be informed when the work will be done, according to the Highways Department's plans. It is bad luck if the news gets out about something that the department is not anxious to publicise; for example, putting sub-arterial or arterial roads through an area. If we are going to place an obligation on agents, let us also place an obligation on the department. We should say to people, "We will tell you what is going on in the community so that you may know what effect construction proposals will have on your property." Further, Government departments should abide by what is fair and just.

I protest at having to consider so many amendments at this late hour. It is a waste of time to think about them at this time. In every case when we have dealt with Bills in the early hours of the morning, we have not covered all aspects. At least five pages of amendments have been foreshadowed, and this is no time to consider them. Other Bills on the Notice Paper could have been handled; there is no reason why this Bill has to be the one to be considered at this hour. I am not sure that the amendments will improve the Bill. I protest at having to consider a large number of amendments to an Act that was previously amended not long ago. I protest at this Bill being forced through at 1.35 a.m., when some amendments have been on members' files for only 1½ hours.

Mr. BECKER (Hanson): When we previously dealt with the principal Act it was thought that amendments might be necessary. In his second reading explanation the Attorney-General said:

The amendments in this connection streamline procedures and ensure against abuse of the cooling-off period by unscrupulous persons.

Later in his explanation he said:

No evidence has been brought to my attention that this evil has developed, but it is always a possibility, and the fears continue to be expressed.

The Attorney-General's remark relates to the question of the \$25 deposit and the cooling-off period. I have received complaints from agents that they have been unreasonably used. We must remember that it is expensive for them to prepare documents. There ought to be some compensation if people sign up for several properties, never intending to buy more than one of them, thereby exploiting the cooling-off period. Clause 4 amends section 61 of the principal Act. It relates to organisations, particularly banks, preparing documents.

In some country areas, where there are no solicitors or land brokers, we in the banks were asked to prepare all sorts of real estate document; for example, documents for transferring properties from one member of a family to another and documents relating to a contract of sale and purchase between two parties. It is very difficult for people in outlying areas to travel to the city to make arrangements for these transactions. So, for many years the banks have done this work. When a father decides to transfer part of his property to a member of his family, the bank is asked to prepare the papers. The Attorney-General may find it difficult to accept that, after a few years training in a bank, I was able to prepare most of the real estate documents that a land broker now prepares. I did not do the land brokers course, and I have always thought that too much emphasis was placed on this. There was a broker to oversee what the bank officer did. We had to type the documents. I received this training in the bank, as did all my colleagues. I know it is hard for members of the legal profession and land brokers to accept that a bank clerk aged 21 years or 22 years can prepare and type these documents just as efficiently as they can.

Mr. Gunn: And not charge as much.

Mr. BECKER: That is right. We provided a service to country people. I have always believed it was an imposition to insist that country people should make a special visit to the nearest centre where there might be a solicitor, and there are not too many solicitors in outlying areas. I am pleased that the Attorney has reluctantly agreed to these conditions. New subsection (1a) (b) covers the case of legal practitioners or licensed land brokers who have been employed by an agent since May 1, 1973. Therefore, it will be many years before banks will be without brokers, because several staff members will be qualified, although not all of them do the work. I believe that the Attorney could have excluded that date altogether. Organisations such as banks and insurance companies, and certainly trustee companies, employ people with these qualifications. The Real Estate Institute has sought these provisions, particularly the provision relating to managers, and I think that is worth while. However, these technical provisions can be dealt with in Committee. I am still disappointed that there is no provision to remove completely the part of the legislation that provides that a person selling his property has to disclose fully his personal financial arrangements in relation to the property. Although I believe encumbrances must be declared in any real estate transaction, most of the transactions are settled by the agent, anyway. For those reasons I support the Bill, which needs close scrutiny. However, if the institute wants this legislation, there is little we can do to prevent it.

