## HOUSE OF ASSEMBLY

Wednesday, October 1, 1975

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

### CONSTITUTION ACT AMENDMENT BILL (COMMISSION)

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

### PETITION: BEVERAGE CONTAINERS

Mr. WHITTEN presented a petition signed by 27 employees of Containers Limited, 999 Port Road, Cheltenham, praying that the House would not pass the proposed beverage container legislation and would seek alternative methods to combat litter.

Petition received.

### PETITION: DAYLIGHT SAVING

Mr. NANKIVELL presented a petition signed by 36 residents of Sherlock and Peake districts praying that the House would urge the Government not to again introduce daylight saving in South Australia.

Petition received.

### PETITION: LOTTERY AND GAMING REGULATIONS

Mr. LANGLEY presented a petition signed by 125 residents of South Australia praying that the House support the disallowance of the regulations made under the Lottery and Gaming Act regarding cash ticket machines and roulette wheels and permit licensed clubs to install such machines on a ratio in proportion to membership.

Petition received.

### PETITION: SUCCESSION DUTIES

Mr. MILLHOUSE presented a petition signed by 666 residents of South Australia stating that the burden of succession duties on a surviving spouse, particularly a widow, had become, with inflation, far too heavy to bear and ought, in all fairness and justice, to be removed. The petitioners prayed that the House would pass an amendment to the Succession Duties Act to abolish succession duties on that part of an estate passing to a surviving spouse.

Petition received.

## QUESTIONS

### MURDER CASE

Dr. TONKIN: Because of the doubt surrounding the case that is causing disquiet in the community, will the Premier institute a public inquiry into all the circumstances of the case of Noel Russell MacDonald, who, at the age of 17, pleaded guilty to a charge of murder in the South Australian Supreme Court on September 15, 1970? Yesterday I received a reply to a question of the Premier in relation to this case, but his replies have done nothing to relieve the element of doubt which has arisen as to whether or not any injustice has been done. MacDonald was never tried in the Supreme Court. He pleaded guilty, and there was no opportunity for the court to test the evidence which has been presented at the preliminary hearing and which the Premier has said made the case extremely strong, or to test MacDonald's own assessment of the situation. It is well known that people, especially young people, under heavy emotional strain, may have a distorted view of their own position in relation to a situation. Thus, even if the case at the preliminary hearing was very strong, none of these matters were tested in the Supreme Court. The duty of the court is always to protect the individual and to ensure that justice is done. By changing his plea to guilty, whether on advice or not, MacDonald virtually gave away his rights to have his case fully investigated. It is not being said that he is, or is not, guilty. What is being said is that there is now a serious doubt in the public mind that justice may not have been done. It is imperative that this doubt is completely removed, or that any injustice, if it has occurred, is corrected.

The Hon. D. A. DUNSTAN: No case has been made out for holding a public inquiry. If there were any case at all that an injustice might have occurred, the Government could well have given a different view on the subject of the petition that was presented, but the material that was in the petition itself did not give any basis on which this matter could be shown to have caused an injustice or any material on which we could properly refer the matter to the Full Court. So that there is basically, even with the petition presented, no real contest, no argument about the basic facts in this matter. I have all the evidence and material here for the Leader to peruse and, if he has some basis on which he can allege that there is some other conclusion that a court could have come to, I should be interested to hear it .

Dr. Tonkin: You are prejudging it: he was advised to change his plea.

The Hon. D. A. DUNSTAN: I am not prejudging it, and his changing his plea is not the matter at issue. Are there any other contentions as to what occurred that could lead to the conclusion that he was not guilty? That is the matter at issue. Is it suggested that the gun was accidentally discharged? All the evidence is against that.

Dr. Tonkin: That's for the Supreme Court to decide at a retrial.

The Hon. D. A. DUNSTAN: If the Leader is suggesting that every person who changes his plea and elects to plead guilty can come back years later and say, "Well, I now think I would like a trial on some undisclosed basis of factual allegation", he is asking the Executive to take an utterly irresponsible view. If the Leader has some factual basis or allegation that the case against MacDonald was wrong, that there is a basis on which he could be found not guilty, would he put that to me, because at this stage I have not heard it.

### RAILWAYS DEFICIT

Mr. GOLDSWORTHY: This question is supplementary to a question I asked on the railways line in the Budget debate, which unfortunately was guillotined earlier. This highlights the difficulty we have in following up the unsatisfactory aspects of the Budget. Can the Premier explain why there has been a change made in the method of estimating the salaries and wages in the Railways Department for this financial year? I asked a question earlier of the Premier pointing out that there was an apparent discrepancy of about $31 000 000 in the statements made in relation to the railway deficit, and I was furnished yesterday with a reply that far from clears up the matter satisfactorily. If one has a look at page 85 of the 1975 Estimates, one will see that the actual payments for the preceding year, 1973-74, were $43 900 000,

on the basis of which an estimate was made for the following year, 1974-75, of a wages and salaries bill of $57 300 000; in the event, it was just over $60 000 000. When one turns to the Estimates in the Budget papers for the railways this year, one finds that, as I have just said, the 1974-75 payments for wages and salaries were $60 200 000, and that the proposed estimated payments for 1975-76 amount to only $62 900 000. That is an obvious change in the method of estimating, because no allowance has been made for the increase in salaries and wages to be expected this year. I have perused the reply I received yesterday which states that this will be taken up in a round sum allowance of $82 000 000 spread throughout all Government departments.

The Hon. D. A. Dunstan: That is right.

Mr. GOLDSWORTHY: There has been a change in the method of estimating last year's and this year's Budget which is not apparent in respect of any other department, where a realistic estimate is made. Why has the Government made such a change in respect of this department and why are the Budget papers for this year in relation to the Railways Department inaccurate?

The Hon. D. A. DUNSTAN: I do not think they are, but I will obtain a further full report for the honourable member.

## WAGE INDEXATION

Mr. MILLHOUSE: Can the Minister of Labour and Industry say whether the Government has considered the effect on its wage indexation policy of section 35 (5) of the Industrial Conciliation and Arbitration Act, 1972, and, if it has, what action, if any, it intends to take? I say at the beginning that I hope that the Premier will allow the Minister to give the reply, and I refer the Minister to the subsection to which I have referred, which is in Division III of the Act under the heading "Living Wage", and which states:

No new determination—

that is, of the living wage—

shall be made until the expiration of at least six months from the date of the previous determination.

As I think is acknowledged, the idea of wage indexation is that there shall be a fixation every three months, and of course our living wage is to be adjusted on the basis of what happens in the Commonwealth sphere. That subsection, of course, is a stopper to doing that, because it says that we cannot do it every three months or any more frequently than every six months. If the Government is as wedded to the system of wage indexation as it claims, and as the Minister claimed yesterday (I am prompted to ask the question by the Minister's reply yesterday to the member for Salisbury), it seems to me that the Government will have to take some action to amend that subsection and, therefore, run the risk of an eruption within its own Parliamentary Party from those members who have openly expressed their opposition to wage indexation.

Mr. Gunn: What does Mr. Dunford think?

Mr. MILLHOUSE: The Hon. Mr. Dunford was one of those I had in mind when I asked the question. I therefore put the question to the Minister to test out the Government's sincerity on this matter.

The Hon. J. D. WRIGHT: I never cease to be amazed by the member for Mitcham. A few weeks ago in this House he had the impudence to go out to the press and say that I was asleep in the House. I now accuse him of being asleep in the House when I introduced this very Bill three or four weeks ago. Anyone examining legislation before this House would know that I have already taken action so that all wage fixation can be done in future on a three-monthly basis.

## RACING INDUSTRY

Dr. EASTICK: Can the Premier say whether the Government intends to introduce and finalise, during the remaining Parliamentary sitting days in 1975, a Bill dealing with the reorganisation of the various disciplines within the racing industry? Legislation will be necessary to give full effect to the Hancock report recommendations and to allow for the reorganisation necessary within the three disciplines of the racing industry. This is particularly necessary in the dog-racing industry, which is currently working under an interim committee arrangement, that committee in turn reporting back to the existing National Coursing Association before final action can be taken. I believe it is important to know whether it is intended to give effect to all the requirements before the end of this calendar year.

The Hon. D. A. DUNSTAN: Speaking from memory, I believe that a Bill connected with the racing industry and arising out of the Hancock report is due for discussion this session; I have been trying to check the list to determine the position. I know that the matter has been considered and proposals have been put before Cabinet. I will check the position for the honourable member.

## PAY-ROLL TAX

Mr. VENNING: Can the Treasurer say why provisions for pay-roll tax appear in the Estimates? Throughout the Estimates for the various Government departments a line appears for pay-roll tax, the total of these provisions being about $20 000 000. When I asked the Minister of Education the effect of pay-roll tax on his department, which had a provision of $10 000 000 for pay-roll tax, he said that it had no effect on his department at all. What is the purpose of this line in the Estimates? Is it to hoodwink the public and private enterprise by having them believe that the Government is paying pay-roll tax amounting to almost $20 000 000?

The Hon. D. A. DUNSTAN: The Treasury advised earlier that we should provide for pay-roll tax as a matter of bookkeeping. It was introduced when we were under the Grants Commission, mainly because at that time Victoria and New South Wales did it as a matter of bookkeeping and, therefore, to get comparability before the Grants Commission we did the same thing. However, the Treasury believes that it is a matter of useful bookkeeping in looking at comparable costs. It does not have any effect. The honourable member will no doubt have heard of the system of double entry bookkeeping, and that is what occurs in this State. A full answer on this matter was given recently to another member on the Opposition side; I think that the member for Torrens has it, but if he does not have it readily available, I will see whether I can get a copy for the honourable member.

## MURRAY RIVER FLOODING

Mr. OLSON: Can the Minister of Works say what will be the likely extent of flooding along the Murray River during the next few months? In an article in today's *Advertiser*, headed "Big flood risks to shacks", Councillor Board, Chairman of the Morgan District Council, was reported to have said that most shacks along the Murray River in South Australia would be flooded

soon for the third year in succession. Councillor Board estimated that 300 shacks would be flooded in the Morgan district. "They will all be swamped", he was reported to have said. Can the Minister say what the flood situation is likely to be?

The Hon. J. D. CORCORAN: The honourable member, I think yesterday, approached me about this matter, because some of his constituents' own shacks are likely to be affected. Some shacks in low-lying areas along the Murray River could be affected by flooding during November. Late last week I was given a preliminary estimate, which revealed that the peak of the flood in the Murray River would be about 100 000 megalitres a day, compared to 187 000 *ml* a day in the previous flood, and that will give honourable members some idea of the magnitude of this flood compared to the previous one. The peak of the flood will reach Renmark about the third week in November, and Morgan about the end of November. The duration of the peak at this stage cannot be assessed, because more rain may fall, but, if that does not happen, the duration will be comparatively short. I think that at the end of October I will have a far more accurate assessment, and I shall be pleased to let the honourable member know what that is when I obtain it. The estimated height of the river at Renmark of 17·6 metres would be 1·3 m above pool level and 0·95 m below the peak of last year's flood. At Morgan the peak will be about 7 m, or 3·7 m above pool level, and 1·6 m below the 1974 peak. Timbers will be removed from locks 1 to 9 by the end of this week and the barrages at the Murray mouth will be progressively opened as the flood increases.

## CHILDREN'S THEATRE

Mr. DUNCAN: Will the Premier consider establishing a children's film theatre in the new Elizabeth town centre cinema complex, which is to be developed soon? The Housing Trust is developing a new extension to the Elizabeth town centre, incorporated in which complex will be a twin cinema. This would seem to be a good chance to establish in South Australia a children's cinema, for which I believe there is a considerable need. The twin cinema in Elizabeth provides an ideal opportunity for such a facility. Because of the success of the International Film Festival for children (which is held annually, I think) and the cinemas for children that operate successfully in other countries, it seems that this is a worthwhile project. It would fulfil a need that is often referred to by people, particularly from the Festival of Light and the Community Standards Organisation, who are always complaining that there are not sufficient films showing that are suitable for children to attend. In the Elizabeth-Salisbury area about 50 000 children could benefit from such a complex. Will the Premier investigate this matter with a view to establishing such a facility?

The Hon. D. A. DUNSTAN: I will refer the honourable member's suggestion to the Minister of Housing and also to the Chairman of the South Australian Film Corporation, which has power to undertake distribution of this kind and involve itself in cinema development. It may well be that, through its connection with the festival and through the film library, it can organise such a venture—a festival of film, not a festival of light. I will get reports for the honourable member.

## OVAL LIQUOR PRICES

Mr. LANGLEY: Will the Minister of Prices and Consumer Affairs consider fixing the price charged for liquor at main ovals following a decision by the South Australian Cricket Association and several suburban oval committees to ban the taking of liquor into oval grounds? Having on many occasions attended different ovals, I have seen that the price charged for liquor varies. If the price to be charged was fixed it would ensure that members of the public would not be fleeced, with the seller taking advantage of the ban to make easy profits. At the same time, could the matter of hygienic conditions for the purchaser be investigated?

The Hon. R. G. PAYNE: I have had one or two reports of a similar nature about price variations charged for beer at ovals. I shall be pleased to have officers of the Prices Branch examine the matter.

---

## ELECTORAL DISTRICTS REDISTRIBUTION BILL

Dr. TONKIN (Leader of the Opposition) obtained leave and introduced a Bill for an Act to provide for a permanent electoral commission; to provide for the periodical review of the boundaries of electoral districts for the return of members of the House of Assembly; to provide for a periodical assessment of the effectiveness of the House of Assembly in reflecting the views of the majority of the electors of the State; and for other purposes. Read a first time.

Dr. TONKIN: I move:

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

I apologise to members opposite because the Bill is only in a roneoed form, but it has been in preparation for some time. At least there are two copies being circulated opposite, which is more than we got when a similar Bill was introduced by the Government yesterday. This State in past years has been given the reputation of being a gerrymandered State. There is no doubt that Governments have been elected with a minority of the preferred vote in times gone by. On the last occasion when this occurred, in 1968, the present Premier spoke loud and long against the system that permitted this. He believed that no Party should gain Government without having obtained a majority of the votes cast throughout the State at the election. This Bill has been prepared to ensure that this situation cannot ever occur again in South Australia. It provides for the appointment of a permanent Electoral Commission, which will periodically review the boundaries of the electoral districts of the House of Assembly. Its governing term of reference is so designed to ensure that as nearly as possible the number of seats held by each Party or group of Parties in the House reflects the percentage of the overall vote received by each Party or Parties. In other words, no Party or group of Parties should be able to achieve Government without receiving a majority of the overall preferred vote throughout the State.

The effect of this Bill will be to make certain that there can no longer be any gerrymander in this State in favour of any Party. The commission will be given a difficult job to do, but it will take into account existing boundaries and the geographical community of interest and other factors which are commonly considered. To ensure the independence of the commission, and that it will not in any way be a political appointment or be biased in favour of one side or the other, we intend that the members of the commission shall be approved of by a three-quarter majority of the Lower House, and that this decision shall be concurred in by the Upper House. The Labor Party concept of one vote one value, as applied to South Australia in districts of equal voting population, will not achieve a true representation of the overall vote

in the representation in the House of Assembly. Indeed, our calculations show that this system of one vote one value significantly favours the Australian Labor Party, which could govern after having obtained only 45 per cent of the votes, a patent gerrymander. The vote at the recent election, which was almost exactly evenly divided between the Labor Party and the non-socialist Parties (that is, fifty-fifty) and which resulted, rightly, as you, Mr. Speaker, well know, in an evenly divided House of Assembly, could in fact, under the Labor Party's new system, return 27 members for the A.L.P., and 20 members for the anti-socialist Parties.

Clause 1 is formal. Clause 2 concerns the arrangement of the Act. Clause 3 deals with interpretation. Clause 4 deals with the setting up of a permanent Electoral Commission. The Chairman of the commission must be a judge, but the other two members of the commission shall be approved of by a three-quarters majority of the whole number of the members of the House of Assembly. This provision breaks new ground in South Australia and is intended to ensure that as far as possible the appointment of the Commissioners will be devoid of any possibility of political bias or influence by making quite sure that they are acceptable to members on both sides of the House.

Clause 5 deals with the proceedings of the commission and clause 6 applies the powers of a Royal Commission to the commission. Clause 7 provides that the commission, at least every six years and in relation to a day on which a general election for the House of Assembly is held, shall consider whether or not the representation in the House of Assembly elected on that day accurately reflected the views as expressed by a majority of the votes cast in the election. It will also inquire into the numerical size of each Assembly district and consider the number of Assembly districts currently existing. If after that inquiry the comission believes that the representation in the House of Assembly does not as nearly as possible reflect those views, it may make a report redistributing the State into such number of proposed Assembly districts and of such geographical descriptions as to the commission seems appropriate to attain this end and may make other recommendations as to the commission seem appropriate for the purposes of the Act.

This leaves much breadth of decision-making to the commission: it gives it much discretion in the whole matter. It shall be governed only by the need to bring forward an absolutely fair system that will accurately reflect the overall views of all the people of South Australia. Clause 8 provides terms of reference, including community of interest, geographical situation, and population changes, for the commission's consideration. Clause 9 provides that the commission will invite representations from all concerned members of the community and sets out the procedure for inviting and submitting these representations. Clause 10 provides that the commission shall present its report to the Governor and both Houses of Parliament.

The system now proposed by the Liberal Party will prevent any gerrymander such as that recently proposed by the Labor Party, whether it be in favour of the Labor Party, as the present Government's proposal is, or, indeed, whether it may in future be in favour of the Liberal Party. We hope that this will do away with gerrymanders in South Australia for all time. I look forward to the absolute support of the Premier. Quite rightly, only yesterday, at his press conference, he stated that it was not democratic for a Party to govern without a majority of electors having voted for it and, by the example he used to back up his statement, he confirmed that he was speaking of the preferred vote.

In fact, he said, "Now, that's not democracy and we are not going to have a Government doing that to the people of South Australia again; we require that the Constitution be democratic, and democratic permanently." Having espoused that and having presented a Bill that totally satisfies the requirements that the Premier has laid down, I confidently expect his support. I commend the Bill to honourable members.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The Leader, of course, uttered the biggest joke of his career in suggesting that members on this side of the House could support a measure of this kind, and I tell him quite plainly that in no circumstances will we support what is clearly an intended fraud upon the people of South Australia. I will deal with what this measure proposes. First, it proposes, without there being any clear instructions to a commission, that a commission somehow or other is to determine what is basically a political question for voters in South Australia, namely, the basis of representation.

A commission is not in a position to decide independently what is the basis of elections, because that decision can be made only by the voters of the State. The issue of how electoral districts should be constituted has been fought in the State for the past 75 years on the issues that are now before the Parliament in another measure, and time and again the people of this State have voted overwhelmingly to provide single-member districts on an equality of the voting power of each district; that is, an equality of numbers of electors.

That principle of one vote one value is, of course, in accordance with the principle that has been laid down in other Constitutions and the principle upon which the Constitution of South Australia was originally founded. Some variation of that decision by electors cannot be referred to a commission that then has to make a political decision without references to the electors, but the Leader suggests that it can. More than that, what in fact this measure proposes is that the existing system of distribution remain.

A commission is to be set up, and it is to investigate various matters. If it only knows how it is to come to a conclusion on the instructions given to it, it has to make a report to Parliament, and that is that. We could be in exactly the same position as now obtains in the Commonwealth Parliament, where an Electoral Commission in accordance with the strict terms given to it by Parliament has made an electoral redistribution, and the Senate has refused that because it is considered that the electoral interests of conservatives in Australia would be affected by the fair distribution made by the electoral commissioners.

Therefore, in South Australia we have districts that are far out of proportion to one another, and electors are markedly disadvantaged in having an equally effective say in the Government of this State. That is what honourable members opposite propose for South Australia. They have no provision in the Bill that the recommendations of the Commissioners will have any effect in law unless some Government in office decides to act or not act on them. That is not in accordance with the clear decision of electors of South Australia. For the Leader to say that somehow or other there is an unfair distribution of districts and that there is somehow a gerrymander by having an electoral

commission decide on electoral boundaries, giving as nearly as practical equality of voting numbers and according to traditional instructions for such electoral commissions, means that the Leader obviously takes *Alice in Wonderland* as his main political text. He has been listening far too much to Humpty Dumpty.

Mr. Mathwin: Get off the stage!

The Hon. D. A. DUNSTAN: I suggest that the honourable member read it, and he will see what I am talking about. The Leader is using double talk and double thinking but he will not deceive the electors of South Australia with this preposterous proposal, and I believe that this House should have the opportunity to vote on it promptly and give it the short shrift that it deserves.

Mr. GOLDSWORTHY (Kavel): It did not take the Premier very long to come to terms with the Bill, which I might say was not drafted hurriedly. In a matter of some five minutes, the Premier has been able to reject out of hand the proposals of the Liberal Party, which I believe are perfectly fair and which I believe the electorate at large will see to be perfectly fair. The Premier's electoral redistribution Bill is a blatant gerrymander in favour of the Labor Party.

The Hon. G. T. Virgo: That's not what we are talking about.

Mr. GOLDSWORTHY: We are talking about this Bill—

The Hon. G. T. Virgo: This monstrosity.

Mr. GOLDSWORTHY: —and the Premier has been talking about this monstrosity, which he says is the result of consistent Labor Party thinking on electoral matters over a period of time. It is not consistent with the arguments advanced by the Premier during the debate on electoral matters in the House in fairly recent history. The argument advanced by the Premier of this State when he attacked the Playford Administration over a period of years was that the Labor Party in this State had secured a majority of votes over the whole of South Australia (something in excess of 50 per cent of the votes) and therefore it was its undoubted right to govern. That was the one argument that he consistently advanced, and he linked that argument with the catch cry of one vote one value.

The Hon. G. T. Virgo: What was the catch cry?

Mr. GOLDSWORTHY: One vote one value. I hope the Minister of Transport will listen, because it took only five minutes for the Premier to reject, out of hand, this Bill. I and the Liberal Party will go along with the Premier's basic premise that the Party or Parties with similar thinking which gain the majority support in this State have the right to govern. That is what the Liberal Party Bill, which was so vehemently rejected out of hand by the Premier, seeks to do. The Minister of Transport would not even know what it was about, yet he is guffawing. We know that the backroom boys in the Labor Party did much homework before their Bill, which is so obviously a gerrymander, was introduced. This is what the Premier says has been the philosophy in South Australia since the days when the Constitution was founded. We know very well why the Deputy Premier saw fit to leave the seat of Millicent hurriedly last year. I will now refer to what the Premier and his colleagues said a few years ago when discussing a redistribution proposal before this House in, I think, 1962. He said:

The Premier—

he was referring to Sir Thomas Playford—

says it is difficult to represent country districts because of the long distances that have to be travelled to keep in touch with the electors. We agree with him.

Here is a fellow who refers back to the days when the Constitution was written, and he (the present Premier) agrees with the former Premier. The quotation continues:

We have every reason to agree with him because the Labor Party in this Parliament represents not only the overwhelming majority of the people of this State. We represent far more electors here than honourable members do on the other side, but we also represent the majority of the area of the State as well. The vast majority of the area of South Australia is represented in this House by Labor members. The honourable members for Whyalla (Mr. Loveday) and Frome (Mr. Casey) both have electoral districts larger than the British Isles in area. Why, they comprise the major portion of the Commonwealth district of Grey, which in itself comprises some two-thirds of this State. We do not believe that the present number of members representing country districts can be properly decreased, because thereby it will make country representation less efficient.

How does that square up with the mealy-mouthed stuff that has been poured out today in an attempt to pour scorn on the eminently fair proposals put forward by the Liberal Party? The Premier continued:

It will not be possible for members to travel the vast distances that now have to be travelled by the honourable members for Frome and Whyalla and then go further. The Premier—

he, of course, was Sir Thomas Playford then—

having said that it was not possible to decrease country representation (and he has said it here, as the member for Whyalla has pointed out, time and time again), now intends to reduce country representation, and particularly in the sparsely settled areas of this State. It will make the task of the members for Eyre (Mr. Bockelberg) and Frome almost impossible. The member for Frome would have to represent an area from Coober Pedy to Cockburn and from just north of Quorn to the Northern Territory and Queensland borders.

The facts are there for anybody to read. These were the expressed views of the Premier when an electoral distribution was before the House previously, and he said then that it would be impossible for those country members to represent their districts adequately. The now deceased Mr. Frank Walsh, when Leader of the Opposition, said:

The Bill proposes to reduce the number of country representatives from 26 to 20. Why should country people be denied adequate representation in this Parliament? I challenge the Government to deny that country areas will be deprived of some representation. I could not find sufficient words within the limits of Parliamentary language to describe my feelings on this aspect.

How does that line up with the consistency that the Premier tries to say has been followed unwaveringly by the great democrats opposite? It makes nonsense of the spiel we have heard this afternoon. What does the Hon. Mr. Casey, then a country member of this House, but now elevated to the Upper House (kicked upstairs by his Party), say about this? At page 2098 of *Hansard* in 1964 he said:

I believe in the principle of one vote one value, for I think that is the basis of all democratic thinking. However, there are times when that policy could not possibly be put into effect, and I think that that is the position in this State because of the vast areas in the north of the State which are so sparsely populated . . . I represent what is known as a rural area and I am proud to do so; it is sparsely populated and extends over vast distances, and under the proposed legislation that area will be increased. I say emphatically that if those areas in the north, such as the districts represented by the member for Whyalla (Mr. Loveday) and myself, are increased, it will not be possible for us to do the job we wish to do and what we set out to do, for such a task would kill us and the members who come after us.

That hardly lines up with what the Labor Party is proposing for the redistribution that it put before the House yesterday. What about the Deputy Premier, who baled out of Millicent? What were his reasons? We have to look in the press to find what they were. There were two, and they were set out in the press report of the Deputy Premier's deciding to abandon the seat of Millicent, as follows:

Mr. Corcoran, who is also Works Minister—

The Hon. J. D. Corcoran: And Deputy Premier, too.

Mr. GOLDSWORTHY: I am quoting from the press clipping, as follows:

Mr. Corcoran, who is also Works Minister and Marine Minister, said the main reason for his decision to resign from Millicent and contest Coles was because of his family. Mr. Corcoran, who has eight children, said: "I have been a weekend father and husband for the past 13 years. My wife, Carmel, cannot manage to be mother and father to the children from Monday to Friday. My eldest girl is now 14 and I believe the children need attention, direction and guidance from a father more than simply at weekends. The only way I can do that and get some personal satisfaction from my children is to move to the city."

The Hon. J. D. Corcoran: As a Minister.

Mr. GOLDSWORTHY: That was not stated, but is the Minister suggesting that, because his back-benchers sit on their bottoms and do nothing, country members on this side do likewise? Opposition members have calls made on their time, and I suggest to city members that, if they have a look at country members' diaries, they will see that they travel long distances every day of the week. If he talks to the member for Gouger or any other country member, the Minister will find that the sort of thing that kept him away from home is precisely what keeps country members away from home.

The Hon. J. D. Corcoran: Rubbish!

Mr. GOLDSWORTHY: It is not rubbish.

The SPEAKER: Order! I remind the honourable Minister that he is speaking out of his place.