Mr. MATHWIN (Glenelg): I support the Bill. However, I think it could be said that it is a tidying-up Bill, since it seems to brush a bit of dust under the carpet, and that is bad housekeeping, anyway. The biggest problem involved in this legislation has been neatly avoided by the Attorney. I refer to section 90 (1) (a), which deals with particulars of all mortgages, charges and prescribed encumbrances affecting the land or business subject to the sale, and to paragraph (b), which refers to particulars of all mortgages, charges and prescribed encumbrances that are not to be discharged or satisfied on or before the date of settlement. The Attorney is well aware that these are objectionable provisions in the Act; in fact, he is reported in *Hansard* as saying that he is concerned about this, although I cannot give the exact reference. However, in the Bill he has seen fit not to amend these provisions, and all particulars and encumbrances must still be disclosed. At a house auction, an auctioneer will state, for instance, that there is a first mortgage of \$10 000, a second mortgage of \$5 000, and third and fourth mortgages. This does not mean that the person selling the house has to sell it because he has gone broke, but that is the impression some people at the auction may gain. In some cases, this may do harm to the character of the person selling the property.

As the Attorney knows of the worry this has caused some people, I am surprised that he has not seen fit to alter these provisions. We have not had long to examine carefully the six foolscap pages of amendments that the Attorney has on file. However, although I have gone through them quickly, I have not seen any reference to the provisions in section 90 to which I have referred. Apparently the Attorney is not doing anything about that matter. I hope that he will give attention to it in future. Clause 8 refers to the matter of obtaining information, advertising, and so on. The time factor is important in this case, because a search must be made and an approach made to the council or the Government for information. In some cases, as the member for Fisher has said, it is not easy to get information, particularly from some Government departments. An agent may sometimes be a bit lax. As it is hard to get the information,

some people may have difficulty in placing advertisements in the time specified in the Bill.

Like the member for Fisher, I have not had time to study all the amendments fully. It is now 1.50 a.m. and we are faced with having to take this Bill through all its stages this morning. I object to this. It seems that once again this session we are faced with a last week in which there is a pile-up of legislation, with Bills being passed by exhaustion. This has happened despite the fact that private members' time has been lost, one of the reasons given for this being that it was supposed to give more time for debate of Government business. Earlier this session opportunities existed for debates on matters such as this to take place with plenty of time available, yet we now have all this pressure in the last few days of the session. As the Bill has to go through, those of us who can stay awake long enough can perhaps keep our eyes on the situation.

Mr. COUNBE (Torrens): I shall be mercifully brief and touch on only one matter. Most of the matters in the Bill have been dealt with but I refer to one aspect now to enable the Attorney-General, when he replies to the debate, to comment on it or give me some information. This Bill deals with business agents and brokers. I refer to the hotel broker, a matter on which I have had some correspondence with the association and the Minister.

Representations made concern the form of the regulations dealing with those licensed premises on which the hotel broker is engaged. He is, of course, involved under this Act as well as under the Licensing Act. I am thinking of small businesses worth up to \$30 000 or thereabouts and the undue delays that have been caused in this regard. I understand representations have been made by the association to the Attorney. My last advice from the Attorney was that he thought an amendment of the form of the regulations under the Licensing Act could be achieved. I find no record of any action being taken under the regulations of the Licensing Act and, as far as I know, it was not in the amendment to the Licensing Act that we considered recently. In fact, although this trouble is being encountered, the delay by the consideration of various Government departments in obtaining all the information comes under the Land and Business Agents Act. My last advice from the Attorney was that he did not think it appropriate to handle the matter under this Act. If I am wrong, I shall be delighted to be proved wrong if it has been remedied in the Licensing Act.

I see no remedy provided under this Bill. The hotel broker is in the peculiar position here of finding undue delays occurring, especially in respect of some hotels that must be sold or whose licence must be transferred; it seems as though there is undue delay that must be corrected. One case has been cited to me where in normal circumstances it would have taken about a fortnight to collect the necessary records for presentation to the purchaser, but in this case it took about 2½ months. That is far too long to be fair and considerate. I am advised that these delays have been caused by the recent amendments to the Land and Business Agents Act. I mention this now so that the Attorney can give me some information when he replies.

The Hon. L. J. KING (Attorney-General): I will deal with the last point raised by the member for Torrens while it is in my mind. While he was speaking, I was looking through my file to see whether I could turn up the correspondence to which he referred. However, I do not have it with me. It was considered in relation to the amendments to the regulations which are proposed and which will follow the passing of this Bill. I cannot tell the honourable member at this stage just what has been done in the

draft regulations relating to hotel brokers. I considered the matter at one time but I cannot tell him now what is the situation, not having the correspondence or the papers relating to that matter with me; but I will look into it and let him know. It is a matter that will be dealt with, if at all, by regulation: it does not require an amendment of the Act.

At the outset, let me apologise to the House for members being given such short notice of amendments that I shall move. Haste has been rendered necessary because the Real Estate Institute approached me on Monday, seeking an interview with me, which took place yesterday (Tuesday) morning. The institute put some matters to me and I agreed to some of its submissions. They are embodied in the amendments that have now been distributed. The institute is anxious for this Bill to be passed before Parliament adjourns for Christmas. I am not so concerned about that personally, but I told the institute that I would do my best to see that that would be done. Whether or not that is possible is up to this House and another place. I played my part when I introduced the Bill. It will leave this House soon, I hope, and then will be dealt with elsewhere. However, it is no desire of mine to push the matter through with undue haste.

I feel obliged to put it before Parliament and invite members to pass it because the officers of the institute regard it as important that it be passed before Parliament adjourns, because not only is it a matter of amending this Bill: also, there are several amendments to the regulations that depend on the passing of this Bill. The amended regulations cannot be promulgated until this Bill becomes law, and there are several of those regulations that are regarded as important by the institute.

One of them is the matter to which the member for Glenelg referred; that will be dealt with in the regulations because, as I indicated in answer to a question by the member for Hanson previously, I agree that, where a mortgage or charge is to be discharged, it is unnecessary really to do more than identify the mortgage or charge sufficiently to enable the purchaser to check that it is cleared, that it is indeed discharged at the time of settlement.

Dr. Eastick: That will be done by regulation?

The Hon. L. J. KING: Yes.

Dr. Eastick: Notwithstanding the heavy weight of legal advice that it should be done by amending section 90 (1) of the Act?

The Hon. L. J. KING: I do not agree there is any need to amend the Act. In fact, it would be undesirable to do so at this stage. That point of view is agreed with by the solicitor for the institute, who was in the room at the conference yesterday morning. He agreed with me that it could be adequately dealt with by regulation. The section requires that particulars of all mortgages, charges and prescribed encumbrances be given, but it is open to make a regulation setting out what particulars need be given.

The member for Fisher raised the matter of road widening. What is required to be disclosed by section 90 is "particulars of all mortgages, charges and prescribed encumbrances"—not intentions, plans, possibilities or probabilities for the future that may be entertained by some Government department or instrumentality. There is no way in which we could make that—

Mr. Evans: Are you saying that the agents do not have to inquire of the Highways Department about any proposals that it has for a specific area?

The Hon. L. J. KING: Unless it is a mortgage, charge, or prescribed encumbrance, it does not call for disclosure.

It is only if some order has been made that affects the land. If it is merely a plan, a proposal, or something being entertained in the mind of someone in the Highways Department that may come about in future, it does not come within the section. I do not know what stage the matter to which the honourable member has referred has reached. I do not know anything about that road or what the Highways Department is planning for it, but it would seem rather likely that it did not come within the ambit of section 90 at this stage. However, I cannot say, because I do not know enough about the matter.

Regarding the general point made by the honourable member and by the Leader of the Opposition, I agree that it is important that Government departments should furnish the information required to be furnished by the vendor and his agent under the Act, and my department has tried to bring about this situation. I recognise that it takes some time for Government departments to adjust their procedures to get a new system flowing smoothly, and I do not doubt that some agents have experienced difficulty in getting the information as quickly as they would like. I think there have been fewer difficulties with Government departments than with some councils that are not geared to supply the information, and it will be some time before they are so geared.

Dr. Eastick: Did you ever contemplate that councils would make a charge for the information sought from them?

The Hon. L. J. KING: I do not think the question has arisen. I should have hoped that this sort of information would be supplied as a service to the public. Frankly, I think it ought to be, but I cannot object if councils say that they must cover costs that are involved.

Dr. Eastick: Would you say \$10?

The Hon. L. J. KING: I think that \$10 is excessive and that a council should have its records organised in a way that would enable it to supply readily and without much trouble the information that must be supplied. However, that is a matter about which I cannot say much more. Regarding the general points that have been made, I want to say only that it seems to me that the Act has operated in a way that has been probably far more satisfactory than I expected in its early stages. Most of the provisions that were new and involved adjustment of attitude by parties to transactions, agents, Government departments, and councils have worked extraordinarily well, and the amendments that need to be made after the experience we have now had of the operation of the Act are relatively few and minor. We probably even could have managed without some of the amendments we have agreed to make at this stage.