Mr. GOLDSWORTHY: The other press report from which I will quote was published in the *Age* on February 15, as follows:

Des Corcoran is now moving to the Adelaide suburban seat of Coles, due to what is described as the fortuitous resignation of the State Attorney-General (Mr. Len King). Mr. King's elevation to the Judiciary is expected shortly; his freeing of his safe seat is held by sceptics to be not quite so accidental as it might appear. But in any case, the Corcoran name will stay on show in Millicent. The Deputy Premier's nephew is the pre-selected Labor candidate for a seat which has always been held by a Corcoran. The reason for the change is not merely political (Des Corcoran held it by a mere one vote in the late 60's). His health is indifferent, and he spent three months in hospital with rheumatoid arthritis recently.

It is obvious from those reasons that the Deputy Premier believed that it was more difficult for him to serve the country seat of Millicent than to serve the seat of Coles, for the two reasons advanced, namely, family and health. Let the Deputy Premier give what weight he likes to those arguments. They are the publicly stated reasons, and it is obvious that the Deputy Premier (perhaps scared of losing the seat) got out for the publicly stated reasons that he had to sacrifice his family and that his health precluded him from serving the district in the way in which he wished to serve it. No-one can gainsay my argument about what the present Premier said in 1964, that it would be unfair to enlarge country seats. I do not believe that the Premier has even come to terms with what is in the Opposition's Bill. There are many points of similarity which the commission must consider. The only major point on which the Premier can take exception is that one of the terms of which the commission shall take account is that the Party having majority support over the whole of the State is the Party that must govern.

That is the argument the Premier has advanced time and time again in support of electoral proposals. For convenience, he has linked it to the one vote one value catch-cry, but the Government should produce the figures. We examined the figures. The Minister of Mines and Energy has examined them for the last State election, and the result on the present redistribution was a line ball. If one takes the preferred vote for the Labor Party and the vote for the other Parties, the result was a line ball. What is undemocratic in that? Where are people being denied representation in this House? I have no reason for suggesting that the number of country seats should be greater than it is now, but what is the pressing reason for its being less? The country is completely dominated by the city vote now. Who is being disadvantaged by the Labor Party's proposals, and who would be disadvantaged by the Liberal Party's proposals?

I suggest that the Government's proposals are a blatant discriminatory move with two things in mind, the first of which is to entrench the Labor Party in office because of the obvious gerrymander under which it could gain office with 45 per cent of the total vote, or perhaps less. It would be difficult for the Labor Party to be defeated on present voting trends. Secondly, it is a discriminatory move against adequate country representation in this House. Where is the justice in this proposal when we look at what the Premier was mouthing in 1964 about the difficulty his then colleagues the Hon. Mr. Casey and Mr. Loveday had? Where is the justice in the proposal? We believe in equality of representation. We believe that country people should have equal access to their member, but I repeat (and I believe that this is fundamental to my argument) that the proposals in the Bill are eminently fair. They are in line completely with the argument advanced by the Premier for so many years, and they are completely in agreement with the point that the Party that gains majority support should govern. Let him give the lie to that, but he cannot. What he said time and time again was that the Party that gained majority support should govern. We remember seeing him on television almost in tears saying, "We have gained 53 per cent of the vote, and we do not govern." The Labor Party is trying to ensure that, even if the Liberal Party, or the Liberal Party and the Liberal Movement combined, get more than half the vote, they will still not govern. Let the Premier laugh.

The Hon. D. A. Dunstan: That's not so.

Mr. GOLDSWORTHY: It is. Any examination of the figures will indicate that in the voting trends now. There is no justification whatever for the sort of redistribution the Labor Party wants, when one examines what happens overseas. I talked to the Canadians when they were here with the Commonwealth Parliamentary Association recently, and said that we were facing a redistribution. When I mentioned the terms of the Bill the Government had introduced, the Canadians thought that it was monstrous.

The Hon. G. T. Virgo: Did you ask them about Victoria?

Mr. GOLDSWORTHY: I spoke on Monday regarding a redistribution that had just been put through in Victoria.

The Hon. G. T. Virgo: Mr. Hamer would have his finger in that pie.

The Hon. Hugh Hudson: That's crook, too.

Mr. GOLDSWORTHY: It is not crook. The Liberal Party and the Democratic Labor Party in Victoria enjoy a total vote significantly in excess of that obtained by Mr. Holding and his colleagues, and for that reason they govern and govern well. They put through a redistribution which everyone agrees is fair, but Victoria is nothing like South Australia in area or geography, yet it has an enrolment of 28 000 in a city seat in the Port Philip area and 24 500 is the number in a rural seat, with a tolerance either way from that. The Premier may laugh as much as he likes, but he knows well that the Labor Party measure is designed to entrench Labor in office with a minority vote in South Australia.

The Hon. Hugh Hudson: Rubbish!

Mr. GOLDSWORTHY: The Minister may say what he likes, but that will be the effect of this Bill. What is the objection to the Liberal Party's Bill? What does the Premier now say about adequate country representation? What does he say about what I have quoted from the 1964 *Hansard?* Let us hear him on that. He referred back to the last century, but what had he to say in 1964? It appears in black and white. Let us hear from the Hon. Mr. Casey again on this matter. We cannot resurrect Mr. Walsh, but let us hear the Premier on this matter, and hear what he said in 1964. For the reasons I have given, the proposals of the Opposition bear far more examination than the cursory off hand five-minute examination the Premier has seen fit to give them today. They are serious proposals, and they deserve most serious consideration. For that reason, I hope that the Bill will receive the support of this House, because I am sure it will receive the support of the overwhelming majority of South Australians, who are basically fair minded.

The Hon. HUGH HUDSON (Minister of Mines and Energy): I think the most cursory examination of the Bill demonstrates that it is crook but, before explaining why, I think it is worth while dealing with the fact that the Deputy Leader of the Opposition decided to use gutter tactics in attacking the Deputy Premier. The Deputy Leader abused the Deputy Premier this afternoon for his decision—

Mr. Venning: He did not.

The Hon. HUGH HUDSON: The member for Rocky River will have an opportunity to speak in this debate and display his great erudition to the public at large and his ignorance once again to the members of this House. The virulence and poison in the Deputy Leader's attitude stumbled out, the words jumbling over each other as he expressed his vituperation regarding the Deputy Premier in a most disgusting fashion. The statement made by the Deputy Premier when he announced his decision to relinquish the seat of Millicent and seek representation from the Labor Party in the metropolitan area was made from the Queen Elizabeth Hospital at the commencement of a three-month sojourn in hospital while he was suffering from rheumatoid arthritis. Anyone, even a fool with a degree of humanity, would know—

Mr. Venning: You wouldn't know the meaning of the word.

The Hon. HUGH HUDSON: You gave it, now you can listen. Any fool with any semblance of humanity would know that, if one is not well, one's ability and willingness to put in the tremendous number of hours required in representing a seat such as Millicent in the way and to the standard of the Deputy Premier, and in being the Deputy Premier of the State, would be affected, as the work becomes too much. As a consequence the Deputy Premier recognised full well the extent to which his family life suffered.

Mr. Goldsworthy: Don't you think our country members suffer?

The Hon. HUGH HUDSON: The Opposition's country members have not spent three months in hospital recently suffering from rheumatoid arthritis. The prejudices of the Deputy Leader of the Opposition have so poisoned his whole character that the nastiness and poison come tumbling out, and he takes it out on whomever he thinks of at the time. No-one in the history of this Parliament has done more to improve the conditions under which country members work than has the Depuy Premier. It was the Deputy Premier who piloted the scheme to ensure that members had electorate secretaries to assist them with their work in local offices. No-one has done more to ensure that the conditions under which the ordinary back-bencher operates and the conditions under which the country member operates—his rights to travel by air between his constituency and Adelaide—

Mr. Venning: No more than Adelaide members.

The Hon. HUGH HUDSON: Adelaide members do not have travel rights in relation to air travel between their constituencies and Adelaide, oddly enough. Members opposite can whinge as much as they like, but the improved services they are able to give their constituents arise as a consequence of the campaign conducted by the Deputy Premier and his success in convincing the Government of the necessity to implement this scheme. That is to the credit of the Deputy Premier, who was the champion of the scheme: he saw it through and implemented it. Members opposite, including the Deputy Leader, get the benefit of this, yet the Deputy Leader has chosen this debate this afternoon to make a personal attack on the Deputy Premier. He may not think it a personal attack but anyone listening to it would know it was a bitter, unpleasant, poisonous personal attack on the Deputy Premier. The Deputy Premier has been a Minister for eight years, during which time he has provided a standard of service to his electors in Millicent previously unheard of, and he worked himself to the state where not only his home life but also his health suffered. For the Deputy Leader to indulge in such an attack this afternoon is, in my opinion, a disgrace, and I dissociate myself from it, as do all members on this side, and I hope members of the Opposition will get up and dissociate themselves from the disgraceful remarks he made.

We have been told that, if we have one vote one value with a 10 per cent tolerance, it will be a gerrymander. We are told this by members of this Parliament who are in this place because of a gerrymander and who fear they will lose their seats if we get a system of one vote one value, and fair representation. The only reason why certain members of the Opposition are here today is the weight given to the country vote. They are the product of the gerrymandering history of this State. That is the only reason why some of them are here today, and when they try to describe a system of one vote one value as being a gerrymander they are speaking from the basest kind of self interest, because they are out to protect not the interests of the State or the standards of democracy in this State but to protect their seats.

Mr. Venning: That's not true.

The Hon. HUGH HUDSON: The member for Rocky River is one of the members in question, because everyone knows that, if there was a preselection contest and the

member for Rocky River came up against the member for Frome, he would get knocked off. The member for Frome, who could buy and sell the member for Rocky River every day of the week and twice on Sundays, would knock him off with a majority of three to one. If the member for Rocky River wants odds on that he can have them.

*Members interjecting*:

The SPEAKER: Order! Order! If this continues I will seriously think of taking some action. I call the Minister back to the debate.

The Hon. HUGH HUDSON: Yes, Mr. Speaker. I was pointing out that the statements made by the Deputy Leader relating to one vote one value being some kind of gerrymander are based on self interest: the Leader of the Opposition is looking after his flock to the best of his ability. Let us discuss this democratic advance proposed by the Leader of the Opposition, by the Leader of the Party that has been associated with all the crook gerrymandering that has ever gone on in this State. The Bill requires the concurrence of three-quarters of the members of the House of Assembly and the majority of members of the Legislative Council (why they should get in on the act I do not know) to appoint the two members of the commission who are not judges. It is to be a three-man commission, one of whom must be a judge. If three quarters of the members of the House of Assembly do not agree to two of the members of the commission, we do not have a commission, we have nothing, we just stay where we are—

The Hon. D. A. Dunstan: And keep the present gerrymander.

The Hon. HUGH HUDSON: —and protect the interests of the country members of the Liberal Party who will then be able to stand for the same seats that they have at the present time. As I said, the Leader of the Opposition was looking after his flock and I forgive him for that because he would not have got the leadership if he had not done so.

The Hon. G. T. Virgo: He got it by one vote, as it was.

The Hon. HUGH HUDSON: He got it by promising to look after his flock. The Chairman of the commission must be a judge who shall be appointed by the Governor. Now, the Government very wisely proposes that any Chairman of the Electoral Commission should be the Senior Puisne Judge. We have had in the past history of the State provisions whereby for a Court of Disputed Returns the Chairman was the Junior Puisne Judge. If there had been a Court of Disputed Returns immediately after the recent election, under that old legislation the Junior Puisne Judge would have been Mr. Justice King. I have no doubt that Mr. Justice King, if he had been required to chair a Court of Disputed Returns, would have done it in the most eminently fair and reasonable fashion, but these things must not only be fair but must also be seen to be fair. The member for Mitcham, when he was Attorney-General, recognised this point and specifically introduced amendments to provide that the Chairman of the Court of Disputed Returns had to be the Senior Puisne Judge. What has the Leader done? It will not be the Senior Puisne Judge who will be Chairman of this commission—any judge will do.

I think it is important that not only must we have a commission that can function but also we must have provision for the appointment of a Chairman which ensures that the commission is not only fair but is seen to be fair as well. There is no provision in this Bill at all for any arrangement of any description to ensure the appointment of the commission, if three-quarters of the members of the House of Assembly cannot agree on the other two members of the commission. Then, in the actual operations of the commission the Chairman does not have a vote, as was the case with previous Electoral Commissions in this State, and as is the case in another measure before this House.

Furthermore, when the commission reports (although goodness knows how it will carry out its task), it reports to Parliament, and we can imagine, if the Leader and his colleagues were in Government and did not like the report, what they would do with it. I will leave the member for Mitcham to describe what would be the reaction of some of his former colleagues in those circumstances; I have no doubt that he will do it very well indeed. There is no provision at all in this Bill that requires the implementation of the recommendations of the commission. It can recommend as much as it likes but, if the Government of the day does not like the recommendations, nothing happens; if the members of both Houses will not agree to them, nothing happens; and an imbalance in the size of districts can continue for ever and a day, and nothing will happen. This is a completely hopeless procedure. On what principle is the commission to operate? What are the limitations that impose controls over the size of districts? There are no limitations whatever.

The member for Frome, for example, under this procedure, if the commission so decided, could be given a district of 3 000 people. We know the member for Frome's capacity: he can represent a lot more people than that, as he is one of the most effective members of the Opposition in representing the interests of his constituents. There is nothing that goes on in his district, even though he represents one of the biggest areas of the State, that he does not know about. When I was Minister of Education, I visited schools in the Frome District, and, to my pleasure, the honourable member accompanied me, together with my wife and the Deputy Director-General of Education and we had a couple of most enjoyable days. We nearly lost the member for Frome in the Parachilna Gorge; we were a bit worried whether his car would disappear when he tried to cross a flooded creek. I pay this public tribute to the member for Frome: he is one of the most conscientious and effective members in representing his district that it has been my experience and pleasure to deal with, and that includes metropolitan members as well.

I do not know that I could quite compare him to the member for Tea Tree Gully. He does not have the same range of interests as she has, but nevertheless I pay tribute to the member for Frome. There is nothing to stop the commission, under this Bill, from determining a district for that work horse that is well below his capacity to represent. There is nothing to say that we could not have districts of the size that applies in Western Australia. There is no likelihood that the member for Frome will be killed off because of the amount of work he does, because he thrives on it. However, I would not in any circumstances describe the member for Rocky River as a work horse.

With all due respect and without wishing to reflect in any way on any member of this Parliament, I point out that in Western Australia there is an absolutely disgraceful system and certain country seats contain as few as 1 500 or 2 000 electors, while the metropolitan seats contain 16 000 to 20 000 electors, and other country seats

have about 8 000 or 10 000 electors. A commission that was so minded, if it saw certain arguments to push it that way, could, under this Bill, determine that seats could have as few electors as the commission wished; no limitation whatever is imposed on it.

Mr. Venning: The commission wouldn't agree to that.

The Hon. HUGH HUDSON: If it would not agree, why have not certain limitations been imposed on the size of the districts and the extent to which they can vary? The answer is very simple; too many members of the Opposition have an interest in maintaining country districts at a level of constituents significantly below the State average. That is not in the interests of country people: it is a selfish interest in maintaining their jobs in Parliament. The member for Rocky River protests too much.

Mr. Venning: You don't have any concern for country people.

The SPEAKER: Order!

The Hon. HUGH HUDSON: The member for Rocky River seems to think that, when he protests about something that might reflect adversely on his own interests, he is protecting the interests of country people.

Mr. Venning: Don't talk a lot of rubbish!

The Hon. HUGH HUDSON: I suggest that other people ought to judge whether the member for Rocky River or anyone else is concerned about country people, but I regard the responsibility of government as extending to every person throughout the State, wherever he lives. I have always endeavoured in my term as a Minister to carry out that kind of responsibility. I think that some Opposition members recognise that that has been my attitude and that of other members of the Government. After all, may I remind the member for Rocky River that, while it might have been Sir Thomas Playford who promised a new high school for Gladstone back in 1938, it took a Labor Government to build it.

Mr. Venning: We're talking about representation in this place.

The Hon. HUGH HUDSON: It is a reflection on the standard of representation in this place that it took 32 years to provide this school, and a Government of a different political complexion to build it. It is not guaranteed that a commission will be established under the provisions laid down by this Bill. The commission is not given any clear guidelines except that it is to consider in some sense whether or not there is a reflection between voting patterns and membership of the House.

Let us follow that through a little more carefully. Under a single-member district system there can never be an exact reflection between voting patterns and representation in this House. Consider the Liberal Movement: against the Liberal Party's 20 members, the Liberal Movement has two members. One would be entitled to assume that, in those circumstances, the Liberal Party must have out-polled the Liberal Movement 10 to one. But that is not so; the Liberal Party out-polled the Liberal Movement at the ratio of about three to two. A single-member district system will never accurately reflect those votes; in fact, if the Liberal Movement —

Mr. Gunn: Are you advocating proportional representation?

The Hon. HUGH HUDSON: No, and there are good reasons for not doing so. If the Liberal Movement had improved its vote relative to the Liberal Party, certain heads would have rolled. If it had out-polled the Liberal Party, a situation would have arisen where there would have been more Liberal Movement members than members of the Liberal Party. By the time the Liberal Movement out-polls the Liberal Party three to two (and I have no doubt that will happen soon) the Liberal Movement will have 18 members in the House and the Liberal Party only two members. I cannot see that a Liberal Government controlled by country members would succeed. The Liberal Party is asking the commission to consider the way representation in the House of Assembly fairly reflects the votes of the people. What this Bill really says to the commission is that South Australia should have a proportional representation system; however, it does not provide for that system, because it does not amend section 32 of the Constitution, which provides for single-member districts. If the Liberal Party wants as nearly as possible an exact reflection between votes and membership of Parties, it really wants some sort of proportional representation system. It cannot have a single-member district system; however, if it wants a single-member district system and wants to be democratic, the Government must change over when about 50 per cent of the preferred vote goes one way against the other. If a Party moves from 50 per cent to 54 per cent, it starts to pick up extra seats and may obtain a larger majority, which would never be possible under the proportional representation system. There are all sorts of other disadvantages in the proportional representation system, but I will not deal with them now.

The Bill is most imprecise about the task given to the commission to consider whether or not the representation in the House of Assembly, elected on that day, accurately reflected the views as expressed by the majority of votes cast in that election. What if a majority of votes was not cast, as was the situation in the recent State election? One must consider the concept of the preferred vote and, as all preferences are not allocated, one must make a notional allocation of preferences. How does the commission carry out this task of working out what is and what is not a majority? There is no guidance for it nor is there any suggestion in the Bill that it should use the doctrine of the preferred vote. Members opposite seem to assume that, because the recent election gave a close result, one vote one value will not. The State was fairly well divided in terms of popular support—

Mr. Mathwin: This is what puts you on your guard.

The Hon. HUGH HUDSON: That is not the case. The Government's proposals are clear, simple and straightforward—one vote one value, with a 10 per cent tolerance. It has been our policy for a long time: it was not just thought up after the recent election. It is and has for some time been the policy of certain members of the Liberal Party, only some of whom (those in the Liberal Movement) will express that view now. What the Government's proposals try to do is take out of the hands of the people who have a base, selfish interest in how votes are to be distributed the decision-making on the matter. The record of politicians in approving or disapproving boundary changes in setting up or not setting up electoral commissions in this State by and large stinks. The history of electoral boundary redistributions in this State, as in most other States in Australia, including Victoria, stinks. That history shows clearly that members of Parliament, in determining these questions, find it only too easy to allow their selfish interests to be rationalised in some way and come out as some great principal.

I remind members of the occasions when the Hon. Sir Thomas Playford used to talk about the sacred principle

enshrined in the South Australian Constitution that there should be two country members for each city member. The member for Mitcham smiles, because he recalls it, too. I remember hearing the former Premier of this State talking about that basic principle, which is a clear-cut example of the rationalisation in terms of some phoney principle of a base self interest. That is what members of Parliament in this and other States and in other countries have done time and again. It is time that we ensured a method of redistributing boundaries that was seen to be clear-cut and fair and was seen to treat every person equally, no matter where he lives.

Mr. Dean Brown: That's exactly what we say.

The Hon. HUGH HUDSON: That is not so, because the honourable member says, "one vote one value is a gerrymander". He says that only because it does not give enough weight to country districts. In other words, members opposite are still imbued with the idea that country people are worth more.

Mr. Jennings: Only because they are more likely to vote Liberal.

The Hon. HUGH HUDSON: The member for Ross Smith has demonstrated clearly why the Liberal Party has pursued this policy—because of its own self interest. This Bill seeks to retain the process of redistributing boundaries in the control of political representatives who have demonstrated time and again that they will always be motivated by their own self interest. It does not ensure that the redistribution is carried out independent of politics by an independent boundaries commission on a clear-cut principle that can be supported by everyone in the community. The Bill should be rejected resoundingly by all members.

Mr. MILLHOUSE (Mitcham): Life is full of surprises. Within about the first 40 minutes of today's sitting, I had two surprises. The first surprise was when I came a "gutser" with the question I asked, and the Minister of Labour and Industry neatly evened the score with me, but that is of little consequence now. The second surprise was this debate. I would not have thought the debate would proceed today, but I am pleased it has, because the sooner the Bill is disposed of the better. I oppose the Bill. The member for Goyder and I (the Liberal Movement members in this House) will vote against the Bill at the first opportunity.

Mr. Rodda: The kiss of death!

Mr. MILLHOUSE: The member for Victoria can say that to my colleague, but I remind him, as my colleague has reminded the House on many occasions, that he was elected to represent Goyder, which is a country seat, on the principle of one vote one value. That principle was raised at every public meeting we held: it was explained by the honourable member, he said he stood by it, and he was elected by a handsome majority of Goyder electors (much to the surprise of the member for Victoria) and was re-elected at the recent election by the same majority on the same principle. Let the member for Victoria remember that. He and all his colleagues campaigned against the member for Goyder at the by-election. They were confident that they would win, but they suffered a humiliating defeat. There is little left to say about the Bill, after the Minister of Mines and Energy has dealt with it, but I wish to refer, albeit briefly, to three points in the measure.

The first is clause 4 (1) (*b*), and the Minister has dealt with this. It provides that there shall be a judge as Chairman of this so-called commission and that two other members will be appointed by resolution of the House of Assembly, concurred in by not less than three-quarters of the whole number of members of the House, and then by a majority in the other place. That gives, as the Minister has said, an effective veto to the main Opposition Party, as it likes to think of itself now, over the appointment of the commission. It is most unlikely that any Party on this side in this place will have fewer than one-quarter of the votes, so it is entirely a matter of veto and, if the veto is applied, we will never get the commission. There is no need to say more about that, yet the Opposition has put it in its Bill. Another point to which I refer is clause 7 (a), which is a term of reference. It states:

> consider whether or not the representation in the House of Assembly elected on that day accurately reflected the views as expressed by the majority of votes cast in that election;

I remind members on this side that the whole idea, the whole principle, of one vote one value is to ensure, as perfectly as one ever can, that the opinion in the electorate is reflected in the membership of this place. I hope that sooner or later that sinks into the mind of members of the Liberal Party. As the Minister has said, we never can do it perfectly. We never can, with single-member districts, but, as far as I know, at present we are all committed to the idea of single-member districts in the Lower House, and this gives the best opportunity and best chance to get, in this place, an accurate reflection of the opinion of the community. The other point to which I refer is the concluding part of clause 7. It provides:

> the commission shall prepare a report redistributing the State into such number of proposed Assembly districts, of such geographical descriptions as to the commission seems appropriate and make such further or other recommendations as to the commission seems appropriate.

Apparently, that is where it ends: the report is presented to the Governor and must be laid before Parliament, but so what? Nothing will happen then. This Bill is an absolute sham and, in my opinion, the Liberal Party was most unwise to introduce it.

I think I now have a perfectly proper opportunity to canvass what is in the Bill and what the Leader has said in his second reading explanation, as well as to say something about his comments in the past 24 hours on electoral matters, arising out of another Bill. But, of course, I will not canvass that other Bill. In his second reading explanation (and I have a copy of it) the Leader states:

> The Labor Party concept of one vote one value, as applied to South Australia in districts of equal voting population, will not achieve a true representation of the overall vote in the representation in the House of Assembly.

God knows why not! I cannot imagine how he can make that assertion. The Leader continued:

> Indeed, our calculations —

I suppose that is the calculation of his Party colleagues—

> —show that this system of one vote one value significantly favours the Australian Labor Party, which could govern after having obtained only 45 per cent of the votes . . . a patent gerrymander.

I do not know on what the Leader bases that. The converse could just as easily be true, because we are committed to single-member districts. By an unusual result, that could happen, but the overwhelming probability is that it will not, and that is why this is the principle that we espouse. Really, the opposition that the Leader has expressed to the Bill introduced yesterday (that opposition is reported in the newspaper today) springs from a complete lack of faith in his Party's ever achieving, by its own efforts, a majority of the votes in this State.

The Party does not believe that it has the capacity to persuade a majority of people in this State to vote for it, and that is the fundamental reason for the Party's opposition to one vote one value. I may say that I do not share that lack of faith in liberalism. I believe that our Party, the Liberal Movement, is capable of gaining majority support in this State and, when it does, it will deserve to be the Government. This system gives the best chance of that result occurring, and I hope and believe that it will occur soon. However, the Liberal Party has not even the faith to think it can do it.

We have heard much from the Leader about one vote one value, and he has stated that it is nonsense, that it does not exist as a principle. Personally, I do not believe that he really thinks that. I have known the Leader for a long time and have discussed these matters with him often. I do not believe that he has any real belief in what he is now saying about this matter. I believe that, as the Minister has said, it was part of the bargain that brought him to the leadership of his Party, and it reflects no credit on him personally that he is saying what he is saying now.

If he or any other member wants any reminder about the principle of one vote one value, I remind him of a pamphlet which I helped to prepare more than 20 years ago but which I regret does not bear my name. It bears the names of three of my colleagues at that time. Let me tell the Leader some of the things in that pamphlet. I have a good supply of the pamphlets left, and I will give every member of the Liberal Party a copy to study before the debate next week. We dealt with this question of the principle of one vote one value, and stated:

For the benefit of those who say that there has never been such a principle as "the same vote for everyone", we offer the following:

and this is a quotation from John Stuart Mill—

The pure idea of democracy, according to its definition, is the government of the whole people by the people, equally represented . . . In a really equal democracy, every or any section would be represented not disproportionately but proportionately.

That is from *Representative Government*. I will now quote someone who will impress, I hope, even the member for Rocky River, if he is not utterly blinded by self interest. I refer to Sir Winston Churchill, speaking in the House of Commons in the debate on the Representation of the People Bill, 1948. He stated:

In regard to the representation of the House of Commons there are two principles which have come into general acceptance . . . The first is one man one vote, and the second is: one vote one value . . . I well remember in my youth seeing the placards, "one man, one vote", to which the answer was put up "one vote, one value too".

I do not know what the member for Rocky River or any other member of the Liberal Party makes of that, but, as I have said, I will let every member of that Party have a copy of the pamphlet to study. The principle of one vote one value is enshrined in the Commonwealth Constitution. Section 24 of the Constitution of Australia provides:

The number of members chosen in the several States shall be in proportion to the respective numbers of their people.