I do not agree with the exaggerated flights of fancy adopted by the Leader of the Opposition in painting a picture of the operation of this Act that is not in accordance with fact. Quite the contrary is the position. The industry has settled down and is adjusting itself well to the operation of the new legislation. The people are getting protections that they did not have previously and most members of the industry acknowledge that the industry is the better for the new Act under which it operates.

I do not think that many members of the real estate industry would want to see the end of the Land and Business Agents Act: quite the contrary. Therefore, I consider that the overall picture is that the Act is working well, that the objectives it set out to achieve are being achieved, and that we have learnt some lessons from its operation and have sought to adopt them, partly in this Bill and partly in the regulations that will follow.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—"Commencement."

The Hon. L. J. KING (Attorney-General) moved to insert the following new clause:

1a. This Act shall come into operation on a day to be fixed by proclamation.

New clause inserted.

Clauses 2 to 4 passed.

Clause 5—"Control over trust accounts."

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

In new section 63a (1), after paragraph (e), to strike out "or" and to insert the following new paragraph:

(g) Where the agent is a body corporate, is being wound up or has been put under official management or into receivership;

This clause gives the Land Agents Board certain control over the trust account of an agent where the agent is either unable or unwilling to operate on the trust account and thereby apply the client's money for the purpose for which it was entrusted to the agent, and one possibility that has not been included in the legislation is that an agent, being a body corporate, may not be able to operate on the trust account because it is under official management or receivership or in liquidation.

Amendment carried.

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

In new section 63a (2), after "moneys" second occurring, to insert "and may execute any cheque or other instrument for that purpose".

This is to make clear that the person appointed by the Land Agents Board to operate on the trust account in the circumstances specified by the board is empowered to sign a cheque which a bank can then honour in a way that will apply the funds in the way required.

Amendment carried.

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

In new section 63a (4), after "effective", to insert "(a)"; and to insert the following new paragraph:

and

(b) if it bears the signature of the person so appointed (whether or not it bears the signature of any other person) it shall be lawful for the bank to make a payment in accordance with the cheque or other instrument.

These amendments are consequential on the amendment that has just been carried.

Dr. EASTICK (Leader of the Opposition): Can the Attorney say what is the origin of these amendments? I think they originated from the land brokers rather than from the land agents. The land brokers have made representations to me that they are concerned about difficulties that arise if the agent has died or left the town. Certain measures were required to change the situation, and some sections of banking legislation do not allow an action originally contemplated to be taken.

The Hon. L. J. KING: I cannot say for certain whether the Land Brokers Society raised this point, but it could well have done so. This point has been raised by many organisations, and certainly by the Real Estate Institute. My officers and I considered this matter in relation to a draft Legal Practitioners Act, where the same situation arises. While that was being considered, it was reinforced by an actual case of a land agent who failed to operate on his trust account. My office received a complaint from a person who wanted money from a trust account to complete a property purchase but could not get it. No-one had authority to operate on the account. The agent was bankrupt, and the Official Receiver had no authority to operate on the trust account. As the agent would not do so, it would have involved an application being made to

the court to enable access to the money to be gained. This was a ridiculous situation.

Dr. EASTICK: The point the Attorney has been making applies equally where a liquidator is in charge of an estate and even the Taxation Department cannot be paid out from the account. In some cases, a liquidator has been able to achieve a better trading result than that which had been achieved previously. This has affected some people in South Australia in the last five days and has caused considerable trouble.

Amendments carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—"Cooling-off period."

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

To strike out paragraph (e) and insert the following new paragraph:

(e) by striking out paragraph (c) of subsection (4) and the word "or" immediately preceding that paragraph and inserting in lieu thereof the following paragraphs:

(c) where the sale is by auction;

or

(d) where the land is offered for sale, but not sold, by auction and a person by whom, or on whose behalf, a bid for the land was made at the auction enters into the contract of sale on the same day as the auction for a price not exceeding the amount of that bid.

This amendment deals with the situation that has much occupied the attention of the Real Estate Institute, when an auction fails to result in a sale on the fall of the hammer but a sale is negotiated subsequently. The institute has always urged that in such circumstances the cooling-off period should not apply. I take the view that, where the transaction which is negotiated involves a higher price than the highest bid made at the auction, there is as much necessity for a cooling-off period as there would be if the contract was not the result of an auction.