That is the principle of one vote one value. If members of the Liberal Party do not believe that, let me remind them there are two other documents, Party documents, which express this principle, and they are documents of their own Party. I have them here: it was lucky that I had them with me today. The first is the Federal platform of the Liberal Party of Australia; under the heading "Parliament", the preamble states:

The Liberal Party therefore believes that an electoral system should be maintained which guarantees substantial equality of voting powers with regular redistributions based on the numbers of electors.

What is that if it is not one vote one value? That is their own Federal policy. Let us come closer to home: the Liberal Party is proud of the little document it put out since the parting of the ways that is entitled *State Platform*. What is said in that about this principle? Under the heading "Democratic Government and individual freedoms" (a fine-sounding heading and one with which we would all agree), "the Liberal Party supports" is in bold type. Then it states:

1. Democratic and responsible Government based on:
   a. A bicameral system of Parliament—

and I will not read the rest of it, but it goes on—

   b. An electoral system which guarantees as nearly as possible—
      (i) the right to equality of representation for each elector in the State irrespective of where he lives.

"Irrespective of where he lives". It does not matter whether he lives in Frome or Port Adelaide or Mitcham or Port Lincoln. The document continues:

      (ii) that each vote shall have an equal electoral value in determining Government.

That is that Party's own policy, its State policy. What have we heard about that in the past 24 hours? Apparently, they are going to desert that policy. I believe that Liberal Party members in this place are acting, as I have said, most unwisely. This Bill is an utter sham. It has been introduced too late because it has come in after the Government Bill. More importantly is their whole attitude to this matter, and let me say a little about this. Since the recent election there have been several public overtures to the Liberal Movement to amalgamate with the Liberal Party—God help us! We have had these overtures privately and subsequently public communication of them. We have said publicly in our reply to the Liberal Party that we would await its reaction to the electoral redistribution, which the Government had announced it was to bring in, based on one vote one value, and we have stuck to that. Now we have it, and I am wondering whether there are many members left in the Liberal Party, so-called, who will stand by their own policy, who will come out honestly and say that they are in favour not of their self-interest and their Party interest but the interests of the people of this State in Parliamentary democracy. Unless they do so, there is no chance of any arrangement, reconciliation, or whatever word one likes to use, between the Liberal Movement and the Liberal Party.

We could not live in the same Party unless we can agree on such a fundamental matter as this. That is what we have said, and I believe that they know that is what we have said and that we meant what we have said. I am waiting with interest to see whether there are any members with the personal integrity and courage to support the principle of one vote one value. If there are, I will welcome them and do my best to support them, but, if there are not, that will show that there has been no change whatsoever in the outlook of the Liberal Party of Australia, so-called. There may have been some gimmicky superficial changes of organisation in the Party made to pretend that there has been a change in that Party, but unless we see a change in this fundamental I will not accept that there has been any change at all. That is the test that they must pass, particularly the member for Davenport and the member for Bragg, the present Leader of the Opposition. They are two of the members,

and I would hope the new member for Mount Gambier was another one.

Mr. Allison: What's the question?

Mr. MILLHOUSE: Read it in *Hansard*. From that interjection I think I am wrong in my hope for the member for Mount Gambier. The member for Fisher is another one, although he was never a member of the Liberal Movement, and that would contrast him with the members for Davenport and Bragg. The member for Fisher is the sort of man who should have the honesty, integrity, and courage to stand up for the principle of one vote one value, which is within the policy and platform of his own Party. I have always espoused this policy. I have fought for it all my political life, and at last I see a chance of getting it written into the Constitution of this State. What I am saying now is that Liberal members have the chance to prove that there has been a fundamental change of outlook in their Party, but, so far, on the performance since yesterday, and particularly on this Bill this afternoon, there has been no change at all in that Party. It is doomed to extinction: there is no doubt about that. I oppose this Bill as strongly as I can, because I believe it to be a dishonest sham.

The Hon. G. T. VIRGO secured the adjournment of the debate.

## LITTER CONTROL BILL

Mr. ARNOLD (Chaffey) obtained leave and introduced a Bill for an Act to provide for the control of litter. Read a first time.

Mr. ARNOLD: I move:

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

It gives local government and the State Government the necessary powers to make a concerted effort to control the general litter problem in this State. All members would be aware that throughout the whole State, in metropolitan and country areas, roads and streets are being littered with paper, food wrappers, bottles, cans and many other items of general litter. This measure will empower authorities charged with the responsibility to keep the roadsides and general recreation areas in a clean and tidy state. This measure was one of the recommendations of the Jordan committee, which was set up by a previous Government to inquire into the protection of the environment. I sincerely hope that the Government will give this Bill its serious attention and make the facilities available so that it will pass through this House as soon as possible to allow the measures contained in it to be put into effect.

Clauses 1 and 2 are formal. Clause 3 sets out the definitions. "Authorised officers", to be responsible for enforcement of litter control, are defined as members of the Police Force and persons appointed under clause 4 by the Government and local government. Clause 5 provides that it shall be an offence to abandon litter anywhere other than the places specified in subclause (2) and empowers a court convicting a person of the offence to order the person to pay the owner or occupier of land on which the litter was abandoned the cost of its disposal. Clause 6 provides that a person who has abandoned litter, if he disposes of it properly on the request of an authorised officer, shall not be liable to prosecution. Clause 7 requires a person to give his true name and address to an authorised officer. Clause 8 provides for expiation of an offence involving only a minor infringement on payment of $10 to the appropriate authority.

Clause 9 provides that offences be heard by courts of summary jurisdiction and prosecutions commenced only on the complaint of authorised officers. Clause 10 is formal. Clause 11 empowers regulations relating to the provision of receptacles for litter and the disposal of litter. I hope that the Government will accept this Bill in the spirit in which I have introduced it, because the Opposition is concerned with the problems of littering the environment. I also hope the Government will enable the measure to pass through the House as quickly as possible.

The Hon. G. T. VIRGO secured the adjournment of the debate.

## STAMP DUTY REBATES

Mr. EVANS (Fisher): I move:

That, in the opinion of this House, the Liberal Party policy which would allow rebates, to a maximum of $300, for stamp duty on the purchase of a first home, should be immediately implemented by the Government, so that this major unnecessary financial burden for young people attempting to own their home can be removed.

Time is short and, as other members wish to speak on Orders of the Day, I will refer to the Liberal Party's policy speech on this matter. We stated at the time of the last election that the crux of the housing problem was finance. The repayments on borrowed money, especially where second mortgages exist, are high. Therefore, we said that, when elected, a Liberal Party Government would act as a guarantor to lenders of second mortgage money, where interest rates did not exceed a fixed ceiling, and where reasonable security applied. This proposal would result in no charge to the borrower or to the State; it would mean that many lenders could afford to reduce their present interest rates, because the State would guarantee the repayment of the money lent.

Another effect would be that more finance would be brought into the second mortgage market. Most important, borrowers would find their total repayments reduced from existing levels, with an easing of the disastrous effects that high interest rates have on housing. It is the Federal Government's policies on finance and interest rates that have placed this burden on house-owners and potential house-owners in this State. There is no denying that, and this Government has backed its Commonwealth colleagues on that aspect and has never attacked them in strong enough terms. Our proposal would supplement assistance already being given through the Housing Insurance Corporation. When finance permitted (in framing our policy, we were unsure of the Treasury situation), as a first step to help young people in particular, a Liberal Government woud give a rebate of stamp duty, initially to a maximum of $300, on the purchase of a first house. The rebate would also apply to a block of land on which the applicant intended to build a first house and also on rural property on which a first house existed or was proposed to be built.

Stamp duty is the most expensive extra encountered in the purchase of a house. For instance, the stamp duty payable on a house costing $30 000 is $660, just to hand to the Government for no service or benefit whatsoever: it is a straight slug. We would reduce this to $360. The Liberal Party's proposal would ease the burden on first house owners, that section of the community which needs greatest assistance in the buying of a house. Later, when I get the opportunity, I will deal more fully with the Government's inactivity in this area, but now I seek leave to continue my remarks.

Leave granted; debate adjourned.

## CONCORDE AIRCRAFT

Adjourned debate on motion of Mr. Becker:

That this House object to the Concorde aircraft using Adelaide Airport as an alternative landing site on a regular basis.

(Continued from September 10. Page 644.)

Mr. BECKER (Hanson): Since I moved my motion in relation to the frequency of the Concorde aircraft's landing at Adelaide Airport, I have received a circular from the Australian Conservation Foundation regarding the noise level readings, confirming the figures I gave, and stating its concern about the effect of the aircraft. The foundation has also appealed to the Australian Government to hold a full inquiry into the environmental impact of the Concorde. The foundation has asked the Government to provide $4 000 to permit oversea experts to be brought to Australia for the inquiry. The foundation has told me that, in separate letters sent on August 22, it told the Australian Minister for Transport (Mr. Jones), the Victorian Minister for Conservation (Mr. Borthwick) and our Minister for the Environment that the conclusion that could be drawn from independent noise readings was that the Concorde was up to eight times louder than a Boeing 747.

When I asked the Premier a question on the aircraft's effect on the metropolitan area, he replied that this was a Commonwealth matter and that there was little the State could do. However, he subsequently told me that our Environment Department was aware that Adelaide Airport had been proposed as the prime alternative to Tullamarine for the Concorde. The Premier had told me when I asked the question that he was not aware of any arrangements at all, but he further explained that the department did send an officer to Tullamarine to monitor the noise levels produced by the Concorde and that a report would be made by the Government to enable it to assess the aircraft's possible impact on Adelaide if it used the normal commercial flight path associated with the north-east to south-west runway. The Premier also said it was believed that the possibility of the Concorde having to land in Adelaide as a result of an emergency could be once in three years or once in nine years.

If it ever does happen, I fear that complaints to members representing districts near Adelaide Airport will be numerous, and the area to be affected most would possibly be that adjacent to the north-east runway. Having had the problem of dealing with normal commercial aircraft noise near Adelaide Airport, I think it would be intolerable to put up with the Concorde in any circumstances at all. In an article headed "Aircraft Noise Emissions in Australia: The Present Framework of Legal Control and Responsibility", which appeared in the *Australian Law Journal*, volume 49 of March, 1975, Mr. G. A. Golden said:

Possible Scope of State Legislative Controls over Noise: Traditionally legislative control over the emission of noise has been viewed as failing almost exclusively in the jurisdiction of the State legislatures. Until recently such provisions were found in the State Health or Local Government Acts and were actually administered at a local government level. Nowadays, the emission of excessive noise is seen as an environmental problem and is more apt to be found in the State's environmental legislation. One fact is clear, and that is that the Commonwealth has no head of constitutional power to enable it to legislate with respect to noise generally, nor for the environment generally. However where the Commonwealth does have heads of power which would authorise it to legislate incidentally for the control of noise (and, semble, as mentioned above, it does have powers to some extent in regard to aircraft and airport noise pursuant to s. 51 p ll. (i) and (xxiii), and s. 52 (i) of the Commonwealth Constitution) an exercise of such powers would prevail over inconsistent State legislation, by reason of s. 109 of the Constitution. Yet, as has been seen the Commonwealth has not passed any Act or issued any Regulations with respect to the control of aircraft or airport noise.

This is an opportunity for the State Government and this Parliament to express concern at the impact of the Concorde aircraft. Two alternatives are available: first, the Government can inform the Commonwealth Government and the Commonwealth Minister for Transport that it is concerned for the people residing near Adelaide Airport, or secondly, it can take the initiative and introduce noise pollution legislation. If it wanted to, it could introduce legislation for the control of noise which would be a guideline for the Australian Government. However, I think that the most satisfactory procedure at this stage is to inform the Commonwealth Government that this House is not willing to tolerate excessive noise near Adelaide Airport.

The Hon. G. R. BROOMHILL (Minister for the Environment): The honourable member has not really spoken about his motion because he has suggested now that we object to the Commonwealth about the likelihood of the Concorde's visiting Adelaide at any time. He said he had received information stating that, if permission is ever given for the aircraft to fly over Australia at all, the likely use of Adelaide Airport as an alternative to Tullamarine Airport would be only if Tullamarine were closed because of fog or for other reasons. From the information available, it appears that those emergency conditions would occur probably only once in three years but possibly as seldom as once in nine years. I hardly think that on that basis we could say that the Concorde was likely to use Adelaide Airport regularly. However, if the Concorde were to use Adelaide Airport regularly, I could not agree more with what the honourable member has said, because clearly the noise level of this aircraft on take-off is unsatisfactory according to the standards we want in this State.

Because of our concern, we sent an environmental officer to Melbourne when the Concorde was on its test flight to take readings, make observations and provide us with findings to guide us on this matter. Regrettably I do not have that report with me today, but I shall be happy to supply the information to the House later. I think that the member has canvassed a wider issue than that embodied in the motion, and I should like to examine the material supplied by the Commonwealth Department of Transport and others. I am not only concerned with the likelihood of the odd occasions when the Concorde may call into Adelaide (because on the surface it would seem that that is not likely to cause much of a problem in South Australia and perhaps we should not pursue that too far), but I am more concerned about what the State Government should do to impress on the Commonwealth the other reasons we may have for the Australian Government not to permit the Concorde to visit Australia.

The Australian Government permitted test flights in Australia to try to assist it to make its final decision on the matter. I believe that the greatest problem of the Concorde is not its noise level (which is certainly a problem) but its likely damage to the atmosphere because of emissions occurring at the height the Concorde flies. From the material I have read about this matter, it seems the long-term impact of the use of aircraft of this nature on the upper atmosphere is so important that we should be pressing the Australian Government to give this matter a higher priority than the matter of the noise level.

I regret that I do not have the information with me that I would like to have to deal with this matter fully, so I seek leave to continue my remarks.

Leave granted; debate adjourned.

## POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 17. Page 839.)

The Hon. D. A. DUNSTAN (Premier and Treasurer): When the honourable member introduced this measure, I had already come to the conclusion that it was not necessary and it would not improve the law. Let me explain why. In my view, in the law, and also in the view of Crown Law officers, the act of bathing unclad in an area reserved for clad or unclad bathing is not an indecent act, and therefore is not something that can be the subject of a charge. Indecency, as the honourable member will know, is something that is to be decided by the courts according to the circumstances, but of course, if one is behaving indecently, it must be indecent to somebody else, in effect. The mere act of bathing in a position where one is not observed by anybody, is rather like the observations by God of the gentlemen in the quad—they will not affect the law. In the view which I have taken (and this was confirmed on advice given to me) there was no indecent act and no prosecution would be sustainable before a court. It was not conceivable in our view that a court could come to the conclusion that, where an area was designated for clad or unclad bathing, a prosecution, on which someone could successfully be brought before a court, could be convicted merely on the basis of evidence that they had been unclad in that area.

I was disposed not to object to the honourable member's measure if, while in my view it was unnecessary, it did no harm. If it was simply to provide more clearly in the law a position that already obtained in the law, it would not worry me and I would be willing to accede to it, but I am afraid that it does not do that. What it does is to imply that it can be, or may be, indecent to be unclad in an area, but it provides that the defendant may prove a special defence. In other words, instead of it being on the prosecution to show a set of circumstances that would justify prosecution in terms of the present law, the defendant is provided with a special defence of a limited nature, proof of which may lie on him. I admit that does not throw the whole onus of proof on criminal standard on the defendant. However, the honourable member knows that it provides very much more for the defendant to show on a standard of proof than in normal situation of a defendant, where the Crown has to make the whole case.

Consequently, I do not intend to vote for this measure. With great respect to the honourable member (and I appreciate his motive in introducing this Bill), I do not think he is improving the law; I think he is making it rather worse. What he is proposing is really to put the defendant in this case into the very position we have just got rid of in another matter. The honourable member will recall that, until a Bill recently passed this House, the law in relation to homosexuality was that a charge of homosexuality could be brought if two adults were involved in a sexual act, in private and consenting, but that they could then prove the circumstances, and that that was a defence.

That did not appeal to most members of this House (including the member for Mitcham) as being a satisfactory position in the law. I do not think we ought to be putting that principle back into the law, nor do I believe that we ought to be providing a special defence, proof whereof lies on the defendant, except in the most special and extraordinary of circumstances in criminal law. The honourable member will know the cases involved, cases, for instance, of unlawful possession, and so on. There is some transference of the onus of proof in certain circumstances. I do not believe that should happen in this case. With great respect to the honourable member, and while I appreciate his motives, I do not think he is achieving his object, and therefore I intend to vote against the measure.

Mr. EVANS (Fisher): I tend to be lost in the sands, whether of Maslin Beach or some other place, because there appears to be a conflict of opinion between two legal eagles in this Chamber. I am in favour of making the law clearer wherever possible. I have always believed that, to the average person, the law is often written in terms that he cannot comprehend so that he cannot establish his true position. I should be happy to support any clarification of the law in this case. However, after reading the explanation of the Bill I am not satisfied that this measure clarifies the position. The Premier having placed greater doubt in my mind, I am at a loss to know who is right. Perhaps we should have another layman decide, as a judge, which of the two honourable members is right.

This is a conscience issue for members; it is not a policy issue, not a major issue, but it is in relation to social behaviour within the community. Whether or not one agrees with the concept, I should have thought that, by declaring areas available for unclad bathers, we would be creating very much less chance of perverts and others venturing into the area if they were aware that it would be illegal to go there clad. That is where some of the objections arise. It may be just as offensive to unclad bathers to see someone who is clad. I do not know the real essence or the real thrill of unclad bathing, but those who bathe in that way may be offended and think others who are clad perhaps are hiding some of the natural beauty they seek to enjoy. I remain uncommitted on this measure. I do not know which of the two learned gentlemen is right. However, there appears to be no real legal problem at the moment for those who want to venture into the one or two rather exclusive areas that have been declared in this State for this purpose. I shall await the reply of the member for Mitcham to see whether the true position can be clarified.

Mr. MILLHOUSE (Mitcham): I am disappointed with the debate for two reasons. First, although I expected the Premier to be searching around for some reason to oppose the Bill, because that is traditionally what Governments do with private members' legislation (and vice versa), the reason he gave for his opposition is, in my view, entirely specious. I think anyone who, in the future, reads the speech the Premier has made this afternoon in opposing the Bill will see that it was really an excuse not to do anything at all about the matter. I believe (and I have little doubt in this belief) that the law as it stands at the moment forbids nude bathing, for the reasons I gave in my explanation. The Police Offences Act provides that one shall not commit an act of indecency, I think, in a public place, and Maslin Beach still is a public place.

The Hon. D. A. Dunstan: Behave in an indecent manner.

Mr. MILLHOUSE: I am indebted to the Premier for those words. Maslin Beach still is a public place. Whether one happens to be to the south or the north of the sign does not change the quality of its being a public place.

It cannot possibly do so. I believe that at present technically an offence is being committed. What the Premier has said would go to penalty. Quite obviously, while I believe that a conviction could be secured (and many other people believe that), the fact that the offence was committed at Maslin Beach, where the area had been proclaimed, would mean a minimal penalty being imposed if any penalty was imposed at all; but the conviction would remain. I believe that what the Premier has said goes to penalty, and not to the question of conviction or otherwise. It is rather significant that the Premier did not suggest any alternative way of framing an amendment.

The Hon. D. A. Dunstan: I am willing to suggest one.

Mr. MILLHOUSE: I wish the Premier had suggested it in his speech. Then it might have been possible for us to move amendments that would attain my objective and meet his objection. He did not do that, because he does not want the Bill to go on. That is perfectly proper. If he will allow me to get the Bill through the second reading so that we may move amendments, I will be entirely content.

The Hon. D. A. Dunstan: I am willing to do that.

Mr. MILLHOUSE: Are the amendments ready?

The Hon. D. A. Dunstan: It is being done now.

Mr. MILLHOUSE: There is another matter I wish to raise, and I will do that while the amendments are being drafted. The second object that I had in bringing this matter before the House was that I believe that a change of this kind, which is quite significant and which has aroused and continues to arouse much controversy (that is, to allow public mixed nude bathing), should be a decision of this House. This is where it should be thrashed out, and there were members who protested when the Government made its decision and acted as the Executive. I think the then Leader of the Opposition, the member for Light, protested about this.

I introduced this Bill not only to get the law straight but to give members an opportunity to say, in this place, what they thought about this measure, yet there has been a marked disinclination on the part of any member to debate the merits or otherwise of mixed nude bathing. The member for Light did not volunteer to say that he was utterly opposed to it, or that it was good as long as it happened somewhere else, or whatever else he may have felt about it, nor did his other conservative brethren in the Liberal Party.

I think I know the Premier's views on the matter, but he did not canvass it at all when he spoke. The member for Fisher, who was the only Liberal Party spokesman, was careful not to express an opinion on either the merits or demerits of mixed nude bathing. He was utterly equivocal and left his options open and concentrated on what was an equally specious reason for not coming down one way or the other as the Premier did.

The Hon. D. A. Dunstan: Are you simply asking me whether I aprove of it?

Mr. MILLHOUSE: I know what the Premier feels about the matter. He has stated it publicly, and I do not make the same criticism of him as I do of other members. He has spoken and committed himself publicly before. I introduced this Bill partly to give members on both sides the opportunity to say whether they were in favour or, what is much more significant, to give those not in favour the opportunity to say why. Parliament should decide this matter. In my view, no member has had the courage to say one thing or the other in this debate. Obviously, it is a matter of some embarrassment that they want to pass over as quickly as they can.

Mr. Russack: I'm not embarrassed at all. I was called to the phone.

Mr. MILLHOUSE: The honourable member is not embarrassed by it; he was called to the telephone. It is significant that his name is not on the speaking list, whether he was called to the telephone or not. The honourable member is only one of those who, I think, would have been against it.

The Hon. G. R. Broomhill: I think that's a pretty fair bet.

Mr. MILLHOUSE: Yes, but he did not have the courage to say so. It is only now that I have taunted him that he has been prepared to say anything, muted though it is by interjection, about being opposed to it, and I will bet that he is not alone. The member for Light, who was a guest at a function a few months ago, said nothing about the matter. He is in the House now but he is engaged on another matter. I seek leave to continue my remarks.

Leave granted; debate adjourned.

*Later*:

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Special defence in case of unclad bathing."

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

To strike out new section 23a and insert the following new section:

> 23a. An act consisting of being in an unclad state in an area dedicated or reserved under any Act for unclad bathing (whether or not that area is so dedicated or reserved for any other purpose) or an act of being in an unclad state in any waters adjacent to such an area shall not be an offence against any Act or law in force in this State.

That achieves the objects of the member for Mitcham in introducing this Bill, it meets the objections I raised during the second reading debate, and it has been agreed by us both.

Mr. MILLHOUSE: I am happy to accept the amendment. It is one of those rare occasions of co-operation between us. I think that the amendment achieves the object I have in mind, and may even be an improvement.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with an amendment.

Mr. MILLHOUSE (Mitcham) moved:

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

Mr. RUSSACK (Gouger): I do not support the measure, and I wish to make four points. First, the honourable member who introduced the Bill said no-one had the courage to stand up and give an indication of opposition to it. I make that indication now. Secondly, he said that Parliament should decide, but this Bill does not really decide that there should be nude bathing, because that decision had been made previously, and, whether this Bill went through or not, it would still be the position. Thirdly, it was said that only those who were conservative would oppose such a measure and that those who agreed with it were progressive. I would suggest that, perhaps for the sake of popularity, some would approve of it.

Being called a conservative does not worry me, because I believe that in our society there are things that should be conserved. The final point is that I do not think I would be supporting the minority either, but if I am I think the voice of the minority on some social issues should be

expressed in this House. For that reason, I support the minority if that is the case, although I do not think it is, because people know my outlook on life and I was recently returned to this House. For those reasons I do not support the third reading, representing those of similar views and convictions.

Mr. MILLHOUSE (Mitcham): I acknowledge the courage of the member for Gouger in accepting the challenge I threw out. I think the more of him for it, although I disagree with his reasons. It is of some significance that he was the only member in the House to do so.

Bill read a third time and passed.

## LISTENING DEVICES ACT AMENDMENT BILL

Second reading.

Dr. TONKIN (Leader of the Opposition): I move:

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

When the Listening Devices Act Amendment Bill was before this House in 1974, many honourable members had misgivings about certain matters in the original Bill passed in 1972. After two years experience, it seemed to many people that an amendment concerning clause 7 was necessary. The Act had been properly conceived to protect people's liberty and privacy, as stated clearly in sections 4 and 5, and yet, when taken into consideration with section 7, sections 4 and 5 became meaningless.

Section 7, in practice, completely contradicts the general tenor of the Act. During the debate on the Privacy Bill, many honourable members showed their awareness and concern in connection with the recording of information and the dissemination of that information. Likewise, clause 7 of the Act spells danger to the freedom of the individual. In fact, if the Privacy Bill had been passed, I believe that the courts would have had difficulty in assessing the rights and wrongs of any case dealing with the abuse of privacy with section 7 of this Act on the Statute Book.

Now think for a moment what section 7 really means: it makes it legal for a conversation to be recorded without the person being recorded being aware that it is being done in any Government departmental office, in any Minister's office, in any taxation authority's office; again, it permits recordings of business and professional conversations to be made, without the knowledge of the party being recorded, the only proviso being that the recording party considers that the recording protects his interest.

These recordings can be used in the alleged public interest or to protect the lawful interests of an individual; that is, of the person doing the secret, underhand recording. What of the other party? The situation then arises that nobody can, with any safety or any degree of confidence, hold exploratory conversations on business matters, make explanation of procedures, or even hold private conversations with Ministers or members of Parliament.

Honourable members all know how easy it has become, in this modern age of technology, to conceal a minute recording device in a pocket or a handbag or even a pack of cigarettes. Again, honourable members must know of the ease with which rooms may be bugged. I hold no brief for inquiry agents and private detectives, but I quite realise that the South Australian police and the Commonwealth police must have power in this matter, and this power is given to them in section 6.

It is merely section 7 that is objectionable to me. I can see no reason why a person making a recording should not give others who are parties to its content a simple legal right of knowing that it exists. Nobody would then object to being taped any more than being recorded by a stenographer. But section 7, as it stands, opens wide the possibility of another Watergate. Even the Commonwealth forbids the use of listening devices used in association with telephone conversations unless a special signal indicates that a record is being used.

The only objection raised by the Government to the deletion of section 7 during the 1974 debate seemed to be in the matter of blackmail. Surely the incidence of blackmail is not great enough (and should be a matter for police action) to be the reason for taking away all individual right to freedom of speech and privacy in this way. I ask honourable members to give this matter their earnest consideration and I commend this Bill to them.

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

## MONARTO

Adjourned debate on motion of Mr. Dean Brown:

That in view of the almost complete cessation of Commonwealth funds for Monarto, this House call on the State Government to hold a public inquiry immediately to completely reassess the future of Monarto and to determine how the resources of the Monarto Development Commission should be dispersed for the greater benefit of South Australia.

(Continued from September 17. Page 841.)

The Hon. HUGH HUDSON (Minister of Mines and Energy): I oppose this motion. Apart from the split infinitive contained in it, I believe that this is just another attempt by the member for Davenport to carry on his feud against Monarto and that it simply involves almost a restatement of the attitudes that he has expressed previously. I think that I should make clear from the start that the honourable member is not prepared to take account properly of information that is available. His statements last week on salinity completely ignored a reply to a Question on Notice given in this House last Tuesday week.