However, the institute has impressed on me that in many cases the sale is for all practical purposes a sale by auction, except that at the moment of the making of the bid the auctioneer does not have authority to sell at that price but can readily obtain it. Consequently, I have agreed to amend the Act to exclude the cooling-off period when the sale is made in consequence of an auction, on the same day as the auction, and at a price not higher than the price that the purchaser bid at the auction. In that situation, it is fair to say that for all practical purposes it is a sale by auction.

Amendment carried.

Mr. GOLDSWORTHY: I wonder what has led the Attorney-General to take this action. I remember this matter being canvassed when the original Act was passed. Now, the Attorney has decided to move an amendment even though he has no evidence to show that abuses have occurred. I wonder what was exercising his mind to induce him to make that change.

The Hon. L. J. KING: It is a curious situation in which agents keep saying that this is a real worry to them. However, they have produced no evidence for me of actual situations in which purchasers have exploited them. I am in the position on the one hand of having this stand taken by people engaged in the industry who say that this is a worry to them, and on the other hand of having no concrete evidence that any problem exists. However, it seemed to me in those circumstances that it would not be unreasonable to say that a purchaser should forfeit \$25 if he wished to exercise his right of rescission, thereby allaying the fears of those in the industry who seemed to be unsettled by this matter.

Whether or not their fears are real I cannot say: I can say only that it was a problem that exercised our minds when the original legislation was drafted and passed. I said then that, if experience showed that it was a real problem, I would consider amending the Act in some way that would provide a deterrent to a purchaser exploiting a situation. Although I have had no evidence of concrete cases, I have frequently received expressions of apprehension about it.

Mr. Goldsworthy: That means there will be a minimum fee of \$25 if someone takes an option on a property?

The Hon. L. J. KING: It means that a deposit of \$25 will be payable on the signing of a contract and, if one wants to rescind the contract, one will lose the \$25. The argument which has been put to me and which I am willing to accept is that the vendor suffers some disadvantage in these matters because he thinks he has made a sale and the sale is lost. That would involve delay and inconvenience, and now he receives \$25 for his trouble, so that some compensation for the vendor is provided and also a deterrent to a purchaser who is disposed to sign several contracts. A person engaged in buying for profit may not be concerned at the loss of \$25. I am pleased that the cooling-off period has not realised the fears that were expressed by its opponents when it was first introduced. I move:

To strike out paragraph (g).

Because of amendments in relation to sale by auction, this paragraph should now be removed.

Amendment carried; clause as amended passed.

Clause 9—"Information to be supplied to purchaser before execution of contract."

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

In paragraph (b) to strike out "subsection" second occurring and insert "subsections".

This is a drafting amendment.

Amendment carried.

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

In new subsection (2) (a) to strike out "made" first occurring and insert "prepared".

This is a drafting amendment.

Amendment carried.

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

In new subsection (2) (a) to strike out "execution of the contract by" and insert "service on".

Although a minor amendment, this fixes the relevant time as being the service of the notice rather than the execution of the contract.

Amendment carried.

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

In new subsection (2) (a) to strike out "made" second occurring and insert "prepared".

This is a drafting amendment.

Amendment carried.

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

In new subsection (2) to strike out paragraph (b) and insert the following new paragraph:

(b) where, before the statement is served on the purchaser or prospective purchaser, any variation in the particulars set out in the statement has come to the knowledge of the vendor, the statement is accompanied by a further statement signed by the vendor or some person acting on his behalf giving particulars of the variation.

This is a drafting amendment dealing with a view expressed about whether, under the Bill as it stood, a vendor would be obliged to serve a notice when a variation had come to his notice.

Amendment carried.

The Hon. L. J. KING: I move to insert the following new subsection:

(2a) For the purposes of paragraph (c) of subsection (1) of this section, where a person enters into a transaction for the purpose of obtaining title to land or a business and an instrument of transfer, conveyance or other instrument relating to the transaction is lodged at the Lands Titles Registration Office or the General Registry Office, he shall be deemed to have obtained title to the land or business not later than the day on which the instrument of transfer, conveyance or other instrument is so lodged.

This amendment makes clear that, for the purposes of this section, the latest date for which title is accruing is to be regarded as the date the documents are lodged at the Lands Titles Office.

Amendment carried.