Mr. Dean Brown: I read that. That was referring to a different report altogether.

The Hon. HUGH HUDSON: If the honourable member has a report that I do not know about, I should be interested to find out about it, but the information available to me is that, apart from the report that was being assessed, all the other reports were available in the Monarto Development Commission library. The reports do not indicate that the problem is of the magnitude the honourable member claims; that it is a problem which is likely to occur in any kind of urban development and which requires proper investigation, management procedures and design controls to ensure that it can be managed effectively. My understanding of the situation is that the Monarto commission itself regards the situation there as being much more favourable than in many parts of metropolitan Adelaide, where soil conditions create serious problems indeed. The effective control of the salinity problem on the Monarto site depends on appropriate vegetation, drainage procedures and control on the way in which water is applied to various areas of the site, and on ensuring that the areas selected for development are the most appropriate areas. The situation cannot be stated to be of the nature claimed by the honourable member in his remarks in this House and on other occasions.

The various reports about which information was given in reply to the member for Mitcham are available to all members (if they do not have a copy), in the Monarto Development Commission library. The reports are: (1) Murray New Town Site Selection, which was a preliminary soil and land form survey prepared by the Agriculture

Department, Soil Conservation Branch in March, 1973 (which information is available on page 753 of *Hansard*); (2) Preliminary Geo-technical Investigations—City of Monarto, prepared by the Mines Department in 1974; (3) The Potential of Portion of the Bremer River Valley near Callington, as a site for the disposal of sewage effluent, was prepared by the Agriculture Department, Soil Conservation Branch in 1974; (4) Monarto Soil Investigations, which was the first report prepared by the Agriculture Department, Water Management Section, Soil Conservation Branch, February, 1975; and (5) Soils of the Monarto Town Site, interim report (south-western section) prepared by the Agriculture Department, Soil Conservation Branch, in September, 1975, which at the time of replying to the question had only just been received by the commission and was being analysed, although that report does not alter in any substantial way whatever the conclusions that were drawn previously by the commission.

There seem to be between 20 and 40 areas of the site, varying in size from about 100 square metres to a few thousand square metres, where salt scald has developed on slopes and crests. This kind of scald is called "highland salt scalding". In addition to these areas, there are about 75 hectares of flood plain in Rocky Gully Creek, in which valley salt has occurred in small zones along the banks of all the creeks where salt accumulations have restricted plant growth. These areas are to be considered in relation to a total site area of Monarto of 15 200 hectares. That information might enable honourable members to put the problem into proper perspective.

Various investigations are still proceeding; we do not have adequate information over the whole site, and the solutions to the salinity problem are being investigated. As I have already indicated, one treatment is to control the incidence of surface soil salinity by providing better subsurface drainage. There are certain parts of the Monarto site where developments have taken place and where that practice will have to be carried out. However, while better subsurface drainage such as a system of tile drains would overcome almost all surface soil salinity, it is believed that more subtle approaches would tend to minimise future soil problems, and, additionally, would minimise the usage of water on the site. I do not intend to go into detail on salinity, but if necessary I will do so on another occasion. Salinity problems exist at Monarto, but to the best of our knowledge salinity problems on the Monarto site are limited and can be controlled, and the overall problems of development and building on the Monarto site will, in the opinion of the commission, because of the much better soil conditions, be easier than are conditions applying in many parts of metropolitan Adelaide.

The need for Monarto is a matter of philosophy and outlook. I cannot hope to convince the member for Davenport on this but I hope the people of South Australia generally will not pay too much attention to his shortsighted arguments. There are two main reasons for the building of Monarto. The first is to make sure that some limitation can be placed on the growth of Adelaide so that it can remain a relatively pleasant small city, and the second is to develop an alternative urban environment which can best be achieved under a single planning, development and administrative authority. The need for Monarto has been questioned partly because of the Borrie report and the changing population projection. Any population projection is difficult, because so many assumptions have to be made about migration rates, fertility rates, death rates, interstate movements of population, and the percentage of South Australians who will find their way to the Adelaide region. The Borrie report gives a minimum population projection and makes assumptions which are the least favourable regarding South Australia in general and Adelaide in particular.

Dr. Eastick: What about the State Government version?

The Hon. HUGH HUDSON: Prior to the Borrie report, the South Australian Government instigated studies into this matter, because it was clear that the earlier projecions were too high and it was necessary to ensure that the planning taking place in various areas of Government activity was consistent planning involving various departments making similiar assumptions about future growth rates. The people who were mainly responsible for this projection were those in the Economic Intelligence Unit of the Premier's Department. The population of South Australia by the year 2001 was predicted to be 1 492 000, which figure was 122 400 more than the Borrie report projection given earlier this year. The population of South Australia next year is expected to be 1 252 300 with the population of Adelaide, including Monarto, being 913 500. By 1980 the population of Adelaide and Monarto is expected to be 954 700, and the latest planning for the Monarto Development Commission assumes a population figure of only 4 000 in Monarto by 1980. By 1985 a population of 15 000 is expected in Monarto. The population projections that we are now working on indicate clearly that those kinds of target are achievable and do not imply initially a huge diversion of Adelaide's growth away from metropolitan Adelaide; it is most important to emphasise that, because one cannot develop a place like Monarto and immediately divert the majority of the population growth that would otherwise have taken place in metropolitan Adelaide. That has to be something that may occur in the years ahead, but it certainly cannot occur initially. At no stage since I have been associated with the project has any kind of assumption been made that would suggest that that was the aim. The member for Light has made a remark about industrial conscription.

Dr. Eastick: I referred to personal conscription.

The Hon. HUGH HUDSON: No-one has said that anyone has to live at Monarto, least of all public servants.

Mr. Dean Brown: They have been told that their jobs will be there.

The Hon. HUGH HUDSON: Teachers are told that jobs are in country schools. Private industry says that jobs are available in certain places. If there is to be any decentralisation at all, someone sooner or later will say that jobs are available elsewhere than in Adelaide. I make no apology for the Government's policy of saying that, where appropriate, one or two departments will be located in Monarto, but that does not require the people who are involved in such a transfer, particularly the senior people, to live in Monarto. In fact, some of the people in the Agriculture Department have already made arrangements, if they are not already doing so, to live in the Hills area. I suggest that senior Agriculture Department officers who live in the Crafers-Stirling area and who travel to Monarto each day will be better off in terms of travelling to and from work than those who are now living in Burnside and travelling to and from Northfield each day. The travelling to Monarto will be easier, less tiring, and not significantly longer in terms of travelling time. That is a matter of opinion, and the member for Davenport can disagree if he likes to do so.

Mr. Dean Brown: It takes 15 minutes to travel from Burnside to Northfield.

The Hon. HUGH HUDSON: Perhaps the honourable member may care to consider the time it will take to go from Bridgewater to Monarto in 1978. What distance does the honourable member think is involved from Bridgewater to Monarto, and what are the conditions of travel? Further, what is the direction of the peak-hour traffic? The public servants will be travelling against the direction of the peak-hour traffic, and they will therefore not be impeded by heavy traffic.

Mr. Evans: No-one will be living at Bridgewater then.

The Hon. HUGH HUDSON: Bridgewater is just an illustration. There are possibilities of living in a number of places if individual public servants do not want to live in Monarto. The jobs will be available in Monarto, but the public servants do not have to live there, although the younger officers will probably find that there are significant advantages in living at Monarto.

I refer again to the general question that the population growth of Adelaide will be sufficient to sustain the development of Monarto. Indeed, the lower rate of population growth, compared to what was expected a few years ago, is a distinct advantage, because it gives us time to plan this development in a more leisurely fashion without the pressure on our resources that might otherwise be the case. Further, it enables us to avoid permanently in Adelaide the horrendous conditions existing in Sydney, Melbourne and Brisbane. Those horrendous conditions seem to be of no concern to Opposition members. If they are concerned about the nature of life in those cities, they certainly have not said how we should avoid those conditions in Adelaide.

The increase in traffic along the South Road as a result of the development in the Morphett Vale and Noarlunga areas in recent years has been very substantial, and it is clear that the existing main South Road will not be adequate to cope with the southern areas if they continue to develop at the same rate in the next 10 years to 15 years. If development goes ahead apace there without any restriction whatever, South Australia and Adelaide will face very serious costs. The main South Road will have to be duplicated. The transportation corridor, at least from Darlington to Noarlunga, will have to be built at a cost of many millions of dollars.

The only alternative to the development of Monarto that I have heard put is that we should expand Adelaide to the south to Willunga and develop Noarlunga as a regional centre. While it is possible to ensure that Monarto in its early years largely involves people who live and work there, it certainly would not be possible with the growth of the Noarlunga regional centre to ensure that the further growth of Adelaide in that direction did not lead to impossible traffic conditions between Noarlunga and Adelaide. It would be possible to say that priority in allocating housing would be given to people who want to live and work in Monarto, and obviously that will have to be done. However, it is certainly not possible for the Government to say, without its assuming dictatorial powers, that, if the area south of Noarlunga is developed to Willunga, only people who work there will be able to live there.

We know that in the general Adelaide area the people are very mobile. While there is the possibility of living near one's work, there are people who travel significant distances to work. The number of people who work at the Weapons Research Establishment at Salisbury and who live in the south-western suburbs is very significant. Between 40 and 50 employees of W.R.E. choose to live in the south-western suburbs but they travel to Salisbury each day to work. Under the planning arrangements we have at present, there is no way, if extensive development takes place from Noarlunga to Willunga, that Adelaide will not suffer the most serious traffic consequences of an order of magnitude similar to those in Sydney and Melbourne.

In a city with growth problems, the costs of that growth are very large indeed. They are not costs that have to be met to improve people's standard of living: they are costs that have to be met to stop people's standard of living getting worse. A large part of public expenditure in Sydney and Melbourne today and some part of public expenditure in Adelaide is not directed to improving the standard of living. It is simply directed at taking action to try to prevent the quality of life from further deteriorating. In large measure, while we can hold the situation in Adelaide, authorities in Sydney and Melbourne cannot do so.

The quality of life in Melbourne and Sydney has significantly deteriorated. In Brisbane (doubtless the member for Davenport would be impressed by the quality of Government in Brisbane), which is as badly planned a city as one can imagine and which is not much bigger than Adelaide, there has been a serious deterioration in the quality of life of the residents. The bad planning of that city means that the problems become critical at a lower population level than would otherwise be the case. There are several significant advantages in relation to Adelaide. The initial planning of Adelaide was soundly done. Much of the suburban development that took place between the First World War and the Second World War, and after the Second World War, was poorly done.

Many of the suburbs developed in the immediate post-war years after 1945 are a disgrace to proper planning. In nearly all cases, outside of certain Housing Trust activities, inadequate provision was made for community facilities and recreation areas. That is true in the south-western suburbs of Adelaide where I live. The newer planning that is going on provides more adequately for recreation space.

Generally, Adelaide still retains a significant part of the benefit which accrued from the high quality of Colonel Light's early planning, because the standard of wide streets applied then was copied in subsequent developments. It is rare in Adelaide to find the inadequate and cramped planning which is a feature of some parts of Sydney. However, Adelaide does have one serious disadvantage: it cannot help but be an elongated city because of the strip of land available for development between the Hills area and the coast.

That fact, coupled with the desire of people to live where they choose and to travel to the extent that is necessary to go to work, as well as the desire of people to work, if possible, in the city of Adelaide, has produced significant traffic movements, which occur during the peak hours and which have created problems which have demonstrably become more difficult over the past 10 to 15 years. These problems are becoming more difficult to cope with each year.

If the development of an alternative area to that of Monarto (that is, the area south of Noarlunga) is accepted as a viable alternative, Adelaide will become even more elongated than it currently is, and any saving that might result by terminating the Monarto project will be offset by

the additional costs that will result south of Adelaide from public expenditure designed to prevent the quality of life from further deteriorating. This is a fundamental question, and it is vital for members to understand it.

I do not expect the member for Davenport, even if he does understand the problem, to express himself other than in the way in which he does. He opposes the project because he wants to oppose it; he is not concerned with accurate reporting or accurately quoting statements from documents. He is not concerned with giving an honest account of what is the true situation, but I do ask other members to assess the situation properly and to bring some pressure to bear on the kind of attitude that has been expressed by the member for Davenport.

A fundamental factor in population projections is the expected loss of population from South Australia to other States. That led, for example, to the assumption of the Economic Intelligence Unit that the average increase in population would be about 14 000 people. That assumption, which is a feature of the Borrie report and which was copied by the local projections, may turn out to be entirely incorrect. In recent years the proportion of Australia's population growth in South Australia has grown. The Bureau of Census and Statistics has made estimates of Adelaide's population growth. The growth estimated in the Adelaide region for 1974-75 was not 10 000, 11 000 or 14 000: it was 20 000 people. Adelaide's population increased more in the last financial year than was predicted by the Borrie report or by the South Australian Government.

I seriously suggest to members that any planning that is based hard and fast, without being flexible in any way, on population projections is dangerous. I believe that one must base planning on population projections in such a manner as to allow for a minimum possible figure and a maximum possible figure and to try to adjust those projections year by year in the light of the latest information. However, when one does that in relation to the Adelaide region, the idea that Monarto can develop and moderate the growth of Adelaide and still become viable comes out as a clearly supportable conclusion.

The current proposals involve 4 000 people by 1980, 15 000 people by 1985, and that is possible. We can make projections about what population Monarto might have by the end of the century. I am not really interested in what such a figure would be. I believe that if Monarto is developed, is capable of growing and is capable of taking the heat off Adelaide, whether it has 60 000, 80 000 or 150 000 inhabitants by the end of the century does not really matter. What does matter is that Monarto takes the pressure off the further development of Adelaide and that Adelaide's growth continues relatively slowly and ultimately reaches a size which is still reasonable and which does not create a serious deterioration in the quality of life.

Several points have been made concerning site location. The member for Davenport sought to make a point about this, and I should like to repeat the basic proposition which governs the selection of the Monarto site. What is needed is the availability of flat industrial land, a relatively attractive environment, access to water, access to road and rail transport, and a reasonable assurance that labour will be available. These conditions can be fulfilled at Monarto, but they cannot be fulfilled at any site other than Murray Bridge within about 80 km or 130 km of Adelaide.

Although one can contemplate that Murray Bridge could grow and ultimately become a city of 20 000 people, it is not possible to contemplate that it could keep on growing to reach a size of 60 000, 80 000 or 100 000 inhabitants by the end of the century, unless it developed entirely within the Monarto site. If one had that expectation, one would be entirely justified, anyway, in developing the Monarto project.

I believe that the Monarto site is the correct site, that it is the only way that we can, with vision, today ensure that the style of life in Adelaide for future generations is maintained at a level comparable with and better than elsewhere in Australia. If we do not commence the project now, we will not be in time. It is the kind of situation where the planning has to look as if it is deferable in order to get the planning right.

Mr. Nankivell: It's time.

The Hon. HUGH HUDSON: Yes, exactly. Many of the arguments of the member for Davenport were stale, and he referred to articles in his usual course of misrepresentation. One article from the *Australian* to which the honourable member referred was written a year ago by desk research done in the *Australian* newspaper office, and material of this kind is frequently obtained by newspapers and filed away for future use. The commission wrote to the Editor of the *Australian* about that article, and the reporter who wrote the article from which the member for Davenport quoted has since telephoned the commission to apologise for the errors. The commission has agreed to escort the reporter through the site so that he may write an up-to-date article. That is fairly typical of the kind of situation into which the member for Davenport, in his desire to condemn Monarto no matter what, would lead us.

I will again deal with the general question of finance, and conclude on this note. I draw members' attention to the fact that the whole of the development of Elizabeth and Salisbury was carried out almost entirely by the South Australian Government at the expense of the taxpayer at a time when the pressure on Government resources from higher growth rates was much greater than it is today. It may be argued that the standard of what was done at Elizabeth was not good enough and that we should do much better at Monarto. However, I say to any member who has said that we cannot afford Monarto that we have afforded such developments in the past even without Commonwealth assistance, but if we can get it so much the better. The costs even being met today in order to maintain a reasonable quality of life in Adelaide are many times in excess already of the kind of annual expenditure that would take place on Monarto.

We have a roads programme of $67 000 000, but how much of that expenditure this year would improve the quality of life? How much of that sum would actually lead to an improvement or an upgrading in road travel that would enable people to get somewhere more quickly than they have been able to get there previously—very little of it. Most of the expenditure in the metropolitan area is directed at upgrading, not to make travelling easier or to shorten the time of travel in the metropolitan area but to stop the time of travel from increasing. Expenditure of that nature already on our roads is well in excess of what we would spend on a grand basis on developing Monarto. That is on one area alone, and the bigger the city gets the worse that problem becomes, considering relative to Adelaide the huge expenditure that takes place in Sydney and Melbourne on freeways and roads.

Consider what would have to be spent in Sydney and Melbourne if they were to combat air pollution, ease the traffic problems still further, and improve people's opportunities for recreation so that they were similar to those

of Adelaide. Consider what we are spending because of our development here in Adelaide. We are spending over $500 000 a year now on protecting our beaches; that is not improving the quality of life, but it is stopping it from deteriorating. A considerable amount of activity of a modern Government, because of cities getting too big, is directed not at improvement but simply at stopping things from getting worse. If members recognised this fact they would realise that the Government was laying sound foundations for the future in the development of Monarto, that the alternatives to Monarto involved a deterioration in the quality of life in Adelaide for the future, and that we must have as a community sufficient vision of the likely problems facing us in the future to recognise that action must be taken now.

The Government is clearly identified with the development of the Monarto project. I am proud of the Government for doing that, and I am delighted that the member for Davenport and a few other members seek to oppose the Government's policy in this matter, because the credit in the future for what will turn out to have been a decision involving vision will certainly not go to the Opposition Parties. This matter has been canvassed any number of times in the House already. The arguments of many people are already becoming stale, and there is no basis whatsoever for the arguments presented by the member for Davenport in moving his motion. I ask that the motion be rejected.

Dr. EASTICK (Light): I will address myself mainly to several of the Minister's comments. It was obvious that he was talking right around the question without getting to the nub of it. He spoke at some length of the quality of life and of fundamental factors, but he did not once get on to the real fundamental factor that involves the success, or lack of success, of Monarto, namely, its ability to have its own industrial base and its own draw-power.

The Hon. Hugh Hudson: No worries.

Dr. EASTICK: It is all right for the Minister to say that, but not once in Question Time or in debate on this issue has any Government member made any tangible comment or given information on the type of industry that will be drawn to Monarto, other than referring to the back-door force—the conscripted public servant. Not once has there been any indication of the nature of the industry that has accepted the responsibility to go to the area. The Minister would well know from the opportunity he has taken to read all of the material available on new town development (certainly his colleague the Minister of Education would have noted this when he travelled overseas recently) the importance of a base or a purpose for any new town. Granted, it is not always industry in the sense of engineering or other forms of activity that is the only means of establishing a base. Indeed, the Premier and others would know that, along the Mediterranean coast of France, entire new towns have been developed purely and simply on the basis of their attractiveness and ability to take large numbers of people for recreational purposes. That, in itself, is an industry, the tourist industry, which is able to draw on the millions of Europeans who have easy access to the area by train or road. We are not dealing with that situation: we are coming back to the situation as it exists in South Australia.

We are looking at the development of areas for South Australia that will not only give people a place in which to live but also give them the opportunity of finding jobs and provide access to employment. It is easy for the Minister to talk of the long distances people travel to go to work. Many people in our community delight in travelling some distance; indeed, many people travel from Kapunda and Hamley Bridge, etc., through my district to work in Adelaide. They wish to be able to get away from it all, and they are willing to travel that distance. In providing other information, the Minister indicated one very real danger which exists in relation to the Monarto concept at present and which must be looked at in some depth. He was pleased for the senior officers or personnel (senior people, as he referred to them) to live somewhere else. The quickest way to bring about the downfall of a worthwhile new town development is not to provide an example whereby the full work group is based in that area.

If entrepreneurs, senior public servants, schoolteachers, police officers, and so on, migrate out of the area because it is more convenient for them or because they want to live away from the place, and the only people living there are those who have been forced to go there because it is the only place in which they could obtain a house, we will experience many socio-economic problems that will cost this Government and the Commonwealth Government a tremendous sum of money to solve. It was interesting to hear the Minister refer (this was the first time that it had been stated publicly) to the action taken in the Premier's Department before the presentation of the Borrie report to determine the future population base for this State. That was an interesting statement, as replies to questions asked of the Premier regarding the Borrie report clearly indicated that the review in his department occurred after the Borrie report was tabled. Indeed, the replies to Questions on Notice in the House clearly indicated that the Borrie report referred to certain discrepancies, and that the Premier's Department upgraded the numbers, according to the State's own investigations. The figures that were made available were clearly marked, "Ex Premier's Department, June, 1975", not before, but some time after, the Borrie report was issued in March, 1975.

The Minister then went on to indicate that, on present considerations, Monarto would have 4 000 people by 1980 and 15 000 by 1985, an increase of 11 000 people in five years. If one returns to the corrected figures (and they appear in *Hansard* earlier this session), one finds that it is expected that there will be a down-turn in the population increase below that which obtains at present (it is less than 1 per cent now), and that by 1985 it will be ·78 per cent. The Government recognises that there will be further development in the Noarlunga area and elsewhere. True, it has suggested that it should not be allowed to get out of hand and become unmanageable. However, I draw members' attention to the amount of land that has been purchased by the Land Commission, that which is held by the South Australian Housing Trust, and that which the Government is seeking to purchase in the northern and southern areas of the State in order to increase the size of the current Adelaide population.

Having regard to the amount of land that is under negotiation, clearly, on known facts, I submit that the ability to house this additional 11 000 people between 1980 and 1985 will be more than catered for in the general existing areas. The only clear indication that Monarto's population would develop was given on the basis of the conscription to that place of public servants. Even the Minister saw fit to back off from the original implication, which was not denied by members opposite, that not only were these people expected to work there but also they were expected to live there. The idea of not having

them live there was a late assertion coming from the Premier and others.

I was also interested to hear the Minister say that, if the development of population in the Noarlunga area was allowed to proceed, it would be necessary to duplicate the highway leading to that area. Is the Minister willing to say that, with the type of development that is already under way in the area, the pressures that exist there in relation to highways, and the way in which development by the Government is progressing in the area, those people who are enticed to live there will be denied proper services in the future? If one refers to Government documents, one finds that duplication of certain arterial roads and highways to the area is already contemplated.

If the Minister would have us believe that, by sending people to Monarto, it will not be necessary to proceed with the original intentions, many people in the southern area will be greatly disadvantaged in future years, because they will be denied necessary services. The other master understatement by the Minister was that if we could obtain Commonwealth assistance it would be so much the better. Let us face the facts and return to the realities of this situation and the replies given by the Minister's immediate predecessor in office. It was indicated, in relation to a Bill relating to the Monarto Commission (and I will say no more about that subject) that was introduced in this House last week, that $125 000 000 would be required for the development of Monarto for the five years commencing after the 1975-76 financial year. Where will this State, with its economy, receive anything like $125 000 000? It is not in the race!

Clearly, it was an attempt by the Minister to by-pass the real issues of this subject, suggesting as he did that we would proceed happily and that it would be so much the better if we received assistance from the Commonwealth Government. Unless we get a massive infusion of Commonwealth money, this programme will become null and void. This whole matter has been raised by the member for Davenport clearly to pinpoint the fact that, before we put money into the project in what may be a futile effort to obtain any further benefit from that infusion of money, the scheme should be assessed.

I wish to refer to only one other matter in this regard. Again, I refer to the Minister's statement regarding quality of life and fundamental factors. In proceeding on the basis that the new city will have 4 000 people by 1980, and indeed 15 000 people by 1985, the Minister has not considered the people of Murray Bridge and surrounding areas in relation to hospital and education facilities. It was clearly indicated (and in fact the Minister accepted this statement across the floor of the House earlier in the session) that Murray Bridge requires another high school now. If one goes back to the development of Elizabeth and even Salisbury, one finds that as recently as 1965 many students from those areas, particularly from Elizabeth, travelled to Gawler to obtain their high school education. Insufficient facilities were available at Elizabeth (even as large as it was in 1965) for the Education Department to cater for all high school students, many of whom were at that time travelling to Gawler.

Mr. Duncan: The situation has improved since.

Dr. EASTICK: I do not deny that, but problems were created in educating Gawler students while there was a massive influx of students from outside the district. I am pleased that the member for Elizabeth acknowledges that the situation existed, because that is precisely the point I am making about Murray Bridge, there being no clear indications that the Murray Bridge High School will be duplicated. Students who attend that school, say, five years hence, will be disappointed when additional students (coming from a population of 4 000 in Monarto) attend the school.

Mr. Wardle: The school is overcrowded now.

Dr. EASTICK: Exactly. The existing Murray Bridge Hospital will be also called on to provide services for Monarto as well as the Murray Bridge area. These matters are vital to the quality of life of the people who already live in the area and will become even more important as time goes by. I believe what I have said is sufficient reason for a complete reassessment of the project before further money and effort are put into it. Other aspects of administration will be considered in a later debate on this matter, so I will leave any further comments until then. I support the motion.

Mr. DEAN BROWN (Davenport): The arguments put forward by the Minister of Mines and Energy against this motion were among the weakest I have ever heard the Minister advance in this place. One can always detect when the Minister is on weak ground and is trying to defend a hopeless case by the way he rambles on. He did it last week on *This Day Tonight* when he tried to talk out the entire television programme, and he tried to do it again this afternoon. If one listened to the Minister's speech this afternoon one would have got the impression that what he was trying to argue was whether or not we could rely on population predictions. I ask the House to refer to the subject of the motion, because it does not in any way refer to population predictions or the likely population of Monarto. What the motion does refer to is:

That in view of the almost complete cessation of Commonwealth funds for Monarto, this House call on the State Government to hold a public inquiry immediately to completely re-assess the future of Monarto and to determine how the resources of the Monarto Development Commission should be dispersed for the greater benefit of South Australia.

Yet the Minister took up almost his entire speech on the aspect of population predictions. He referred to the Borrie report and to the Premier's Department. When the Premier introduced the Bill dealing with this matter, he predicted that the likely population of Adelaide by the year 2 000 was 1 500 000 people. I presume that the Premier excluded the estimated 200 000 people who would live at Monarto and that he was willing to accept an Adelaide population level of about 1 300 000 by that time. This afternoon the Minister admitted that, even without Monarto, Adelaide's population would not be more than 1 100 000 people. Even on that ground the Minister's case was weak.

The Minister continually compared Adelaide's population to the populations of Sydney and Melbourne. He said it was important that Adelaide should not end up in the same horror state that exists in those two cities, cities with populations exceeding 2 750 000 people already, yet he stated that the maximum population of Adelaide by the year 2 000 would be only 1 100 000 people. The Minister uses a red herring by trying to compare the population of Adelaide to the populations of Melbourne and Sydney. The Minister tried to rebut the point I raised about salinity reports. When I raised the matter I said that not all reports on the subject had been made public. The Minister referred to only four soil surveys having been conducted by the Agriculture Department. That is referred to in *Hansard*.

However, I understand that the Agriculture Department has actually carried out five soil surveys. I wonder where the missing soil survey report is. The Minister, in trying to defend the salinity matter, admitted there was a salinity problem and that ways were being examined of solving it.

The Minister launched his usual personal attack on me for having the hide to move such a motion. He attacked the member for Light because he referred to the conscription of public servants to work at Monarto. It is conscription, and one wonders whether the Government is willing to implement in the Public Service the sorts of principles it is advocating through its industrial democracy policies for private enterprise. I doubt whether it is. I realise the Monarto Development Commission will be referred to in greater detail possibly later this evening, but I have information, which the Minister kindly gave me earlier this week and which I should like included in *Hansard*.

The SPEAKER: Is the information statistical?

Mr. DEAN BROWN: Yes, it is a list of positions, qualifications and salaries.

The SPEAKER: Is leave granted?

The Hon. Hugh Hudson: No! It's more relevant to the debate that will take place this evening.

Mr. DEAN BROWN: Then I will include it in the debate this evening. However, I will still point out some of the pertinent matters contained in this document. It is interesting to note that the Minister is unwilling to have such information inserted in *Hansard* on a motion about the Monarto Development Commission. It is interesting to see how touchy the Minister is about this matter. The General Manager of the commission receives $28 500 a year; four directors receive $18 648 a year; three employees receive $20 202 a year, and another director receives $13 364 a year. A total of 66 people work for the commission. Since receiving from the Minister a reply to a question I asked in this place last month, the commission's staff has increased from 65 to 66. It was indicated on the previous occasion that the total salaries paid to commission staff for this financial year would amount to $920 000 (almost $1 000 000). The Minister this afternoon was unwilling to put forward a case in defence of people working in the commission. He was unwilling to suggest how those employees should be employed for the benefit of this State, he was unwilling to defend the point that $1 000 000 was being spent on their salaries.

The Hon. Hugh Hudson: Come on!

Mr. DEAN BROWN: It would appear from the Minister's entire speech that he had not even bothered to read the motion, except when he first rose to speak. His case in no way related to this motion. I point out, too, because I think it is pertinent, the type of hierarchy that exists in the Monarto Development Commission. I do not know the people who fill the individual positions and I in no way reflect upon them or their capabilities. I am pleased that the Minister did leave out their names, because it relates to their positions, not to them as individuals. It horrifies me to realise the many technical people there and the small amount of work being processed by the development commission at this stage. Those people cannot hope to be fully employed until the Australian Government comes forward with funds for Monarto to proceed at full steam. In this House the Minister has already indicated that the Government expects 80 per cent of the funds for Monarto to come from the Australian Government.

The Hon. Hugh Hudson: I have not said that.

Mr. DEAN BROWN: The Minister's reply to a question is recorded in *Hansard*, that the Government expects that 80 per cent of the funds will come from the Australian Government. I will quote to the Minister, as he did not comment on this, the exact cost. I refer to a report that was prepared some two years ago, that the Government anticipated requiring $600 000 000 by the year 1984-85. It is unfortunate that, in the greatest financial investment this State has ever made, the Minister responsible for that investment is not prepared to put forward a reasonable case in defence of it.

He was not prepared to stand up and fight for his cause. His was the most waffling and beating about the bush speech I have ever heard from him. Therefore, I urge all members of this House to vote for this motion. Mr. Speaker, you are, supposedly, an Independent member as far as not having any political affiliation is concerned. I have noticed that, since you have been in this House, on all occasions you have voted with the Government. I hope your independence is more than just a name or a title that you assume for your people in Port Pirie, and that at some stage you will show the people of South Australia that you are prepared to exercise that independence.

The Hon. Hugh Hudson: After what you have said about decentralisation, you have no hope of that happening.

The SPEAKER: Order!

Mr. DEAN BROWN: I think this is one occasion, Mr. Speaker, on which you can reveal your true independence, exercise your own judgment, and decide to vote for this motion and against the Government; I urge you to do so.

The House divided on the motion:

Ayes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Dean Brown (teller), Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (25)—Messrs. Abbott, Boundy, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson (teller), Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 4 for the Noes.

Motion thus negatived.

## SUCCESSION DUTIES

Adjourned debate on motion of Mr. Boundy:

That, in the opinion of this House, the scale of succession duties on rural land should be reduced, so that the family farm is not destroyed by this tax.

(Continued from September 17. Page 842.)

Mr. BOUNDY (Goyder): I may be in a similar position tonight to that in which I found myself last Wednesday when I had to seek leave to continue my remarks. At that time I had said that it was interesting to note the relationship between succession duties and taxing. I had referred to a publication by Mr. Norman Thomson, of the Adelaide University, in which he said that 50 per cent of succession duties levied in South Australia was levied on rural land whereas rural producers represented only 6 per cent of the income tax levied. It is clear that succession duties are a most vicious impost on the rural sector, having in mind its relationship to the overall community.

I have been told that the normal average number of years in which successions are levied on estates is about once in every 23 years. Succession duties are progressive taxes, and so inflation has a particularly vicious effect on them.

Rural land values have doubled in the period from 1959 to 1969, and that trend obviously has continued and increased. We also have problems in valuing our rural land because of seasonal and marketing fluctuations. I have a concern, too, for the matter of untimely death, which shortens the 23-year time table to which I have referred. A young man dies out of due time, saddled with debt, his potential successors being too immature to receive the divested assets of their father while he lives. Such situations are like picking the bones of the dead, and the distress of the widow and the subsequent hardship for the family is often too great to bear, and they are forced to sell. I again refer to Mr. Thomson's publication. He states:

Early deaths were generally associated with families who had accumulated less wealth (net of debt) than older people. In addition, they had not begun to divest themselves of ownership to the next generation to any great extent. It was in this group of families (7 per cent of the survey sample) that one observed the types of family hardship cited by politicians and others advocating the abolition of death duties on humanitarian grounds.

Politicians and others should advocate the abolition of this tax on humanitarian grounds. Apart from that distressing situation, when the macabre process of levying succession duties gets under way following death, there is a period of only six months from the date of death before interest is charged on the succession for the amount of the South Australian duty. Successors in this situation have no recourse. Six months after the date of death, on goes interest at the current rate. The reason for some estates going beyond six months is, in the main, delays in the Federal Valuation Department. Therefore, through no fault of their own people disadvantaged by this savage impost have the further disability of having to meet interest charges on the debt sustained.

Succession duties are completely unjust, whether they are Commonwealth Government duties or State Government duties, and they should be abolished. In that statement, I refer to rural land. If it is right to tax a farmer's estate when he dies on the capital cost of his farm, which in reality is nothing more than his means of making a living, if his family wishes to carry on the business, then it is fair to charge a schoolteacher or a banker a duty on the building in which he has made his living.

That suggestion is ridiculous, but I believe that successions on rural land are equally wrong. This Government has received much revenue from succession duties in the past financial year. The amount levied in 1974-75 was 14 per cent above the estimates. The Government received about $15 500 000. The estimate for the current year is $16 500 000, and a 14 per cent escalation on that gives a figure of about $19 000 000 levied from rural land, with inflation probably increasing that even further. If half the amount raised comes from rural land, that is a severe impost on the rural community.

Thomson's figures show that, over a nine-year period, 50 per cent of Commonwealth duty received was received from rural land, and it is reasonable to extend those figures to State taxation, with an unreasonable share to be borne by rural industries and rural families, a certain indication that the viability of rural holdings is threatened by this tax. It is a sure indication that it should be reduced drastically, if not abolished, forthwith to protect that viability.

It is interesting to note that petitions have been presented to this House recently seeking the abolition or reduction of succession duties on all successions. About 12 500 people have signed those petitions, and that is a sure indication of the concern in the community about the injustice of this measure. I look forward to gaining the support of all members for this motion.

Mr. GUNN secured the adjournment of the debate.

## STATE BANK ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## SALARIES ADJUSTMENT (PUBLIC SERVICE AND TEACHERS) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

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

## BEVERAGE CONTAINER BILL

Third reading.

The Hon. G. R. BROOMHILL (Minister for the Environment) moved:

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

The SPEAKER: I have counted the House and, there being present more than an absolute majority of the whole number of members of the House, I put the question: "That this Bill be now read a third time."

Dr. TONKIN (Leader of the Opposition): I do not like this Bill as it comes out of Committee any more than I did when it went into Committee. It is absolutely futile to deal with one section of the litter problem, as this Bill does. For that reason, I will continue to oppose the Bill. The Premier has been very devious about this whole matter and has made sabre rattling noises by saying "vital Bill". He has said that it is not a vital Bill and then he has said that he never said it was a vital Bill; and so it has continued. This is not a vital Bill unless the Premier so declares it to be. The Bill can therefore be voted against with impunity if you, Mr. Speaker, are worried about defeating the Government. A double dissolution Bill is another matter; there are many such Bills. This Bill can therefore be defeated if such a defeat is in the best interests of the community. I oppose the Bill.

Mr. RODDA (Victoria): The Bill provides that some of the people of this State will be denied the privilege of using a commodity which they have previously enjoyed. It is in this connection that I voice my protest. The can has become part of our society, and the Government has not squarely faced the issue of litter. Every member on this side of the House wants to see the State cleaned up, and everyone should bear some responsibility, without putting people's jobs in jeopardy, as this Bill does.

The SPEAKER: Order! I remind the honourable member that he must not go over the second reading debate. He must speak on the Bill as it has come from Committee.

Mr. RODDA: This Bill, as it comes out of Committee, underlines the fact that South Australia is fast becoming a messenger boy for the big Eastern States.

Mr. GOLDSWORTHY (Kavel): The Bill comes out of Committee in a form quite unacceptable to the Opposition. The Government has not made any change at all to the Bill, which will have an adverse effect on the people of this State. What the Bill proposes will be expensive, and it will create unemployment. Oversea experience indicates that the Bill will not solve the problem of litter; indeed, it will deal with only 10 per cent of the litter problem. There is a far more satisfactory way of dealing with litter, and I am disappointed that the Government has not seen reason. It will be a great pity if the can is banned, and that will be the effect of this Bill. The State will lose drink sales that it now

enjoys in the Northern Territory. Those markets will be filled by sales from the Eastern States. Further, unemployment will be created not only in the metropolitan area but also in Port Pirie. I am therefore unhappy about the Bill as it comes out of Committee. Because we made our position perfectly clear during the second reading debate, the Government should know that the Opposition is not happy about the Bill. Unsuccessful attempts have been made to amend it and, in the circumstances, we have no option but to oppose it at this stage.

Mr. VENNING (Rocky River): I oppose the Bill as it comes out of Committee, and I think my colleagues have indicated why we oppose it. I am particularly concerned about the northern areas of this State. We have decentralisation in the North, but this Bill will do much to kill decentralisation in our State. A very good cool drink industry is established at Port Pirie. I am very concerned that the Government has not accepted any of the amendments put forward earnestly by Opposition members. I express my concern, the concern of the area that I represent, and the concern of adjoining country areas, which are battling to survive in difficult times.

Mr. EVANS (Fisher): I oppose the third reading. The Bill provides for a deposit on one type of container in particular—the non-returnable container. Many people in the State will lose their jobs if the Bill is put into effect. I do not believe that we, as responsible members of Parliament, can condone that sort of action at this time, even though the Minister has said that he intends to implement the measure some time in 1977. In the Minister's opinion, that is a way of softening the blow for the employees, but I do not believe that that helps the employees or the companies involved. The employees, particularly, live in fear of the implementation of this Bill. There has been no guarantee by anyone that alternative work will be found which carries similar remuneration and which requires a similar amount of expertise. True, no Parliament can guarantee that a person who is trained in one area will always have the opportunity to work in that area in which he has been trained, but I believe that, if this Bill is passed, this situation can be described as a deliberate action of Parliament to take away from people the chance to use their training.

Some people have been employed in this type of industry in this State for about 40 years, yet it appears that some members in this Parliament are willing to support the passage of this legislation, which will so adversely affect this industry. You, Sir, as the member for Pirie, have people living within your district whose employment will be affected. People living in other parts of South Australia will also be affected.

However, all those people rely on you, Sir, as they rely on other members who represent them in Parliament to consider their situation. You, Sir, could take the opportunity to speak in this debate by asking the Deputy Speaker to take the Chair. How can members say in clear conscience to the employees affected by the Bill that in 1977 we can guarantee employment? I believe that there is a better way of attacking this problem and that the Bill should be defeated. The decision now rests on the shoulders of 47 Parliamentarians, 24 of whom will enable the Bill to be passed or defeated. I point out that members of another place have said that they will pass the Bill. I oppose the Bill.

Mr. COUMBE (Torrens): As this Bill comes out of Committee, it needs to be closely examined to see the Government's motives in introducing it at this time. In the Committee stage efforts were made by Opposition members to improve it. The Bill in its original form was anathema to Opposition members in many ways, and genuine amendments were put forward to improve the Bill. These amendments were rejected out of hand by the Government, and we are now considering the Bill in its original form. It is competent for the House to examine now, before it votes on this vital third reading, why the Government has rejected what were reasonable amendments. It was interesting last night and early this morning to listen to the Minister explain his rejection of the amendments. Although I listened carefully to his remarks he did not, at any stage, treat any of the amendments on their merits, and I believe that there was much merit in the amendments. The Minister did not even attempt to answer any of the matters put before him for consideration.

All the Minister said in his reply was that he wanted to retain this Bill in its present form so that it could serve as a possible reason for a double dissolution. Therefore, the only conclusion a reasonable member can reach from the Minister's explanation and from his failure to attempt to reply at any stage to the merits of the amendments put forward, is that the Government's motives in this matter have been purely political. The Government wanted the Bill passed in this form so that a double dissolution could be held over the heads of the Opposition Parties. The Minister was willing to play politics in this matter, irrespective of any reasonable suggestion advanced by the Opposition.

There is no getting away from that fact, which was patently clear to members on this side, including the member for Mitcham, whose questions the Minister dodged. All the Minister said (and his comments are reported in *Hansard* for all members to see) was that he regarded this Bill as important and that he wanted it to be passed in its original form so that a double dissolution could result from its defeat. That is playing politics at the basest level. I resent that. Certainly, I hope that any repercussions fall on the Minister's head. However, as the Minister is retiring, I hope that repercussions fall on the Government which, I hope, will remember this day for a long time. This situation is one of the basest forms of politics I have seen in this House.

Mr. MILLHOUSE (Mitcham): As other members on this side of the House have spoken at this stage, I would like to say something, because the situation has changed since I spoke in the second reading debate. At that time I supported the Bill, as did my colleague, the member for Goyder. We believe that the principles of the Bill are good but, as I said last night, we are not willing to see it go through without the question of beer bottles, especially, being cleared up, and without a provision that there should be the same minimum deposit on all sorts of drink container.

We also believe that there should be on-the-spot fines, in effect, to tackle the problem at the other end, the litterer and not only the litter. The Government has rejected those points, out of hand. That being the case, we are not able to support the third reading of the Bill, because we think that it is an imperfect Bill as it stands. There are two other things I would like to say. This means, of course, that you, Mr. Speaker, will have the decisive voice on this Bill. There will be a tie, and it will be up to you, Sir, whether the Bill passes or not. That is your decision in the light of your own district and your own view of this legislation. As the Leader of

the Opposition said, it will not provoke a constitutional crisis of any description if you, Sir, vote against the Bill, because it will not have left this place to be presented in another place. There will be no question of a double dissolution, but I expect, Mr. Speaker, that you are well aware of that and that you have been through it all. Indeed, I would be amazed if you were voting in ignorance of that true constitutional position.

The only other thing I want to say (and this has rather cut from under my feet the ground that I thought I was standing on last night when I warned the Minister that, if he did not accept the amendments that the Liberal Movement wanted in the Bill, he would be in grave danger of losing the Bill) is that an honourable member of another place, a member of the Party to which honourable members in front of me belong, except for the member for Flinders, will probably support the Bill, anyway. It looks as though, whatever has been said by his colleagues in this place, they have known from the beginning that the Bill would go through in its present form.

That is the sort of politics that one has come to expect from certain members, anyway, of the Liberal Party. There is nothing I can do about that, although I have been trying for a long time, so far without success. I do express my surprise at that announcement, and my disapproval of it. If, in this way, the Government gets the Bill through in its present form, it will have been lucky. I do not believe it is in the best interests of the State that it should do so. However, it will certainly be a victory (perhaps the last, as he said last night) for the Minister.

Mr. ARNOLD (Chaffey): I oppose the third reading of the Bill on the same basis as I have opposed it from the outset. The Bill still deals with only 10 per cent of this State's total litter problem and, until the Government promotes legislation in this House that caters for the whole litter problem, it cannot expect the Opposition's support. The Minister knows only too well that oversea experience has shown that this sort of legislation, without the back-up of on-the-spot fines and intensive education programmes, will fail: it will not do the job that the Minister has set out to do. That the Minister voted against the amendments moved by the member for Mitcham, who tried last night to include in the Bill provision for on-the-spot fines, clearly shows that the Government has no intention of tackling the whole litter problem. On that basis, I oppose the third reading.

Dr. EASTICK (Light): In no circumstances can any member of this place, including you, Mr. Speaker, hide behind the false assumption that someone somewhere else can relieve him of the critical decision that he must make. It is right that members have been able to indicate their attitude to the Bill before the vote on its third reading is taken. It places fairly and squarely on members the onus to accept the responsibility which is theirs as members of this, the people's House. I oppose the third reading, and look forward to a majority vote against it.

The SPEAKER: I put the question: "That this Bill be now read a third time." For the question, say "Aye", against "No". There being a dissentient voice, there must be a division. Ring the bells.

The House divided on the third reading:

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

Noes (23)—Messrs. Allen, Allison, Arnold (teller), Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

The SPEAKER: There are 23 Ayes and 23 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes. The question therefore passes in the affirmative.

Bill read a third time.

The SPEAKER: I declare the third reading of this Bill to have been passed by an absolute majority.

## PRE-MIXED CONCRETE CARTERS BILL

Adjourned debate on second reading.

(Continued from September 11. Page 714.)

Mr. DEAN BROWN (Davenport): The Liberal Party opposes the Bill, which is an attempt to license all carters of pre-mixed concrete. As similar legislation has already been before the House in a previous session, I consider it unnecessary to deal with the Bill at the same length as it was dealt with previously. If people want to see the Opposition's full viewpoint on this matter, I ask them to refer to *Hansard* to see the record of the previous debate.

However, I should like briefly to reiterate the main points that were raised during that debate. The main reason for the Liberal Party's opposition to the Bill is that, if it passes, it will destroy competition within the industry, an aspect with which I will deal in greater detail. There is a saying that the more you ask the Government to do for you, the more the Government can do to you. In this instance drivers are asking the Government to implement legislation in what they believe is their own interest. They believe that through this legislation they will be able to achieve greater security than they have had in the past. However, I will put a case that I believe will show that to be false. Before dealing with the Bill it would be fair to refer to the history leading up to the introduction of this legislation. Towards the end of April last year there was a dispute in the pre-mixed concrete industry that led to a protracted strike, which started in May, because a company introduced new trucks into the industry. Although the strike was initially a protest against only one company, it eventually was directed against the seven members of the Concrete Manufacturers Association.

I have discussed the matter of this dispute with several people who were involved in it, and I should like to quote from a candid report of what a person closely involved in the dispute said about it. I will quote his exact words, which are as follows:

The T.W.U. and the owner-drivers defined the issues in the strike initially as:

1. the need for control over the number of trucks operating in the industry so as to maintain an economic level of earnings for the truck operators;
2. the need to control the number of trucks in the industry to reduce the excessive time spent waiting at the plants for loading.

The T.W.U. maintained that they should be the sole regulating body instead of the present situation where the companies determine the number of trucks in their respective fleets. The motives of the T.W.U. were seen clearly to be a desire to control the industry so that their permission would not be required before additional owner-drivers or additional company vehicles were permitted to operate. . . . Abortive negotiations were held by the C.M.A. with the union on May 6 concerning ways and means of regulating the number of trucks in the industry . . . The following day, May 7, the C.M.A. at its meeting with Mr. McKee—

the then Minister of Labour and Industry—

were directed to sort this matter out quickly with the union and were threatened with the introduction of regulatory legislation if this were not done. The dispute at this stage seemed to be a quite clear cut—

The Hon. J. D. Wright: What are you reading from?

Mr. DEAN BROWN: I have already referred to that, so I will finish the report. It continues:

The dispute at this stage seemed to be quite clear cut over who was to control the industry, the union or the operating companies, and there appeared to be very little area in which meaningful negotiations could occur. The next 10 days involved holding the C.M.A. steady.

The report then gives a detailed, historical record of what happened during the dispute. I have been reading from an account of the dispute given by a person closely involved it it.

The Hon. J. D. Wright: A company?

Mr. DEAN BROWN: A person involved in the dispute. I do not want to refer to it again because it is already in *Hansard*.

The Hon. J. D. Wright: I think you should.

Mr. DEAN BROWN: I ask the Minister to dispute this account at the end of the debate. I know that the previous Minister—

The Hon. J. D. WRIGHT: On a point of order, Mr. Speaker, the honourable member is quoting from a document and expects me to reply to it, but he has not given the authority for the document. Surely it is only proper, if I am to reply, that I should know the authority he is quoting.

The SPEAKER: I cannot uphold the point of order. The honourable member for Davenport.

Mr. DEAN BROWN: I was quoting from a document I quoted previously in *Hansard*, and I said then that it was an account of the dispute. I do not wish—

The Hon. Hugh Hudson: By whom?

Mr. DEAN BROWN: —this debate to be centred around the detail of the dispute. The previous Minister would not refute the statement, so I ask the present Minister of Labour and Industry to look at the *Hansard* record to see what I read out when this matter was debated previously.

Mr. Duncan: We've more to read than fairy tales!

Mr. DEAN BROWN: I ask the Minister to refute the main point I quoted—the two purposes of the strike. It is rather ridiculous for members opposite to rant and rave just because I listed the two clear issues involved in the dispute. Does the Minister agree that the two main reasons for the dispute were, first, the need for control over the number of trucks operating in the industry so as to maintain an economic level of earnings for truck operators (which I believe was widely accepted, because from press reports at that time drivers were asking for that control) and, secondly, the need to control the number of trucks in the industry in order to reduce the excessive time spent waiting at the plant for loading (which, from what I recall at the time of the dispute, was the other point owner-drivers raised; they objected that, while waiting at the plant, they were not being paid and, in fact, they were being paid on the basis of a ton-mile).

I am sure the Government and the Minister would agree that they were the two main issues in the dispute. According to the document I have referred to, the third issue was that it was the former Minister of Labour and Industry who suggested that legislation should be introduced to settle the protracted strike that had occurred. Therefore, the real history behind the introduction of this legislation was an attempt or a promise to settle the dispute. That is important, because it indicates the Government's motives and the real reason why the legislation has been introduced. I have put forward the reasons why the Opposition opposes this measure. From my own viewpoint, I have consistently voted against legislation introduced in an attempt to license and regulate output within a fixed industry. Licensing and regulations should be used to protect members of the public and for their safety and health: such measures should not be used simply to try to create an artificial economic barrier to maintain the security of people in the industry. If these people are inefficient and are not competitive, they should be forced out of business.

I direct these comments to both the owner-drivers and the concrete manufacturers; I am not taking sides in the dispute, because I believe both sides have been wrong in the past, especially when they both agreed (as I understand they did) to have legislation introduced. Perhaps that is where the Minister was getting rather concerned; he may have believed that I implied the C.M.A. did not want this legislation. At the time of the dispute that association asked for legislation. I think this shows the real independence of the stand the Liberal Party has taken in the matter. We are not going to support the C.M.A. or owner-drivers; we will support whatever is in the best interests of the people of this State.

This legislation will create a closed shop as regards concrete trucks. The only way that new trucks can be introduced into the industry is by permission of the board. Government boards have invariably been inefficient and inaccurate in trying to predict the trends in industry. I could name many rural industries where Government boards or semi-governmental or statutory authorities have, by regulations, attempted to control the output or production of those industries.

Mr. Duncan: To save them going to the wall, in most cases.

Mr. DEAN BROWN: In some cases that is so, but I do not believe that it is necessarily in the best interests of the country. Governments have a responsibility during a sharp down-turn in the economy (although it is probably a short-term down-turn) to ensure that the industry concerned is supported on a short-term basis. I do not believe that any Government should maintain support on a long-term basis, say, for 10 to 20 years, for any industry that is inefficient and would collapse without strong Government support. I believe the member for Elizabeth would agree with that policy. Does he agree?

Mr. Duncan: It is surely a case of—

The SPEAKER: Order! This is not the way a debate should be conducted.

Mr. DEAN BROWN: The honourable member made a statement across the floor of the House. If I were in the House of Commons I could give way and ask for his reply by way of interjection.

The SPEAKER: Order! I remind the honourable member that he is in the House of Assembly.

Mr. DEAN BROWN: So the first reason why we are opposed to the Bill is that it creates a closed shop regarding owner-drivers and this of itself means there is less competition between those drivers, and that competition is not improved, because new drivers cannot come into the industry as required.

The second reason is that it creates a closed shop to concrete manufacturers. I understand there are about seven concrete manufacturers in the metropolitan area; I may be wrong there, because I think there have been recent changes in the industry, but 12 months ago there were seven, and probably there are still seven. If a licence is given to an owner-driver and that licence is tied to a specific company, it is difficult for new companies to become established. They

cannot create a large number of new licences for owner-drivers for them to compete against the existing companies. There again I am opposed to the Bill on that account.

The third reason is that the legislation will completely remove competition between the existing manufacturers. Let me give an example: if company A has 15 per cent of the market and company B has 10 per cent of the market, at this point of time when the legislation is introduced they will have licences in proportion to their percentage of the market. If company A, with 15 per cent of the market, decides to become very competitive and increase its sales by 20 per cent or 25 per cent, before it can do that it needs to create extra licences for owner-drivers to operate through its company. Obviously, if it does that, there will be a reduction in the market to the other companies in the industry: company B, say, will drop from 10 per cent to 5 per cent and, if that could happen (I do not believe it can, under this Bill), the people in the other companies would then become redundant and have to drop out of the industry. Of course, it will not operate that way because company A, which is trying to increase its share of the market, will not be able to establish this fierce competition with the other concrete manufacturers. It is unfortunate when we say it is a closed shop and, not only that, but the competition between the manufacturers in the industry has also been destroyed.

The fourth reason why we oppose the legislation is that it will equally destroy competition between the existing owner-drivers in the industry. It is said that certain economic conditions must apply to all owner-drivers, whether or not they are efficient. Everyone will agree that some people can operate a truck efficiently and economically whereas other people, by comparison, operate inefficiently and uneconomically. These are simple human differences and, of course, to a certain extent, indicate the willingness of one individual to work hard and another individual not to. So again there will be a reduction in that competition, because no longer will the inefficient and uneconomic driver need to worry. The legislation, through the operation of this board, will ensure that he is there for good.