The Hon. L. J. KING: I move to insert the following new paragraph:

(da) by inserting after subsection (4) the following subsection:

(4a) a statement complies with subsection (4) of this section if—

(a) it was prepared by the agent or some person acting on his behalf not more than two months before service on the purchaser or prospective purchaser and was accurate at the time that it was prepared;

and

(b) where, before the statement is served on the purchaser or prospective purchaser any variation in the particulars set out in the statement has come to the knowledge of the agent, the statement is accompanied by a further statement signed by the agent or some person acting on his behalf giving particulars of that variation.

The Bill provides that a section 90 statement is sufficient compliance if prepared within two months before service and was accurate when prepared. However, any information that comes to the knowledge of the agent must be shown on a statement signed by the agent. This amendment is designed to extend the provisions concerning the information required to be given by the agent, as well as that required to be given by the vendor.

Amendment carried.

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

In paragraph (h) to strike out "subsection" second occurring and insert "subsections".

This is a drafting amendment.

Amendment carried.

The Hon. L. J. KING: I move to insert the following new subsections:

(9b) Where an auctioneer proposes to offer any land or business for sale by auction—

(a) he shall make the statements required by this section in relation to the sale available for perusal by members of the public—

(i) at the office of the auctioneer for at least three consecutive business days preceding the auction;

and

(ii) at the place at which the auction is to be conducted, for at least thirty minutes before the auction commences;

(b) he shall cause public advertisement to be given in the manner and form prescribed of the times and places at which the statements may be inspected.

Penalty: Two hundred dollars.

(9c) The failure of an auctioneer to comply with subsection (9b) of this section shall not affect the legality or validity of a contract of sale relating to any land or business.

This amendment deals with the application of the auctioneer to have section 90 statements available for perusal by prospective purchasers. Concern has been expressed by the institute about the obligation to insert the time and place at which the statements may be inspected

in all public advertisements. It has been agreed with representatives of the institute that it would be more appropriate to leave the manner of the advertisements to be detailed by regulation, so that something flexible may be prescribed.

Amendment carried; clause as amended passed.

New clause 10—"Sale of small businesses."

The Hon. L. J. KING: I move to insert the following new clause:

(10) Section 91 of the principal Act is amended by striking out subsections (2) and (3) and inserting in lieu thereof the following subsections:

(2) If a statement is not given in accordance with subsection (1) of this section, or if a statement so given is false or inaccurate in any material particular, or omits any material particular, and a purchaser suffers loss by reason of that fact, he may apply to any court of competent jurisdiction for an order under this section.

(3) The court may, upon the hearing of an application under subsection (2) of this section—

(a) award such damages against the person in default as may, in the opinion of the court, be necessary to compensate loss arising from the default;

or

(b) avoid the contract, and make such orders as the court thinks necessary or desirable to restore the parties to the contract to their respective positions before entering into the contract.

This new clause relates to section 91 of the Act. At present, if the statement is not given under section 91 and all particulars are not given, the transaction can be avoided. This amendment inserts a provision similar to section 90 (7), which gives an option to the court to award damages in appropriate cases or to avoid the contract if the court thinks it necessary or desirable to restore all parties to their respective positions before entering into the contract.

Dr. EASTICK: These amendments show a degree of compromise on the previous attitude. There is no doubt that the Act will be better, and the net result for young people particularly and for all those dealing in real estate will be beneficial.

New clause inserted.

Title passed.

Bill read a third time and passed.

#### PRICES ACT AMENDMENT BILL

In Committee.

(Continued from November 21. Page 2188.)

Clause 2—"Cessation of effect of certain provisions."

Mr. GOLDSWORTHY: The Bill gives effect to the agreement reached with the Legislative Council in respect of separating the prices and consumer affairs functions of the Commissioner for Prices and Consumer Affairs. I take it that, prior to December 31, 1975, we would have to enact legislation (and thereafter annually) to give the Commissioner his powers regarding prices.

The Hon. L. J. KING (Attorney-General): Yes. The present Act expires at the end of each year, on December 31, and it must then be renewed. The Government believes that the price-fixing powers should be permanent. However, the Legislative Council would not accept that view, and the position is as outlined in the second reading explanation. If the administrative and consumer protection functions are put into one group, they will be made permanent, and the necessity for annual renewal will be confined to the price-fixing powers.

Clause passed.

Title passed.

Bill read a third time and passed.

#### ADJOURNMENT

At 2.36 a.m. the House adjourned until Wednesday, November 27, at 2 p.m.