Finally, and possibly most importantly of all (because this is how the whole dispute originated), the legislation will not give the security to the drivers that they are seeking. I return to the two reasons for that strike 12 months ago. The first was the need for control over the number of trucks operating in the industry so as to maintain an economic level of earnings for the truck operators. I will put forward a method to solve that in a moment. The second reason was the need to control the number of trucks in the industry to reduce the excessive time spent waiting at the plants for loading. This Bill will not solve that second problem. The reason is that at one stage there may be sufficient work for all trucks but, if a down-turn came in the building industry, as we are experiencing in this State at present, we would see that the demand for concrete and for the existing trucks would fall off. So, although there is a fixed number of trucks in that industry with licences to operate, there would be insufficient work to ensure that they were not spending long times waiting at the concrete plants. So the Bill will not solve that second problem.

There is a far easier and simpler method of achieving the first objective. I share the concern of the owner-drivers for that first area. They want control over the number of trucks in the industry so that they can maintain an economic level of earnings for themselves as truck operators. That is reasonable. The concrete manufacturers can force some of them, unjustly, out of the industry, and they should be given some protection; but that protection should be in the form of the contract they sign with the company. I am suggesting that, instead of in the future owner-drivers being paid on a ton-mile basis, they should be paid a flat rate for every day they present their truck to the company for the cartage of concrete; secondly, they should be paid on the basis of the time spent waiting at the plants either for orders or to be loaded with concrete; thirdly, they should be paid also on a ton-mile basis. The exact rates can, I suggest, be worked out only between the owner-drivers and the manufacturers. If this was done, they would achieve the financial security they want. I understand that all the concrete owner-drivers in England work under a similar scheme: they are paid virtually a fixed amount for presenting their truck, a fixed amount for the time spent on the job, and a fixed amount also for each ton-mile. In this way, they are achieving the first objective, which this Bill will not necessarily achieve.

They are the five main reasons why we, the Liberal Party, oppose the legislation. There are other aspects of it that should be briefly discussed. First, I deal with the board. There will be a board of three members—a Chairman appointed by the Government, a representative from the Concrete Manufacturers Association, nominated by the Chamber of Commerce and Industry in South Australia, and a third member a member of the Transport Workers Union of Australia (South Australian Branch), nominated by the United Trades and Labor Council. It is wrong, in establishing a board to control an industry, to have interested parties involved in that board. The member for Elizabeth groans, but I suggest he go back and read some of the debate that his side of the House presented when the Bill for the establishment of the board and the licensing of petrol outlets was brought before this House, because on that occasion the Premier sternly defended the principle that the people involved must be independent. So it is rather strange that the person who is vying for the position of Attorney-General should have such dramatically conflicting views with his Premier.

Mr. Millhouse: I think he's got the position made. I don't think he has to worry about it.

Mr. DEAN BROWN: He probably does not need to worry, and that is why he has such outlandish views compared with the Premier. The trouble is that that board of three members cannot be expected to make an impartial decision. The Concrete Manufacturers Association representative will represent one of the seven concrete manufacturers.

The Hon. J. D. Wright: Won't he represent them all?

MR. DEAN BROWN: Theoretically he will represent them all but he comes, or is likely to come, from one of the companies involved. He is a member of the Concrete Manufacturers Association, and to be a member of that association he needs to work in the industry. Let us assume that he comes from company A and that there is an application before the board for company B to receive three more licences to have owner-drivers operating in that company. Of course, that person cannot make an impartial judgment. He is there theoretically on an independent basis representing the entire industry, but everyone realises only too well that he is also there as an employee of a concrete manufacturer. The same applies with the representative from the Transport Workers Union. He is most likely to be a transport driver with a licence relating to one of the companies manufacturing concrete. When an application comes before the board, how can he be impartial

if it relates to his own or to another company? There is no chance whatever of that person being completely disinterested in that decision. Therefore, we see that two out of the three people on this board have direct interests within the industry and are, without casting doubts on their propriety, likely to be biased in any decision they have to make. One could only expect that. I ask the Minister to put forward a case to show that these people would not have self-interest in any decision-making.

When this Bill was previously before the House, I went through the clauses individually and discussed them. While I do not intend to do that this evening, I wish to take up one aspect relating to the power of the inspectors. We have had debates previously in this House on the wide powers given to inspectors under the control of boards, and we see, in clauses 14 and 15, that these inspectors have exactly those wide powers. I object especially to clause 15, which provides that the inspectors may enter premises and question any person they find on those premises. That person may be in no way related to the industry involved, but simply there as a visitor. The inspectors may visit a private home and be questioning the wife of one of the people involved in the C.M.A. or the wife of an owner-driver. That person is required to answer all questions, which I think is a great travesty of the justice we know in this country. The clause states:

15. (1) For the purpose of ascertaining whether the provisions of this Act or the conditions of any licence are being complied with, an inspector may at any reasonable time—

and that probably means any time except during the middle of the night—

(*a*) enter any premises in which pre-mixed concrete is manufactured or pre-mixed concrete trucks are loaded or unloaded;—

I see no real objection there—

(*b*) require any person upon those premises to answer truthfully any question put to him by the inspector;

I think that is unreasonable.

The Hon. J. D. Wright: What would the wife be doing on the premises?

Mr. DEAN BROWN: She could easily be there. The inspector can put any question he likes to her, and she is expected to answer truthfully. The Minister realises that that is a ridiculous clause. What if it happened to be a consumer who had wandered in for an entirely different purpose? He is subjected to questioning by the inspector. It is far too wide a power to give to any inspector, and that is shown in the rest of the clause.

Mr. Mathwin: Is he allowed to arrest them?

Mr. DEAN BROWN: No, he cannot do that. I oppose the legislation, the Liberal Party opposes the legislation, and it does so in the interests of the public. I do so also because it will not achieve the objectives the owner-drivers seek. I have put forward positive alternatives as to how those objectives can be achieved. It is time the people in this State started to voice their objections to excessive and obsessive Government control over all sections of our industry, when that control is not in the best interests of the public and of stable, viable, economic growth.

Mr. RUSSACK (Gouger): I oppose the Bill. I notice that it is the same as that introduced in the previous Parliament, and that the former second reading explanation, at pages 2890-1 of *Hansard* for the previous session, is exactly the same as that appearing at pages 713-4 of *Hansard* for this session.

Mr. Mathwin: The only big difference is the Minister.

Mr. RUSSACK: Is there a different Minister? The wording is exactly the same. I should like to read a paragraph from the second reading explanation which is identical to one in the second reading explanation of the previous Bill. It states that the Minister had had discussions with certain organisations.

The Hon. J. D. Corcoran: It is exactly the same Bill.

Mr. RUSSACK: But it is not the same Minister.

The Hon. J. D. Corcoran: It has the same second reading explanation.

Mr. RUSSACK: I shall read the relevant paragraph. It states:

Representatives of the various factions involved (that is, the concrete manufacturers, the employed drivers and the "owner-drivers") approached me at that time, seeking some solution to the impasse and to the various problems involved in maintaining viability in the industry. I had many discussions with representatives of the parties, both alone and together, and the dispute was settled when substantial agreement was reached that the most appropriate solution would be to regulate and control, by way of licensing legislation, the number and distribution of pre-mixed concrete trucks operating within the metropolitan area. On the basis of these terms of settlement, the industry swung back into action without delay.

Mr. Mathwin: Which Minister said that?

Mr. RUSSACK: It could not have been the same Minister on both occasions, because the Minister who was in charge of the Bill previously is not even a member of Parliament now.

The Hon. J. D. Corcoran: It is the same Bill.

Mr. RUSSACK: It might be the same Bill, but I still say no further consideration has been given to the matter since the previous Bill was introduced. The original copy of that Bill was dated February 27, and it was introduced in the House on March 13. There has not been, by the Government or by the Minister, any further consideration of the aspects of the Bill. It was opposed in this House previously, and I see no reason why it should not be opposed again on the same grounds and for the reasons so ably outlined tonight by the member for Davenport. I am not going to speak at length, but I did not have the opportunity to speak on the measure last time. While I do not wish to go over the ground traversed by the member for Davenport, I point out that the Bill states that it is to regulate and control the cartage of pre-mixed concrete; to control the number and distribution of pre-mixed concrete trucks operating within the metropolitan area; and to provide for matters incidental thereto.

I realise that the problem was in the metropolitan area and that the dispute and the parties involved in that dispute who came to the Minister were from the metropolitan area. It is only the metropolitan area which has been involved and to which this measure is to apply. I do not think that this Government realises there are other areas in South Australia. That will be amply demonstrated in the redistribution of boundaries when it comes about. The country is forgotten, but I bring forward this point: in the metropolitan area are pre-mixed concrete firms which have units in country areas, such as Whyalla. I know of one or two units in the town of Wallaroo. If, in the city area, there is a need for further units, it will not be possible for those firms or any other independent owner to come to the metropolitan area to assist during that busy period unless the board accepts and licenses them. I do not think the board will license those in a country unit regarding the city area, because that is the real reason for this measure.

However, the metropolitan unit will be able to go to Whyalla, Wallaroo, or anywhere else in a country area and work there. There is therefore a bias when a comparison is made regarding the metropolitan area. The Bill provides for control, and this is the method that licensing takes. It is a control over a section of industry. Doubtless, in the short term the privately-owned concrete operator will have an advantage but in the long run this could prove a disadvantage when there is a closed shop regarding licensing.

There are disadvantages to those who are not involved, apart from the licensee. There can be an advantage to the licensee regarding the cost of a licence, but what will happen when an owner-operator wishes to dispose of his licence? I suggest that the price of a licence will escalate rapidly, as taxi licence prices have escalated and as quotas have been issued in other industries and the price has increased. This is one disadvantage to those seeking a licence when the licensee has no further use for it.

Whilst the second reading explanation clearly states that these licences are being introduced to solve an industrial problem, I consider that it is the policy of the Australian Labor Party Government to license all sections of industry that it possibly can. The first reason is to have control, the second is to have revenue, and the third is to develop the bureaucracy and extend the Public Service. To substantiate that statement, I will read a paragraph from a second reading speech made in the House of Representatives regarding the Interstate Commission, which, if established, will control transport throughout this nation. That paragraph states:

Apart from the major roles I have referred to, the Bill provides for a possible interstate licensing function by the commission, should circumstances warrant in the light of experience and the passage of appropriate legislation. The possible licensing areas described in the Bill include aircraft, vessels, vehicles or pipelines.

We see that it is the policy and desire of a Labor Government in the Commonwealth Parliament to license transportation, and I suggest that the Government in South Australia would persist with the same policy. This State Government is in this case grasping the opportunity to license owner-operators of these pre-mix units. This could lead to the licensing of other sections of the transport industry. It seems to me that, in administration, development goes step by step. A start is made with one area and then the next step is taken, and I am sure that, if this measure is passed, there will be progression to tip-trucks and to other areas of the transport industry.

As I have said, a similar measure was debated in this House last session and much was said then, so members can read those speeches. The member for Davenport has stated in an able way the points involved and the reasons for opposition to the Bill. I hope that I have given further reasons why I oppose the measure, and doubtless other members will make other points.

Mr. MILLHOUSE (Mitcham): I oppose this Bill as other members have done, but I venture to say that it will pass, because there will be sufficient Liberal members in the Upper House to say that the Government has a mandate to pass it, despite whatever is said by the Liberal Party here.

Mr. Simmons: You're a defeatist.

Mr. MILLHOUSE: I am a realist, having heard what has happened regarding the can legislation. A Bill similar to the one we are debating has been introduced previously and, therefore, Mr. DeGaris will say that it was an issue at the election, that the Government won the election, and that he will vote for the Bill. I consider that the Liberal members are being hypocritical in what they are saying, because they know that the Bill will be passed.

I am not in that position: I genuinely oppose it. I think it is bureaucratic legislation for the sake of bureaucracy and control. No case has been made out that convinces me in favour of licensing this section of industry. If the Bill is passed, the board will decide whether there is any expansion in the industry, and it will decide what direction any expansion will take. If any new operator gets a new contract, if he is successful in getting a tender, he will not have a truck that he can put on the road until he has got a licence from the board, and heaven knows how long that will take.

We will be setting up another expensive board that will have to have staff. Remuneration will be involved. It will cost money that we can ill afford, but I suppose the Government will say, "What is a few hundred thousand dollars?" However, it all adds up. When I say I oppose the Bill, I speak for my three colleagues. Until today I felt confident and thought that the Bill would fail in the Upper House. However, as I said in another debate, the ground had been cut from under my feet on that matter, and I think it probably will be cut from under my feet on this one. If it is, that will be no surprise to me now. However, it would have been a surprise to all of us up until yesterday. I believe that this is a bad Bill for the reasons I have given, and it is a waste of time to spend longer in debating it, because, despite whatever Liberal members down here may say, they know that the Bill will go through with the help of their members in another place.

Mr. COUMBE (Torrens): In opposing the Bill, I want to introduce an aspect different from the aspects raised so far. I want to speak as a man who has had practical experience in this field. The Government has gone about this matter in the wrong way. This extensive Bill, which has been debated before, is bureaucracy gone mad. I would have preferred to see this matter handled through a registered industrial agreement. Those who are familiar with this type of agreement know that my suggestion is feasible. There would have been no need whatever for this type of legislation to be debated if my suggestion were adopted. This Bill is a completely clumsy way of handling an industry.

How does this Bill deal with a problem that has suddenly appeared in the pre-mixed concrete industry? Having seen it first-hand, I will admit that there is a problem. First, the Bill sets up a board to deal with the industry. There will be a Chairman and two board members, and the Bill provides for the usual procedures associated with boards.

A portion of the Bill deals with inspectors, who must be paid. Having read the complicated provisions dealing with licences, I would not want to be an applicant for a licence. Further, other portions of the Bill deal with inquiries, appeals, miscellaneous matters, and regulations. We have all the paraphernalia of a huge Bill that one would expect to deal with a massive industry. Admittedly, the pre-mixed concrete industry is important, but the problem could have been dealt with through a simple registered industrial agreement. There are many such agreements operating today. I do not know the Minister's view on this matter, nor do I know his predecessor's view. Arranging a registered industrial agreement would have been the right way of going about the matter and, if that had been done in the first place, we would not have to consider this Bill tonight.

The Bill sets up yet another control board. Frankly, I have lost count of the number of boards set up to control the people of South Australia. Indeed, there are more boards than there are people to work under them: there

are more chiefs than there are Indians. Here we have yet another Bill setting up another board with three members and umpteen inspectors. Examples of other control boards are the board relating to the licensing of electricians, the Builders Licensing Board, and the board relating to petrol outlets. Under a socialist Government we are rapidly reaching the stage where we will be ruled by a bureaucracy. Let us bring in simple, commonsense legislation, and let us cut out this type of redundancy.

Industrial matters should be handled through the courts. We have a respected Industrial Court system in this State, and I believe that the matter should have been handled through that avenue in the first place. I will not hazard a guess as to who was responsible. This Bill will be costly to the State, and let us remember that it is not necessarily the concrete industry that will pay for the operation of this legislation: it is the taxpayers of South Australia who will pay, as the Minister knows. For those reasons, I oppose the Bill.

Mr. GUNN (Eyre): This thoroughly objectionable Bill was conceived out of industrial blackmail. The Government has bowed to the pressure of Mr. Nyland who, on a previous occasion, has inflicted on the people of this State a set of unfortunate circumstances. Mr. Nyland was willing to hold the people of this State to ransom and to risk the livelihood and welfare of workers and their children on another occasion. What will he do if he gets control of this facet of transport? His sole motive is to get complete control of transport in this State. I have been approached by members of the Tramways Union who are concerned about his undermining tactics in that union. I would not name the person involved, because the Minister and his colleagues would attempt to intimidate that person, who has approached me expressing concern about the activities of Mr. Nyland and his people, who are trying to undermine that union to get complete control. This is a part of the master plan.

What are the benefits of this Bill? Actually, there are no tangible benefits for the people of South Australia; the Minister knows that. This Bill is just part of the programme. The Government passed the Railways (Transfer Agreement) Bill to give all control in that respect to Canberra. The Government would support setting up the Interstate Commission, and this is just the beginning—a test case. We will see many Bills of this nature being introduced to control every facet of transport. Whom will the Government control next? Icecream deliveries, cool drinks, wheat trucks, Mr. Whippy, or what? All these activities will be controlled under the criteria that the Minister and his colleagues have adopted in this legislation.

It is simple, Mr. Speaker, and I hope that you are a fair-minded person, but there will be another industrial dispute deliberately created. The public will be held to ransom, and the unions will go back to work if the Minister will license them. The information has been presented to me by people concerned about the Government's decision. I refer to a letter written on September 17, although I cannot disclose the author of the letter, as I have not been authorised to do so. However, the Minister will know where it comes from.

The Hon. J. D. Wright: This is a new one, getting up and making wild statements.

Mr. GUNN: It states—

The Hon. J. D. Wright: This is—

The SPEAKER: Order!

Mr. GUNN: For the benefit of the Minister I will start again, and perhaps the letter will sink right in, although I doubt it. The letter sates:

Following your request for comments on the Pre-Mixed Concrete Carters Act, 1975, I submit the following notes which you may find helpful.

The Minister will need something to be helpful. The letter continues:

1. Although we know something of the origin of this Bill, we have yet to be convinced that there is a need for legislation of this type. We therefore question the basic need for this legislation.

2. The proposed legislation refers specifically to pre-mixed concrete carters, but we fear that the principle embodied within this legislation may be extended to cover cartage of other building materials with consequent future interference in private ownership and disposition of vehicles for carting purposes.

I think that this group should be concerned, because this is the aim of the Government. Naturally, it will move into other areas as soon as this matter has been tidied up, and there is no doubt about that. The letter continues:

3. Even if there is a rationale for such an Act, we question whether the expense entailed in establishing a board with secretarial staff and inspectors can be justified. This argument is particularly relevant at this time. The fact that Government expenditure is being curtailed on a broad basis is symptomatic of the general picture. All expenditure is being curtailed—

not expenditure on creating bureaucracy which will just curtail the activities of the people of this State—

4. We are concerned as to the possible restrictive effect of this proposed Act on the supply and delivery of pre-mixed concrete to the building industry.

What will happen? The people concerned will be under the direct control of the union, which will cut off pre-mixed concrete whenever it suits the union. We know of the problems the building industry has faced in this State and throughout this nation and, if there is one area that this Government and its Commonwealth colleagues have failed in, it is the building industry, especially in relation to house building. Both Governments have a disgraceful record in that area, and this legislation will only create one more problem for people seeking to own their own houses. The letter continues:

(*a*) We question the reference to "distribution" in the preamble to the Bill.

(*b*) We object to clause 15D (i) on page 6 which extends the powers of the board and its inspectors into the realm of the "manufacturer".

This is typical Labor Party legislation. The Labor Party wants complete control over the every-day activities of all businesses, but it will not insist on the same conditions and requirements for its friends in the union movement. The Labor Party has a double standard. It has two sets of rules: one for the union and one for free enterprise. The letter continues:

(*c*) We object to clause 20 which gives the board powers to issue a licence subject to conditions "which may be prescribed" or "as the board may think fit to include in the licence". We regard it as being improper not to specify clearly the board's powers of limitation of a licence.

People will have to ask Mr. Nyland what conditions have to be attached. If anyone wants to know anything they will not go to the Minister but to the Trades and Labor Council to see Mr. Nyland, and you, Mr. Speaker, have probably had some experience of that gentleman. The letter continues:

(*d*) We also object to clause 20 (2) which ties a licensed carter to a specific manufacturing company. If the manufacturing company ceases to operate or is forced to restrict its output, what happens to the licence holders?

That is a relevant point. What happens to a person who spends a considerable sum to purchase a truck and the concrete company, because of the poor management of the economy by this Government and its Commonwealth colleagues, goes out of business? The man is without a job. He will join the growing list of unemployed; there are now 400 000 unemployed people in Australia and in January the number will be 500 000. The letter continues:

5. We have noted other matters of objection in relation to the administration of the proposed Act, but these will undoubtedly be taken up by those most directly affected.

I have another document in my possession, and it is a letter written by Mr. Nyland.

The Hon. J. D. Wright: You don't mind quoting him, but you won't quote your other source. You haven't got any guts.

The SPEAKER: Order! I ask the honourable member for Eyre to continue the debate.

Mr. GUNN: Thank you, Mr. Speaker. I am having a little trouble with my friends opposite. In a letter headed "Transport Workers Union of Australia" addressed to the Hon. D. H. McKee, Minister of Labour and Industry, the letter states—

The Hon. J. D. Wright: How did you come by that correspondence?

The SPEAKER: Order!

The Hon. J. D. Corcoran: The honourable member can tell us.

The SPEAKER: Order! I ask the honourable member to continue.

Mr. GUNN: The letter is headed "Pre-mixed Concrete Carting Industry" and states:

I refer to the recent prolonged dispute in the above-mentioned industry, going to the matter of the number of motor trucks operating in the industry and in the metropolitan area.

We know who created the problem: it was Mr. Nyland. That was no news at all. Mr. Nyland created the problem, and he told the Minister what power he had, as follows:

I am now pleased to advise that the dispute has been resolved, and work will be resumed after midnight on Sunday, June 2, 1974.

Regarding the conditions for going back to work, it is interesting to observe the involvement of the previous Minister. Mr. Nyland and the previous Minister were really buddies (they were on this occasion, although later they were not) and this is what Mr. Nyland said about the previous Minister:

The resumption followed the acceptance by our members of an undertaking given by your good self, that in the public interest, your Government will introduce legislation into Parliament which will have for its purpose the regulation of the number of pre-mixed concrete carting trucks operating in the industry, and that such legislation will have regard to the interests of the concrete manufacturing companies and the truck operators in the metropolitan area.

Regarding the manufacturers, I doubt whether their interests will be safeguarded at all. Regarding the composition of the board, clause 5 in Part II of the Bill provides:

(2) The board shall consist of three members appointed by the Governor, of whom—

(*a*) one (the chairman) shall be nominated by the Minister;

Who will that be?

Mr. Mathwin: Mr. Nyland.

Mr. GUNN: The clause provides for a second member, as follows:

(*b*) one shall be a member of the Concrete Manufacturers' Association nominated by the Chamber of Commerce and Industry South Australia Incorporated;

That is all right. He will have only one vote. The third member is provided for in the following way:

(*c*) one shall be a member of the Transport Workers Union of Australia (South Australian Branch) nominated by the United Trades and Labor Council.

Obviously, the unions will have control of the board. They will determine its policy, and the people in the industry will not have control over their own industry.

Dr. Tonkin: That's industrial democracy!

Mr. GUNN: It will be industrial blackmail, and not industrial democracy. The Premier tried to pull the wool over the eyes of the people of this State in a programme that he announced earlier. If the Minister wants to see a situation created in which the industry is led into a chaotic situation and in which it will not be profitable for operators to work, let him continue with this Bill, and this will be the situation that will obtain. This is deplorable legislation. It cannot be justified by any sound logic whatever. The Bill is merely creating another bureaucracy. It is merely more jobs for the boys, and provides no benefit whatever to the industry.

It ill behoves the Government to carry on in such a deplorable and disgraceful manner. The introduction of this legislation clearly demonstrates to the South Australian people that they are under the complete control of the left-wing unions of this State. The Labor Party has taken a turn to the left, and the people of this State will be able to see this clearly for themselves. They will not let the Government scrape back next time but will turn it right out. Legislation of this nature will seal the Government's fate. I oppose the Bill.

Mr. MATHWIN (Glenelg): I oppose the Bill, to which I intend to speak only briefly. Members know why the Bill has been introduced. They also realise that the former Minister of Labour and Industry was not too pleased about the situation, as he showed many times. Apparently, the new Minister favours it, as he indicated when he was a mere back-bencher in this place. Now, he is in the box seat, as Minister. I suppose that this Bill is a feather in his cap. The Bill involves the licensing of yet another industry. As my colleagues have said, so many boards and committees are being set up by this Government that one wonders where it will all end and how many more boards will be appointed.

As one of my colleagues said, the board relating to this organisation will certainly be the pick of the bunch. Its Chairman will be nominated by the Minister, and the board will comprise a member of the Transport Workers Union and a member representing the manufacturers' association. I wonder whether the Minister, when he replies, will say whom he intends to nominate as Chairman and how far this board will go. I do not want to deal with the whole Bill, because it is a lengthy one and has been referred to by other members. However, I should like to add my pound of weight to the matters that were brought to members' attention by the member for Gouger, who referred to inspectors and the powers being conferred on them by the Minister. The Minister may, under clause 14, appoint any person to be an inspector for the purposes of the Bill. That inspector will be provided with a certificate of his appointment, and that certificate will obviously give

the inspector the authority which he will need and which, no doubt, he will use on any occasion he deems fit.

What about the powers of these inspectors? How powerful will these men be? They will be even more powerful and be able to do more than a police officer. Under clause 15 (1) (*a*), an inspector may at any reasonable time enter any premises in which pre-mixed concrete is manufactured or pre-mixed concrete trucks are loaded or unloaded. Under clause 15 (1) (*b*), any person on those premises may be required to answer truthfully any questions put to him by an inspector. An inspector will also be able to detain and inspect any pre-mixed concrete truck, and require its driver to answer truthfully any questions put to him. An inspector will also be able to require the production of any book or document relating to any activity being carried on in those premises that he believes on reasonable grounds may relate to the manufacture or cartage of pre-mixed concrete, or to that truck, and inspect, and take copies of, or extracts from, that book or document. Of course, a penalty for a breach of those provisions is prescribed.

It is a pity that the member for Semaphore has left the Chamber because, in relation to a Bill which I introduced and which related to secret ballots having to be held before strike action was taken, he objected to the inclusion in that Bill of penalty provisions. However, in this Bill there is a penalty of $200 for anyone who is naughty or dares to try to hide something. That is the fine that the Minister has seen fit to provide. If a person dares to hinder or obstruct an inspector in the exercise of any power conferred on him, or refuses or fails to comply with any lawful requirement made of him by an inspector, he can be fined $200. Yet the member for Semaphore, who has just left the Chamber, bleated previously because I dared to include in the Bill to which I have referred a similar penalty for a breach of the provision relating to the holding of secret ballots before strike action was taken. The member for Semaphore said that this was degrading and that in no circumstances should that type of penalty be put into effect against trade unionists. Yet it is good enough for the Minister and his cohorts to include in this Bill penalties for breaches of its provisions.

What other powers are these inspectors to have? Before requiring any person to answer a question or produce any book or document, an inspector shall inform that person that he is obliged under this Act to answer truthfully any questions put to him by that inspector or to produce to him any books or documents. The inspector must also inform the person involved that he need not answer any question or produce any book or document if the answer thereto or the contents thereof would tend to incriminate him. A penalty of $50 is provided for a breach of this provision, clause 15. I wonder how far the Minister intends to go in relation to the powers of inspectors. Indeed, I wonder even more when I remind the Minister of the objections he and his back-bench colleagues raised to similar penalties being included in the Bill relating to trade unionists to which I have already referred.

I draw the Minister's attention to clause 20, which relates to the conditions that may be attached to a licence. Subclause (3) provides that no person shall contravene, or fail to comply with, any condition of a licence, the penalty for a breach being $500. For the Government, when things are different they are not the same. We dare not impose a penalty on trade unionists, no matter what wrongs they may do, because that is not right. Of course, the member for Semaphore says that this is entirely wrong. If I remember correctly, he said he had the support of all Government members when attacking me on my Bill. Yet in this Bill the Minister is quite willing to provide penalties of $50 and $500 that can be imposed on anyone who dares to be naughty.

The powers being given to inspectors are far greater than those given to the police. For instance, a policeman cannot stop a person in the street and demand of him all his documents. If, when driving one's car, one is requested to produce one's driver's licence, and one does not have it in one's possession, one is requested to produce it at a police station the next day. However, a police officer cannot demand of anyone all the information that is laid down in this Bill. Yet these powers are being given to inspectors, who will be the overseers of this legislation. This measure sets up the machinery to license another industry and enters the transport field. Such a policy is in line with the plan laid down many years ago by the socialist side of politics. We all know that the pressure exerted to license this industry came from Mr. Nyland, the union's heavyweight, and that the Minister was acting under his instructions. The Minister must therefore jump to it and obey his paymaster in Trades Hall. I oppose the Bill because it is bad legislation and is another area in which bureaucracy, in all its shapes and forms, will control our lives.

Mr. GOLDSWORTHY (Kavel): The objections to this Bill are fundamental because it is a measure that is typical of legislation that is dear to the heart of the Labor Government. This Bill will produce a closed shop in the concrete carting industry. The Labor Party wants that to happen, but we do not want it, unless we can see good reason for it. We believe in a free enterprise system where industry is confronted with reasonable and fair competition to ensure that it is efficient. Unless there are pressing reasons to interfere with that competition, we see no reason for legislation of this kind. However, the Labor Party wishes to regulate just about every area of our life.

Far from being a free society, it seems that we have a proliferation of regulations and controls carrying on along an inexorable path, especially under this Labor Administration. Therefore, the Bill comes as no surprise to the Opposition. As soon as there is industrial trouble the Government says, "Let us regulate it; let us put it under the control of a board to close the shop and sort out the problems." This sort of regulation is not done without cost to the State.

Mr. Venning: Cost doesn't worry them.

Mr. GOLDSWORTHY: True. Bureaucrats decide who can enter the closed shop. This Bill contains clauses that are endemic in legislation containing similar provisions; it provides for a board, for regulations, for inspectors with sweeping powers, for licensing, and for the allied costs. One could just about recite a couple of pages of the Bill, because one has read them so often.

Dr. Tonkin: What about regulation-making powers?

Mr. GOLDSWORTHY: Yes. We can just about recite the provisions under which board members can be removed.

The Hon. J. D. Wright: The people must appreciate it—they keep electing us.

Mr. GOLDSWORTHY: If the Government had its way, a minority would elect it to power. The Government scraped in this time in a tie, by making suitable arrangements with the member for Pirie, so the Minister should not say that the Government has an overwhelming mandate from the recent election.

Mr. Simmons: Are we on an electoral Bill?

Mr. GOLDSWORTHY: The Minister interjected, so we cannot be blamed for replying. The Government wants one-way traffic: it is all right for the Government to interject but not for us to reply. The effects of this legislation are fairly obvious, as are the effects of many other Bills. The board will be set up, inspectors will have sweeping powers, and with a closed shop situation competition will come to an end. The measure contains all sorts of possibilities, but I will not canvass them. With this sort of control the normal forces that operate in this State will not be efficient. One of the most influential forces in this exercise is the Transport Workers Union. We know perfectly well it is influential in most of the disputes where the cartage of goods or people is involved in South Australia. We know what has happened in other areas of the transport industry and how the tentacles of that union can be spread into all areas of that industry. That is what will happen under the provisions of this Bill.

The provisions of the Bill will be introduced at some cost to South Australians. We all know what are the effects of this measure. When conditions are laid down the man wanting concrete will not have a say about when he gets it: he will get it when the people in the closed shop say he will get it. Those conditions will be approved by the T.W.U. and will be fairly tight conditions. Costs will be involved in licensing operators, in registration, and in laying down the conditions under which drivers can work. These costs will be passed on to people who use concrete, mainly builders and contractors. As with all so-called protective Labor Party legislation the costs are passed on to the public. No-one can refute that. Who benefits?

Dr. Tonkin. Mr. Nyland?

Mr. GOLDSWORTHY: The tentacles of his organisation will certainly spread. We are opposed to the legislation on philosophical and practical grounds. In all measures such as this we must weigh up the alleged benefits that will accrue and balance them against the disadvantages. When that is done we have no trouble in deciding that we are embarking yet again on another exercise which is dear to the heart of the Government but which is done at a cost to the public and the State. I oppose the Bill.

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

That the time for moving the adjournment of the House be extended beyond 10 p.m.

The House divided on the motion:

Ayes (25)—Messrs. Abbott, Boundy, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran (teller), Duncan, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Majority of 4 for the Ayes.

Motion thus carried.

Dr. TONKIN (Leader of the Opposition): I oppose this Bill on much the same grounds that all the other speakers on this side have outlined so clearly. We do not undertake to stop the Government moving what is virtually a guillotine, although it is not called that, when this stage of the debate comes along each evening. I find, when talking about the guillotine, that, although it has been used only once by name in this House, in unfortunate circumstances, we have been operating under a guillotine ever since this time table programme was introduced into this House, because that is exactly what a guillotine is—a time table. Because the time table states 10 o'clock each evening, everyone says "That is fine"; but it is a guillotine for all that because, if the business has not been completed by that time, this motion is applied.

The DEPUTY SPEAKER: Order! There is nothing in this Bill concerning a guillotine. I hope that the honourable Leader will stick to the Bill.

Dr. TONKIN: Thank you, Mr. Deputy Speaker, for your guidance. The point is that in the middle of the debate on this Bill a motion has been moved and passed. Having been passed, it must be accepted, because it is the finding of the House; but it is a guillotine applied to the debate on this Bill, and I am well within my rights in talking about it.

The Hon. J. D. Corcoran: You can talk about it until 8 o'clock tomorrow morning if you want to; we are not stopping you.

The DEPUTY SPEAKER: Order! The honourable Leader of the Opposition has the floor.

Dr. TONKIN: Thank you. The point is that we will talk about this Bill, as is our right, as long as we want to.

The Hon. J. D. Corcoran: We haven't put a time limit on it.

Dr. TONKIN: The Deputy Leader says he has not put a time limit on our debate when he has just sat down from moving a time limit.

*Members interjecting:*

The DEPUTY SPEAKER: Order! I stress to honourable members that the honourable Leader of the Opposition has the floor, but I want him to stick strictly to the Bill; I ask him to do that.

Dr. TONKIN: Thank you. Suffice to say we will talk about the Bill, and we will talk about it as much as we think is necessary and will not be in any way inhibited by any action of the Minister of Works.

The Hon. J. D. Corcoran: Go ahead!

The DEPUTY SPEAKER: Order!

Dr. TONKIN: We will do this, even though it means the loss of our grievance debate, and a number of other things. There is no reason for this legislation to be introduced in this House. It is getting to the stage where every matter that touches on any facet of our lives will have to be governed by regulation and legislation. We may just as well say, if we pass this legislation for licences for concrete trucks, that we will need it for every other sort of truck, and we will need licences not just to drive our own cars but to own and operate them, and we will probably have to operate them within strict time limits. We shall probably need a licence to walk around the block, next.

Mr. Wells: You need one.

Dr. TONKIN: This is the ridiculous state of affairs to which we have descended. The regulations that will come from this legislation will completely tie up this industry. The pace having once been set, all facets of this industry, and the transport industry, will be affected. It is not a matter for regulation in this House. Certainly, the present Minister was not the Minister of Labour and Industry when this legislation was first dreamed up: it was his predecessor in office who came to terms with the

officer of the Transport Workers Union, that wellknown Mr. Nyland, and saw in the settling of the strike that had occurred a golden opportunity for the Government to intrude into what should have been purely industrial matters; that is exactly what this scheme is all about.

Mr. Harrison: And then the Opposition appealed to our good offices to settle the strike, remember?

Dr. TONKIN: At least, the honourable member has a good office, but I do not know what he does with it.

Mr. Wells: Order!

The DEPUTY SPEAKER: Order! The honourable member for Florey is out of order, and I hope he keeps within the bounds of Standing Orders in future.

Dr. TONKIN: Thank you, Mr. Deputy Speaker, he has frequently been out of order. This was a golden opportunity to introduce a measure of control into the concrete truck industry and extend to other trucks and the transport industry generally. The whole matter should have remained in the industrial arena as a matter of negotiation and arbitration. It was a matter of agreement, and it is significant that, since this legislation was previously introduced in the House, the general situation has been remarkably good. There must be every possibility of an agreement being reached between the concrete manufacturers and the concrete carters. It must be possible, and indeed events have shown that it has been possible. Each party is dependent on the other. They must reach agreement, they can, and they have. There is no need for the Government to intrude in this sphere. It is a redundant intrusion, an impertinent intrusion, an intrusion designed for political ends, and nothing more.

I distrust the motives of the Government in introducing this legislation. It is extending Government control, and it is certainly against the principle, as we know it, of freedom of the individual. It is totally opposed to all Liberal principles, and I totally oppose the Bill. I suspect that the Minister himself does not really want this legislation aired. I suspect that, in his heart, he can see the nonsensical aspects of it. It is absurd, as I have said. We will get to a situation where it will be necessary to have a licence to do almost anything, including natural functions, I would think, if this Government has its way. No-one denies the difficulties experienced by owner-drivers. I believe there is every possibility that those difficulties may be overcome in the near future by discussion with the concrete manufacturers. I believe that new agreements can and will be reached and that the heavy financial burdens and risks that have concerned the owner-drivers so much in the past can be obviated. I believe they will be much better off, but I do not think they will be any better off at all by Government intrusion in the matter. If they maintain and build on their present agreement to their mutual advantage, the situation will sort itself out to everyone's advantage and to the advantage of the community. I trust that good sense will prevail. I do not think that the Minister really wants this legislation. I am sure he cannot see any real need for it, and I am sure he can see how stupid it is.

Mr. Dean Brown: Otherwise he must be thick in the head.

Dr. TONKIN: I would not say that. I think he is a very acute Minister, well aware of the problems. I think he has a great deal of insight.

The Hon. J. D. Wright: Did you say "cute", or "acute"?

Dr. TONKIN: I said "acute"; I meant sharp. I am sure the Minister can see that there is no need for the legislation. It is an intrusion by the Government for intrusion's sake. It will achieve nothing that a little common sense and discussion around the table cannot achieve a whole lot better and a whole lot faster. I oppose the Bill.

The SPEAKER: The honourable member for Fisher.

The Hon. J. D. Wright: I wish you'd put your name down!

Mr. EVANS (Fisher): I oppose the Bill.

Mr. Duncan: Surprise!

Mr. EVANS: It may be a surprise to the member for Elizabeth, but we have a different attitude of mind to private enterprise and initiative, and to using one's own ability to get on in the world. This Parliament is reaching the stage where the Government starts to get a bit edgy because members wish to speak on certain legislation. I was disappointed that the Liberal Movement members crossed the floor on an earlier issue. I believe that we had set down 10 o'clock for the normal closure of business—

The SPEAKER: Order! I draw the honourable member's attention to the matter under discussion. The matter he is discussing now is not relevant to the Bill.

Mr. EVANS: I was to tie it up with the final comment, which I did not get an opportunity to make, that the move was made to extend the discussion tonight on this measure. I have no objection to that, but I have an objection to the attitude of mind that seems to be developing. Because someone belonging to a Party has spoken on a measure it seems to be considered now that that is the total Party viewpoint; in other words, if we are elected to this Parliament to speak on this or any other matter, we should take some other person's comment as our own. This is being looked on as a Party House, not as a House of individuals elected by the majority of people in various districts to speak on their behalf.

The Hon. J. D. Corcoran: We extended the time, so you can go on.

Mr. EVANS: I was commenting not about the time but about people becoming niggly because members want to speak on this issue. The Minister in charge of the Bill, by way of interjection, asked why I had not put my name down. My name was down to speak on this issue.

The SPEAKER: Order! I must bring the honourable member back to the Bill before the House.

Mr. EVANS: I opposed this Bill previously, and I oppose it again. It will add a cost to the industry; there is no doubt about that. It will also add a cost to the community, to the people who pay the taxes, whether it be the person paying the lowest or the highest tax. The burden will be increased because of the bureaucracy being set up. I know you, Mr. Speaker, would support that point of view, because that is your philosophy. It has been clearly shown that the Labor Party and you, Sir, as the member for Pirie, support the socialist philosophy to the last letter, and that has been shown in the immediate past. That is what this Bill is, and the owner-drivers of pre-mixed concrete trucks will be disillusioned if they think the Government is doing this for their benefit. They will be caught in the socialist net that will attempt to take over the whole of the transport industry.

Mr. Nyland is the king pin in that operation and I know, Sir, that you would support him to the hilt and so would members of the A.L.P., to which Party you belonged and

to which Party you will belong again in the very near future. This measure will not help the industry in the slightest degree to solve its long-term problems. For a few months Mr. Nyland and those who support him in disrupting industry will go quietly, but then they will be back again in any part of the State to cause greater trouble. Unfortunately, some other members of the private operator field with trucks are looking to Mr. Nyland for licensing on this basis. The Minister knows it is not a sensible move. The building industry, and especially the housing industry, is in the worst situation in which it has ever been in this State. The cost of housing in comparison with salaries is at the highest level it has ever reached, and inflationary trends in that industry are greater than the prevailing inflationary trends within the community, as well as being greater than the inflationary trends in salaries. Yet, we are setting out to create another burden for the potential house-owner. I totally oppose the measure, Mr. Speaker, and am satisfied beyond all doubt that you will not, that you will give your wholehearted support to it.

The SPEAKER: I must call the honourable member to order. He must not reflect on the Chair or assume what the Chair will or will not do.

Mr. EVANS: Mr. Speaker, I apologise: I am satisfied beyond all doubt that the member for Pirie will support this legislation, and I therefore oppose it.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): One thing about my legislation is that it certainly promotes discussion. Whether I believe in this legislation or not (and I have been accused of not having believed in it and it has been said that the legislation has not my full heart or support), I certainly now, after listening to some speakers from the other side, believe in it.

It is essential to point out to the House that the reason for this legislation has a historical background that was produced by the people in the industry, the workers in industry, the people who paid much money to own their trucks. In fact, some of these vehicles cost between $30 000 and $40 000. If such an individual is not entitled to some security and a stake in what he is doing, I am not sure who is. On the other side, the Concrete Manufacturers Association also supported legislation originally. If there is any doubt about that statement, let us look at the agreement that has been in operation since 1974, when this legislation was ordained. To the best of my knowledge, there has not been a deviation since then from that agreement, but I believe that there is a sound reason for that: that is that this legislation has been hanging over the heads of all concerned in this industry. Since the formation of the agreement, which was handled by my predecessor, the Hon. Dave McKee—

Dr. Eastick: Capably?

The Hon. J. D. WRIGHT: I think the agreement has been very capably handled. I think it gives absolute protection to the people to whom I have just referred. If they are not going to have a guaranteed type of work with that sort of investment, I am not sure where they will finish. Let us consider the situation. They can be brought to work each day, not knowing what they will get, how many hours they will work, or how many loads they will get, but they can be faced with a situation that the employers caused in the first instance, to increase the number of trucks available in the metropolitan area or the outer fringe of it, thereby decreasing the amount of work available to these people.

That is what caused the dispute. It is no good members opposite saying all kinds of things about Jack Nyland. I will have all members know, and I will have it known publicly, that Jack Nyland is one of the most respected trade union officials in South Australia. If he gives his word, a person can depend on it. He has never in his life broken his word, whether it was given verbally or by signed agreement. To the best of my knowledge, irrespective of what statement that man makes, he has never broken his word. It is absolute hassle for members opposite to try to blame one individual for the disputation that occurred in this industry. We know very well that that cannot be so. There must be a decision by rank-and-file members. Incidentally, I have had the opportunity to discuss this whole matter with truck drivers in this industry, and a finer bunch of fellows I have never had the opportunity to speak to. They are a very respectable group of fellows who can sit down and rationally discuss all the problems of their industry. Having had that opportunity, I am more convinced than ever that they need protection. There is no question of that.

The member for Davenport has said that an agreement could cover this situation. I suppose it could if both parties would agree, but the situation has developed since the dispute in 1974, when the then Minister of Labour and Industry (Mr. McKee) thought he had developed an agreement which would work in the industry which would lead to this legislation. Since then there has been a withdrawal from this situation. I will refer to correspondence, not from the former Minister but from Mr. M. C. Johnson, an officer of my department. It is addressed to the Minister and it states:

Following the deputation that waited upon you on March 20, 1975, from Quarry Industries Limited regarding an alternative to the Pre-mixed Concrete Carters Bill, a conference was held on April 28, 1975. Present were representatives of the Transport Workers Union, Quarry Industries Limited, the Concrete Manufacturers Association, and the South Australian Chamber of Commerce and Industry.

Mr. Johnson states that he chaired that meeting, and his minute continues:

Full and frank discussion took place on the eight points raised in Mr. Leverington's submission to you. He did not obtain support from the Concrete Manufacturers Association.

There is the first indication of a deviation from an agreement that was being formulated by the companies and Quarry Industries. I am not sure whether Quarry Industries is a member of C.M.A., and I am not very concerned about that, but before this minute was drawn there was certainly an agreement between those bodies. The minute continues:

Of course, this made it relatively easy for the union to sustain its point of view that the appropriate answer to the problem in the industry is the legislation as proposed by the Government. Mr. Nyland did, however, compliment Mr. Leverington on his submission indicating that it could well be an additive to the legislation. I informed the meeting that the Government's present intention was to press ahead with the legislation and not to consider additives—rather Mr. Leverington's proposal was seen as an alternative and as that, did not gain the support of interested employers it therefore must fail as an alternative to the legislation.

That minute was dated April 29, 1975, and it is clear from it that C.M.A. was then prepared to support not only the agreement but also legislation. This is proved beyond any shadow of doubt.

Mr. Dean Brown: Do you do what C.M.A. wants?

The Hon. J. D. WRIGHT: I am not saying that we do what C.M.A. wants. I am saying that we do what the general parties in this dispute wanted. The major parties

were the Transport Workers Union and C.M.A. That situation cannot be denied. The majority of people in the industry wanted to formulate an agreement and subsequently to have legislation to stop this disputation in the industry. I will table this correspondence, and that is more than the opponents of this Bill were prepared to do this evening. I think two dangerous precedents were allowed to enter this House this evening, and both came from the side opposite my Party. The member for Davenport quoted from an authority but was not prepared to name it. We still do not know whether he was telling lies or not. There was also the member for Eyre. Never mind about the Leader of the Opposition tut-tutting: if members are going to have enough courage to quote an authority in this House, I think they are duty bound to state who the authority is. Otherwise, there is no way of checking it. I could easily have moved that the correspondence be tabled, and my motion would have been carried, because of the numbers in the House. I did not do that, but I warn members opposite that, if they quote authorities associated with my legislation, they must say who the authorities are, because I will be quoting my authorities. There is little doubt that this proposal was going along in 1974 in a way agreed by all parties. They were happy to have it and they were concerned to stop disputation in the industry, but something happened between the time the agreement started to work functionally in the industry and the time the Minister was able to get the legislation into the House. Subsequently, Parliament was dissolved, and we now find that the parties involved in the employing side of the industry are no longer concerned about the legislation. It is obvious that speakers on the other side have conferred with the C.M.A. and Quarry Industries and other employers and that they no longer require this Bill.

Mr. Dean Brown: And with the union.

The Hon. J. D. WRIGHT: I am sure that the Transport Workers Union would not inform the honourable member that it did not want this legislation. Did the honourable member bother to talk to members in the industry? The member for Fisher could tell us something about that if he wanted to. He could tell us about the reception he got from members in the industry after he called them all sorts of bad names in this House. I would not repeat the names, in case it got into the press in the wrong way. The way he talked about members in the industry was positively disgusting; the press reports, which I can produce, reveal that. The member for Fisher has not got up in this House and apologised. Further, he has not told us about the consultations he had with them. I am told that, after the consultations, he was a very subdued member of Parliament and he was almost agreeing with the legislation after he had consulted with these people. Before the member for Davenport becomes critical—

Mr. DEAN BROWN: I rise on a point of order, Mr. Speaker. The Minister quoted a source concerning the member for Fisher. Can the Minister tell us from whom he obtained the information?

The SPEAKER: There is no point of order. The honourable Minister of Labour and Industry.

Dr. TONKIN: I rise on a point of order, Mr. Speaker. Is the Minister quoting from a Government docket or an official document and, if he is, will he table it?

The SPEAKER: There is no point of order.

The Hon. J. D. WRIGHT: The document from which I am quoting presents no problem; I am quite willing to table it. There is nothing devious about me in connection with quotes, but I could not say that about Opposition members.

Mr. Dean Brown: Name your source concerning the member for Fisher!

The Hon. J. D. WRIGHT: I cannot name individuals. The leader of the deputation was Mr. Jack Nyland, who brought the members along to see me. I cannot give the names of the other people, because I cannot remember the names. I make no apologies for what I have said. Almost every speaker tonight has, without very much thought, referred to the cost of setting up the board. Personally, I would not object to the cost if I was seeing an industry free from disputes and if I was seeing ordinary working people able to invest sums, probably for the first time in their lives (up to $40 000), with protection and a guaranteed periodic return. However, because of the non-interest of members opposite in the welfare of those working people, those members raised all the humbug in the world, particularly in connection with the cost. I shall read from the following minute, which can be tabled, regarding costs that was sent to the previous Minister:

I have attempted to compute the cost of establishing the pre-mixed concrete carters licensing Bill. It is not easy, because I do not know the amount of time that will be necessary both initially and in the long term. It seems that approximately $4 000 per annum could be regarded as a reasonable figure, made up as follows: fees to members of board, $850; proportion of salary of officer in the department acting as Secretary, $1 250; proportion of shorthand typist, $450; printing and stationery per annum, $165; postage per annum, $35; travelling expenses, etc., of inspectors, $250.

The total cost suggested at that stage by an officer in my department, Mr. Johnson, was $4 000—an absolutely negligible cost if we are going to protect these people in this industry. The last item mentioned in the document is inspectors' travelling expenses. This is another item that was knocked about by Opposition members, who alleged that inspectors had sweeping powers. If we are going to set up this type of legislation, we must have inspectors. The same principle applies to shearers accommodation legislation and legislation dealing with safety, health and welfare. If inspectors could not establish who was operating in the industry, there would be chaos and we would return to the very situation that we are trying to avoid. So, clause 15 is legitimate and consistent with other legislation.

Much was said tonight about the formation of the board. The member for Eyre is fast developing into the Liberal Party's hatchet man. He condemns every possible Bill and criticises me whenever I answer a question in this place. He thinks that he is frustrating me, but he is not; he is only making me more determined. He even questioned the integrity of the Chairman of the board; that was an insult. The member for Eyre does not even know who the Chairman will be. One of the Opposition members challenged me to nominate the Chairman, but I do not know who he will be. This Bill has not yet been passed. So, how can I determine who the Chairman will be? He will be as independent as possible, and he will carry out the determinations of the board, which will be independent. He will examine licences and the problems of the industry, and he will report on them. The honourable member is casting acrimonious comment on the Chairman, and we do not know who he will be at this stage. The same could be said about every Chairman of a board in South Australia and, if that is what that honourable member's Party means, why does it not say that, and say it loud and clear. Of course, members opposite would not have the guts to do that.

Mention was also made of other individuals on the board. Great play was made about the fact that one member would come from industry and one would come from a trade union. Where else should the board members come from? Much knowledge of the industry would be required of members of the board, especially in the initial stages. Board members would have to come from the industry, and I cannot see a fairer way of appointing them. One member will come from the Concrete Manufacturers Association and, if the other organisations involved in the industry as employers do not want to join the C.M.A., that is their prerogative, and they need not do so.

The legislation clearly spells out that one member should come from the C.M.A. and the other from the transport union. Of course, representatives will be looking after the interests of those on their side of the fence in industry, from whichever side they are appointed. The great knowledge that such people can impart to the board is important and, with the addition of an independent Chairman, we believe that this measure can work and function in such a way that for the first time we shall have guaranteed peace in the industry. Concerning guaranteed peace, it appears that this section of the industry is one of the most acute and important sections of the building industry in South Australia. There is no doubt that in the three-week stoppage last year the industry almost came to a standstill, because these operators play such an important and integral part in the industry.

I am reminded that at the time the dispute was taking place (and although members opposite do not want to accept any legislation that will in some way control stoppages of the type I am referring to) they did not have enough bad things to say about that strike and, like every other strike, they attacked it. However, when we try to provide a method of solving disputes emanating from this industry, honourable members do not want that.

Dr. Tonkin: How will this legislation solve disputes?

The Hon. J. D. WRIGHT: It will solve them because the only disputes which occur in this industry result from the limited number of people who work in it and, when employers want to increase this number of operators, the operators consider they will be deprived of part of their regular income. That is the cause of the disputes. It is not over a direct wage claim or a direct hours claim. It results from the limited number of operators in the industry. What we are trying to prevent by this legislation is the breaking of the limit. As I stated earlier, to the best of my knowledge the agreement has been working since the operative date in 1974, but the only reason it is working is that the legislation has been hanging over the heads of the companies since that time. I commend this legislation to the House.

The House divided on the second reading:

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

Noes (23)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown (teller), Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

The SPEAKER: There are 23 Ayes and 23 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"The board."

Mr. DEAN BROWN: During the second reading debate I asked how someone from the Concrete Manufacturers Association, representing a specific company, could take an independent stand when an issue arose which was found directly or indirectly to affect that company. This applies equally to the Transport Workers Union representative on the board. If he and the Concrete Manufacturers Association representative both came from the same company, which is possible, two of the three people on the board therefore having a vested interest in one of the companies, we could not possibly expect the board to make an impartial decision. I should like the Minister to explain (because he certainly did not do so in the second reading debate) how we can expect these people to be truly independent.

The Hon. J. D. WRIGHT (Minister of Labour and Industry): I covered this point in the second reading debate. I reiterate that the Concrete Manufacturers Association has the prerogative of electing, from within its own membership, someone to go on the board. The Transport Workers Union has the same prerogative in relation to its representative. I said when closing the second reading debate that these people would necessarily be knowledgeable about the industry. It would be essential for people of this calibre to be appointed to the board, particularly in its initial stages. As there will obviously be problems, the people on the board will need to know what is happening in the industry.

I could give analogies relating to presidents and vice-presidents of different employer organisations who represent many bodies in Adelaide and who have been selected from individual companies. If the argument that the member for Davenport has raised was valid, obviously the people representing organisations generally but coming from one specific organisation could not be independent. In those circumstances, they would be biased. However, I believe they will not be biased and that they will act as well as the other members of the board.

Mr. RODDA: Will the Minister say why it has been necessary to include clause 5 (3) in the Bill? Is it because there has been no co-operation? I should have thought that the industry would be only too pleased to submit a nomination. Despite this, clause 5 (3) gives the Minister undoubted powers to make certain people toe the line.

The Hon. J. D. WRIGHT: This is a valid question. I said in my second reading explanation that there was co-operation between all parties. I used the word "was" advisedly, because I cannot say that that co-operation is effective at present. I am not sure about this, although I am not saying that it is not effective. However, in all the circumstances, if a board member died and either of the organisations concerned decided not to fill the position, the board could not function. In those circumstances, the Minister will have the power to appoint a new member.

Mr. DEAN BROWN: The Minister did not answer my question satisfactorily. I therefore ask it again in simpler terms so that he will understand it. If, for instance, the C.M.A. representative came from Quarry Industries and if, by chance, the person representing the Transport Workers Union also happened to drive for that same firm, and another company, say, Readymix, applied for three extra

licences so that it could take on three extra owner-drivers, how could that board, with two of its members coming from Quarry Industries, make an impartial decision? Of course, it could not do so, even if those concerned had the best intentions, as I accept that they would have. I urge on the Minister that the board must comprise a majority of members without there being a vested interest in any decision that must be made. A possible solution would be for two other independent members to be appointed to the board, so that three of its five members would be impartial in relation to any decision that had to be made. The board, as it is intended to be constituted, would certainly not be in the interests of everyone in the industry.

The Hon. J. D. WRIGHT: I understand that the number of operators in the industry will be shared on the basis of the requirements obtaining at any time, and whatever requirement has been fixed will apply when the board sits and determines the matter of licences. If any replacements need to be made thereafter, or if someone wants to transfer from one company to another company, the board will be able to determine that membership is interchangeable. Surely that is an answer to the honourable member's question.

Mr. Dean Brown: No.

The Hon. J. D. WRIGHT: I do not want to labour the point. If the honourable member is not satisfied with my reply, I am sorry. I cannot give a further explanation.

Mr. DEAN BROWN: I assure the Minister that he has not answered the point I raised. My next query relates to board policy, and I think this is probably the clause on which I should raise this matter. I presume that, if and when this Bill passes in another place, each concrete manufacturer will receive a number of licences for owner-drivers, depending on their present sales within the entire industry.

The Hon. J. D. Wright: I have already said that.

Mr. DEAN BROWN: That is what I understand. I presume that that percentage will remain fairly fixed in future. But what would happen if, say, Quarry Industries wanted to increase its sales by 15 per cent by reducing the price of readymix concrete? How could it suddenly obtain the extra drivers to cope with the new demand? Are we in this Bill also imposing price control on readymix concrete? I think that is exactly what the Minister is doing in this Bill. If these firms all have the same percentage of the market, the Bill will virtually have the effect of price control. On the other hand, manufacturers could impose high prices knowing that there was no longer any competition between individual manufacturers in the industry. I should like the Minister to explain how the board's policy will change, particularly if a company decides that, because of a change in technology, it will reduce its prices by 10 per cent, thereby forcing other manufacturers to do the same. I think the Minister will agree that, unless there is vigorous competition between companies, there will be no real control on the ultimate price being paid for concrete.

The Hon. J. D. WRIGHT: We are certain not to see many price reductions; there has not been much evidence of them recently, so it is hypothetical for the honourable member to raise the question of price control in this measure.

Mr. Dean Brown: What—

The Hon. J. D. WRIGHT: I did not interrupt you.

The CHAIRMAN: Order!

The Hon. J. D. WRIGHT: You asked a question, so if you want co-operation you will get it, but if you interrupt me you will not get it. I am doing my best to explain it and to be tolerant.

The CHAIRMAN: It is not "you"; it is "honourable member".

The Hon. J. D. WRIGHT: Thank you, Sir, for bringing me back to the clause. It is not correct that there is any price control; in fact, prices are not referred to. I have already explained that a certain number of operators will work in the industry and that that work will be shared between the general manufacturing employers in the industry. If there is to be a deviation from that policy the board will have control over it, not the Minister. The Minister cannot say what the board should do. Surely such a simple explanation should be understood. The board will have power to allot licences where it sees fit to do so. It is evident to me that the board would continue on that basis.

Clause passed.

Clause 6—"Deputies."

Mr. DEAN BROWN: As I had asked my limit of three questions on the previous clause, I could not raise further matters. Because this clause still relates to the board, I can raise a question about board policy. The Minister has not put sufficient thought into how this legislation is to be implemented. I have raised a technical problem and the Minister cannot say what guideline the board will have to solve those problems.

The CHAIRMAN: Order! This clause relates only to deputies, not to the board in general.

Mr. DEAN BROWN: Clause 5 related to the appointment of board members; I am dealing with the deputies, so I see no reason why I cannot discuss board policy.

The CHAIRMAN: The honourable member is out of order unless he refers to deputies.

Mr. DEAN BROWN: Will the Minister therefore appoint deputies who will understand the economics of the industry and who may appreciate some of the important economic effects of true competition in the industry? Will he also ensure that any such deputies are appointed (and I hope he will replace immediately at least two members of the board with deputies) so that the board is independent and can make rational economic decisions. It is disgusting that we should proceed with this legislation, when the Minister cannot say what is board policy.

Clause passed.

Clauses 7 to 14 passed.

Clause 15—"Powers of inspector."

Mr. DEAN BROWN: As far as I can ascertain, it seems that inspectors can enter premises without producing identification, but I will stand corrected on that. Under clause 14 the Minister furnishes an inspector with a certificate of appointment, but I cannot ascertain in clause 15 that he must produce that certificate. Not to produce such identification is a complete infringement of the civil rights of any democracy and is contrary to issues raised by the Premier in relation to other legislation.

The Hon. J. D. WRIGHT: I believe there is a provision, but I cannot see the requirement for the inspector to produce the certificate. However, it is clearly stated that he must be issued with a certificate. Usual practice is that an inspector is issued with a registration certificate and, upon request (under the provisions of other Acts), he must produce that evidence of his identification. I agree with that principle and believe that if requested to identify himself he must produce the appropriate certificate from the Minister of Labour and Industry.

Mr. Dean Brown: He must produce it under subclause (5).

Mr. RUSSACK: Under subclause (1) (*d*) an inspector can require the production of any book or document relating to any activity being carried on in those premises, etc. Does this mean that the inspector can inspect any document or book and take extracts from them on the premises, or does it relate only to the truck?

The Hon. J. D. WRIGHT: It is similar to other legislation where inspectors have certain rights relating to the inspection of company documents. If an inspector visited Quarry Industries or Readymix Concrete he would have the right to inspect the company's books. There is no departure from normal in this provision; it has applied for many years, and I can see no quarrel with it.

Clause passed.

Clauses 16 and 17 passed.

Clause 18—"Grant of licences."

Mr. COUMBE: I direct the Minister's attention to subclause (2) (*b*), which reads:

that the applicant is neither carrying out nor involved in any unfair or improper practice in the business of carting pre-mixed concrete.

Can the Minister say what is an "unfair or improper practice"? This is a provision that would prevent an applicant from receiving a licence. This is a fairly broad phrase and the Minister should be finite in his description of what is an "unfair or improper practice".

The Hon. J. D. WRIGHT: My view is that it would be an "unfair or improper practice" in this regard if an operator was infringing the boundaries set by this legislation: for example, if he entered an area, like the South-East, that he was not supposed to enter under the terms of this legislation, that would be an improper practice. The other improper practice that I can see would be that he was undercutting the rates in a certain industry.

Dr. EASTICK: I move:

In subclause (3) to strike out "July, 1974," and insert "October, 1975,".

I do not want the Minister to think that the Bill as amended would be acceptable to members on this side of the Chamber. No doubt, he will use his numbers to roll the whole measure through, as he indicated earlier that he had the numbers.

The Hon. J. D. Wright: I never said that.

Dr. EASTICK: I can tell the Minister when he said that recently. If the Minister uses his numbers, the Bill should at least leave this House in a reasonable form. To allow it to proceed in its present form would make it unacceptable to those persons who, since the first announcement by the Government, have acquired a business or a truck by purchase, by succession, or in some other way. This clause, as presently worded, is contrary to the spirit in which the Government introduced the Bill. I think the Minister will accept that anyone at present in the industry should be permitted to keep on in the industry and have the benefit of an automatic licence, subject to applying for one and paying the fees. The suggested date is the date upon which a person already in the industry should have the benefit of automatic registration. I think I have the Minister's assurance that the Government will accept this amendment as an improvement to the Bill.

The Hon. J. D. WRIGHT: I accept the amendment. There was no intention to deprive anyone at present in the industry of the right to apply for a licence. It is obviously an error that should have been picked up. I apologise for it and commend the honourable member for bringing the matter to our attention.

Mr. RUSSACK: I support the amendment. Can the Minister say how many pre-mixed concrete trucks are now operating?

The Hon. J. D. WRIGHT: I understand between 190 and 200. It varies somewhat, depending on the people leaving the industry. The last time I had discussions on it, that was about the figure; it would still be close to that, in the metropolitan area.

Amendment carried; clause as amended passed.

Clause 19 passed.

Clause 20—"Conditions may be attached to a licence."

Mr. DEAN BROWN: Is this the area in which a licence would be issued to an owner-driver and a condition of having the licence would be that he would then operate within a certain company? When the original agreement was made between the Minister, the Transport Workers Union, and the Concrete Manufacturers Association, it was agreed that any such licence must be tied to a certain concrete manufacturer, even though the owner-driver held that licence. No indication has been given of the sort of conditions that would apply. Is this the provision dealing with that?

The Hon. J. D. WRIGHT: Clause 20 empowers the board to impose conditions upon the holder of a licence. Subclause (2) specifically empowers the board to tie so-called owner-drivers to certain concrete manufacturers. This means that the big companies will be apportioned some independent truck operators, and it is in those circumstances that the board would have the right to determine transfers, fill vacancies, and so on. Obviously, it is impossible to confine one's activities and one's employment to the one employer for the rest of one's life, although one may want to stay in the industry. It is in this area that the board will function, to a great extent. It could advertise, if it so desired, on behalf of people who wanted to transfer from one employer to another and could then devise a workable arrangement whereby, in the case of two operators who wanted to exchange employers, it could arrange for those licences to be transferred. There is no direct attempt in the legislation to tie any operator to a certain employer for the rest of his life.

Mr. DEAN BROWN: Under subclause (1), can the Minister indicate whether he intends to attach any other conditions to the licence? The power is there for the board to insert other conditions in the licence. Does the Government intend to recommend to the board that other conditions be placed on the licence?

The Hon. J. D. WRIGHT: The Government does not intend that. The board will function in its own right. There will be no instruction by the Government to the board—it will act on its own. I have tried to explain that on at least three other occasions.

Mr. CHAPMAN: Will the Minister explain the position in the metropolitan area where an operator seeks to gain business outside the metropolitan area? I appreciate that the whole licensing system applies to metropolitan operators operating in the metropolitan area and operators outside the metropolitan area and that those operating outside the metropolitan area are not required to be licensed. As I understand it, there are circumstances where the metropolitan based owners take their equipment and work outside the metropolitan area. I do not suggest that that should be stopped, but there are occasions when the country operator seeks to come into the metropolitan area during his flat season, and under the licensing system

at present he is prevented from doing so. Can the Minister appreciate the anomaly there, that the whole of the country area outside the metropolitan area is open to the metropolitan operator, and the reverse is the situation with regard to the country based operator who seeks to come into the metropolitan area in his flat season.

The Hon. J. D. WRIGHT: I agree that an anomaly could exist in this regard. I took this matter up with representatives of the owner-drivers and explained that, if they wished to prevent country people from coming into the metropolitan area, it was wrong for them to go into the country. They told me that there was no intention on the part of any of the drivers to do that, and they are willing to have a provision written into the certificates of registration and the licences to the effect that they operate only within the boundaries of the metropolitan area.

Mr. RUSSACK: Some firms owning their own units could have units in Adelaide and others in Whyalla. As it is necessary to license only the units in Adelaide, they could not bring their own trucks from Whyalla to Adelaide at peak periods.

The Hon. J. D. WRIGHT: We are licensing owner-drivers, not trucks; there is a difference. The trucks belonging to the manufacturers would have drivers, and they are permitted to operate the trucks. They are employed by the company. One is an employee, the other an owner-driver.

Mr. RUSSACK: If a firm owned trucks and employed a driver, could it bring its units from, say, Whyalla to Adelaide to operate in the metropolitan area?

The Hon. J. D. WRIGHT: Yes, as long as the number required by the board for registration was not exceeded; if that number was exceeded, obviously the answer would be "No". This is concerned with the whole purpose of the legislation, and people floating in and out as they liked caused the original disputation and strike.

Dr. EASTICK: Will those who operate on the fringe of the metropolitan area and who are registered under the provisions of clause 18 be permitted to function in both areas? People who work on the outskirts of the metropolitan area, just east of Gawler, do most of their work in Elizabeth and Salisbury. I believe they are covered.

The Hon. J. D. WRIGHT: They are within the required number.

Clause passed.

Clauses 21 and 22 passed.

Clause 23—"Licence not transferable."

Mr. RUSSACK: I have expressed the fear that licences could become valuable; if one wished to go out of business, any operator could buy that licence. Do I understand that that would not be possible and that, if a person wished to discontinue his interest as an owner-driver, his licence would be cancelled? Is that the case, or can he sell the licence?

The Hon. J. D. WRIGHT: This provision prevents trafficking. We were concerned about this aspect when the legislation was being drafted because we know that, in other driving spheres, licences have become valuable. That cannot apply under this provision. The licence must go back to the board to be allocated to someone else, on application. I think the honourable member's fear is without foundation. The board will have complete control over the licence at all times, and there will be no passing of licences from one individual to another.

Mr. RUSSACK: If a person wished to sell his unit, would it be possible for the intending purchaser to apply for a licence before he actually owned the vehicle so that the person selling could be assured that the sale would go through?

The Hon. J. D. WRIGHT: The unit could be sold privately, but that would not be selling the licence at the same time. The purchaser would then have to apply for a licence. He could not obtain it previously, because the number laid down by the board would then be exceeded.

Mr. RUSSACK: Would he have to buy it and take the risk? He might not get the licence.

The Hon. J. D. WRIGHT: That is right. It is up to him.

Mr. WARDLE: I do not believe any person would purchase a concrete-mixer truck unless he had an assurance in principle that he would be granted a licence. No-one would put out $20 000 without a guarantee of getting a licence. I should like further information on this point.

The Hon. J. D. WRIGHT: I do not think I can explain it any more clearly. The clause is designed positively to prevent trafficking. We do not want the situation to arise in which the licence is sold with the truck, because everyone will want to sell, and the situation will become untenable. We do not want the licence and the truck to be sold as a combination. If a customer wants to buy a truck, that is his responsibility. He must then apply to obtain a licence. I do not see how a licence, under this legislation, could be granted previously, because the number of licences available would then be exceeded.

Mr. WARDLE: Many licences are granted in principle before a purchase is made. I agree with the Minister that the licence should not be sold with the truck, because that would involve trafficking. At the same time, a person cannot be expected to put out the money involved in ready-mix trucking without some assurance in principle that his application will receive sympathetic consideration, or at least that the quota has not been exceeded and that the board sees no reason why he should not be granted a licence.

The Hon. J. D. WRIGHT: I rest on what I have said. I have tried to explain it, and I cannot take it any further.

Mr. RUSSACK: A man may have $20 000 invested. I understand that mostly the prime mover belongs to the owner-operator and the bowl and moving parts belong to the company. A person buying a unit would have to make sure that he could get the company's approval to have the bowl and work for that company, and he would have to be assured that he would get a licence. No-one will spend, say, $12 000 for a secondhand truck until he is so assured.

The Hon. J. D. WRIGHT: The Premier has told me that, in law, there is a conditional contract for purchase. Why should one person who is buying the unit have an advantage or guarantee in getting a licence over someone who may have a better unit or a worse one, or a person who may have wanted to get into the industry all his life? One person could have applied 10 years earlier.

Mr. BLACKER: How can a potential operator get into the industry without the licence? If a conditional provision is attached to it, it will not operate in any case. There is the matter of key money, and we find the same thing in the fishing industry.

The Hon. J. D. Corcoran: That's what we're trying to stop.

Mr. BLACKER: I appreciate the motives and hope that that could be done, but this has failed in the fishing

industry in regard to key money. The practicalities make it impossible to operate this provision.

Mr. WARDLE: If one man is leaving the industry, can another man apply to the board and get a licence before he needs to purchase the truck?

The Hon. J. D. WRIGHT: It is clear from the last reply I gave that there cannot be an advantage over someone who wants to get into the industry, in favour of the person who is buying the truck from someone working in the industry at that time. The honourable member is putting to me that there ought to be an advantage for the person going into the industry and buying a machine for which there has been a licence. That is unfair. If one person wants to leave the industry, 50 other persons may have applied or may intend to apply. Surely all applications should be treated on their merits.

Mr. DEAN BROWN: Can the Minister give an assurance that, if this provision is implemented and if a driver decides to relinquish his licence and he works for a particular company, the new licence will be issued to an owner-driver who will operate within that company? There would be chaos if the new licence could be issued to an owner-driver who wished to drive for a different company.

The Hon. J. D. WRIGHT: I stated this evening that was one real reason for introducing the legislation. I will not dictate to the board, which must organise itself properly, but obviously that licence would have to go back to where it came from, to the company.

Dr. EASTICK: A person in the industry may die. Regarding the estate of that person, the truck and licence will have a value on which probate will be paid. What opportunity will there be for the widow to quit that equipment at the value at which she will need to pay probate, unless there is a guarantee that the licence or unit is saleable for immediate use?

The Hon. J. D. WRIGHT: I understand that the prime mover is the property of the owner-driver and that the mixing part is the property of the company. The prime mover could be used in another industry if the mixer was taken off the back. In any case, does it really matter? The licence will not be worth any amount, and we are trying to ensure that there will not be resaleable value attached to it. The assets of a person in any industry must be sold when a person dies. I cannot see how we can give that sort of protection here and not anywhere else.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The honourable member has suggested that there is some difference in value for succession duty purposes between the prime mover, on sale, and some notional value on which duty will have to be paid; that is not so.

Dr. Eastick: In connection with a taxi or a fishing vessel, it is.

The Hon. D. A. DUNSTAN: I am sorry; there is no value in this licence, and there is no inheritance of the licence, either. In these circumstances, a piece of equipment is valued for succession duty purposes, and succession duty and probate duty, if probate has to be sealed, will be paid on that, and there will not be any difference in the two figures.

Mr. WARDLE: Mr. Chairman—

The CHAIRMAN: Order! The honourable member has spoken three times and, under Standing Order 422, he may not speak again.

Mr. BLACKER: Let us take the case of someone who wants to get out of the industry and put his unit on the market. What value can he expect to get for a unit that might have cost $20 000 and might have a replacement price of $20 000 but, to a person without a licence, it is scrap value? Assets that have been invested in the industry are not worth a cracker to anyone else unless he has a permit. How can a person attempt to get into the industry? Does he buy equipment at a give-away price and take a chance that he will get a permit? Or, does he get a permit and then try to get a unit?

The Hon. J. D. WRIGHT: There is no negotiating for a licence. The board will determine who will get licences. The operators are well aware of the situation; they are the people who want the legislation. It is not possible to allow people to barter on the outside for the value of the truck plus the licence. If a person buys a truck, he is taking a risk as to whether he will get a licence, because there may be 50 other applicants. A person should not have an advantage or a disadvantage in respect of other applicants.

Dr. TONKIN (Leader of the Opposition): Probably the Minister has not made a very good attempt at explaining this matter. I have been informed that the answer really is that, if someone has a licence and a truck and if he wants to get out of the industry, he can make a sale conditional on the person concerned obtaining a licence. If he does not obtain a licence, the sale is off. That is the only way in which it can be done. What has not been answered by the Minister is this: what guarantee has the person to whom a unit has been conditionally sold that he will get a licence?

The Hon. J. D. WRIGHT: I rise on a point of order, Mr. Chairman. It has been claimed that I have not made a point clear, but I have made it very clear. There can be no guarantees given in connection with licences. I have made it clear five times.

The CHAIRMAN: That is no point of order.

Dr. TONKIN: I am not saying that the Minister has not made that clear. It is just not clear how it will work. If the industry is closing down and a person cannot get a licence, he must sell the prime mover to some other sector of industry. I imagine that, once a contract has been made conditional on obtaining a licence, a person can have the truck. It is a question of which comes first: the chicken or the egg.

The Hon. J. D. WRIGHT: It has been made perfectly clear.

Mr. Venning: Nothing about this Bill is clear.

The Hon. J. D. WRIGHT: You wouldn't know.

Mr. DEAN BROWN: I rise on a point of order, Mr. Chairman. The Minister must not refer to the honourable member by the term "you".

The CHAIRMAN: I ask all honourable members to refer to other members as honourable members.

The Hon. J. D. WRIGHT: The Premier, a lawyer and Attorney-General, explained the matter exceptionally well. The point I am attempting to make is that there is no guarantee that a person will be able to buy a truck and also get a licence. I am not going to give guarantees that the truck and the licence go together. That is defeating the purpose of this clause, and we do not want trafficking to occur in the industry.

Mr. BLACKER: Do I understand from the Minister that, for a person to vacate the industry with equipment

worth $20 000, he has to sell it on the open market at below replacement value, say, $7 000—the value of the prime mover?

Clause passed.

Remaining clauses (24 to 34) and title passed.

The Hon. J. D. WRIGHT (Minister of Labour and Industry) moved:

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

Mr. DEAN BROWN (Davenport): I wish to comment briefly on the Bill as it has come out of Committee. It is totally unsatisfactory, and the Opposition will vote against it. The unfortunate part was that the Minister made such a shameful effort in trying to answer questions in the Committee stage, and we find that we are now no better enlightened as to how the legislation will be implemented. We also now see that the only reason the Government has implemented this legislation is that the Transport Workers Union has requested it. For the Government to act purely on the request of the trade union and against the better interests of the people of this State is a disgraceful effort. I think that the Government should be ashamed of being so much under the control of the union involved that it will act in favour of that union rather than in the interests of the general public. I oppose the legislation.

Mr. BLACKER (Flinders): I also add my voice of opposition to the Bill as it has emerged from the Committee stage. I do so because of the answers given by the Minister in explaining the actual working of the permits. His explanations, which were certainly not adequate, appear to render the system totally inoperable. I believe that a licence situation will be created which will be similar to that currently being faced by the fishing industry. I see grave problems for the Minister and his department, or whoever is responsible for administering this legislation. I believe that the industry will rue the day that it agreed, if it did agree, to this system of licence transfers. I am concerned and I do not believe that the industry was fully aware of the final implications of this legislation, especially the disabilities that people in the industry will suffer in trying to vacate the industry, and the financial losses that they will incur. I have no alternative but to oppose the Bill.

Mr. RUSSACK (Gouger): I oppose the Bill. I am concerned, because I understood from the Minister that no-one could apply for a licence unless he first possessed a truck and the necessary equipment.

*Members interjecting:*

The SPEAKER: Order!

Mr. RUSSACK: I am saying what I thought was the situation and what has been said in replies given to me. The Premier suggested that in another Act there was provision to overcome the situation, and I desire further information about it. The Minister of Works suggested that a truck could be purchased conditionally, and that seems to be in direct conflict with what the Minister in charge of the Bill has stated.

The Hon. J. D. Corcoran: It could be a contract entered into subject to a licence being issued.

*Members interjecting:*

The SPEAKER: Order!

Mr. RUSSACK: As I earlier stated, there could be a short-term advantage to owner-operators but, irrespective of the replies that have been given, I have doubts about whether owner-operators can dispose of equipment under easy and simple conditions, or whether potential owner-operators can purchase equipment enabling them to enter into this field if the board allows another licence. Because of these factors, and for reasons stated earlier this evening, I oppose the measure.

The House divided on the third reading:

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

Noes (23)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown (teller), Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

The SPEAKER: There are 23 Ayes and 23 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes. The question therefore passes in the affirmative.

Bill read a third time and passed.

## PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (CITY PLAN)

Adjourned debate on second reading.

(Continued from September 11. Page 710.)

Mr. COUMBE (Torrens): At this late hour, I will be mercifully brief, and as succinct as possible, in indicating my support for the Bill. The Bill seeks to extend the life of the City of Adelaide Development Committee by six months to December 31, 1976. This is a special committee which operates only in the city of Adelaide and which has been charged with the responsibility of producing a plan for the city's future development, building on the foundations laid down by Colonel Light and our earlier settlers, which we hope will set the pace for the future. It will be an imaginative plan.

It is necessary for this plan to be assessed in a correct manner so that as few mistakes as possible will be made. A large plan was produced following the appointment of consultants. Some members may have seen that plan, which was a large, square, red document. It was then publicly displayed, and literally hundreds of protests were lodged as a result. The City Council asked for opinions and protests to be lodged, and I personally lodged one. I also attended many seminars and participated in many discussions on this matter, particularly in North Adelaide.

As a result of the submissions that were received, the City Council and the committee got to work and produced a further plan which is now exhibited and a copy of which I have in my office. It went on display on August 14, and, if any member wishes to go to the City Council's exhibit in Pirie Street, he can see that plan. The public display is to close on November 14, so that from that point on any submissions, protests or suggested alterations will be considered, as those which have already been lodged may be being considered at present. It is proper that they should be on display, especially as a result of the experience gained when the first plan was displayed.

As the display closes on November 14 and the Act expires on June 30, there would have been little time for the planners and the City Council to get this matter under way. I should like this to be the best possible plan we can get, as much money and time has been spent on it. I have studied the latest plan, which is a big improvement on the first one. However, because there are still areas of doubt in my mind, I may be submitting suggestions on this matter. I support the Bill, because it is logical that the life of the committee should be extended a further

six months to December 31, 1976, as it will take some time to consider the plan and put it into operation.

The original plan that was submitted contained a model Bill. A Bill must be introduced into this Parliament to give effect to many of the recommendations contained in the committee's report. Having studied the matter, I warn members that this will be a substantial Bill indeed. During the life of the committee some controversial decisions have been made. There has been some controversy in North Adelaide, involving the Adelaide Children's Hospital and other places. In other areas, some good decisions have been made. However, the committee is still in operation.

The point I want to make strongly is that, when the original legislation was introduced before the present extension occurred, a definite limit was placed on the legislation so that the control of the city of Adelaide would return to local government and not be in the hands of this special committee, which, incidentally, comprises members of the City Council, some expert planners, and is chaired by the Lord Mayor of the day.

One problem which has occurred and which has caused me, as the member representing North Adelaide, some concern is that, while this committee is operating, the city of Adelaide is under interim development control. There has been a rash of town house construction in North Adelaide. Some of these town houses are delightful; others are not so delightful. Indeed, I have received complaints from residents, who have said that their properties are being overlooked by some of these town houses. I understand that while we are under interim development control there is, unfortunately, no third party appeal. This is a fact of life with which we must live. However, I do not want to see this situation unduly perpetuated.

I have made my point clear in this regard. However, I believe that the committee will need to use much discretion. I understand that there are some good developments in the city, although other projects are being held up unduly. I should like to see some of these developments proceeding because they are indeed worth while. That is why, once this plan is developed, I want to see all control of this matter transferred to the Adelaide City Council. I therefore indicate my support for the Bill.

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

## ADJOURNMENT

At 11.31 p.m. the House adjourned until Thursday, October 2, at 2 p.m.