HOUSE OF ASSEMBLY

Thursday, February 12, 1976

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

FOOD AND DRUGS ACT AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

PETITION: SUCCESSION DUTIES

The Hon. J. D. CORCORAN presented a petition signed by 118 residents of South Australia praying that the House would amend the Succession Duties Act to abolish succession duties on that part of an estate passing to a widow.

Petition received.

QUESTION

BANK BOARDS

Dr. TONKIN: Will the Premier explain why the same three people have been appointed to the boards of both the Savings Bank of South Australia and the State Bank of South Australia, and whether it is his policy that other similar appointments will be made? An examination of the annual reports of both banks held by the Parliamentary Library shows that until 1973 there had never been a person who had been a member of both boards at the same time. Yet, since that time, appointments have been made which have resulted in three people holding positions on both the Savings Bank and the State Bank boards at the same time. There is no dearth of admirably qualified people who could serve the State in these positions, and the present situation could not possibly be the result of pure coincidence. It is suggested that the position is the result of a definite policy or plan designed to merge the operations of the two banks, and the Premier must clarify the situation for the people of South Australia.

The Hon. D. A. DUNSTAN: The Leader has not been here very long. Obviously he has not taken notice of what has happened in debates in this House where members on his side of the House have applauded the Government's policy of having some common membership on both bank boards.

Mr. Gunn: Answer the question!

The Hon. D. A. DUNSTAN: I am. If the honourable member does not like the reply I am giving, I suggest that he keep quiet and listen to the rest of it, but I do not suppose he will like the rest of it either. The Government's policy has previously been set forth clearly in replies to debates in this House. We believe that there is no conflict of interest between the State Bank and the Savings Bank of South Australia, both of which are State-owned banks. If South Australia is to give through the State banking system a full service to the people of this State, it is desirable that some of the services be integrated and the policies of each bank and its organisation be known to the other bank. I do not know whether the Leader is now criticising the people who have been appointed to both bank boards. He is prone to making personal criticisms of people who have been appointed in these areas and then saying, "Having said that the appointments they have accepted are contrary to propriety and are productive of conflict of interest, I am not condemning them at all." That is the attitude the Leader takes.

The appointment of Mr. Seaman (Chairman of the State Bank board, a former Under Treasurer of this State and one of the most respected public servants in the State's history) to the Savings Bank board has been wholly useful to that board. A course has been followed by both boards, supported I may say by both boards, including the former Chairman of the Savings Bank board (Mr. Jeffery), of providing agency services on the part of each bank for the other bank. In order to undertake that course, it was necessary to have some commonalty in bank board management. That was a sensible and proper procedure. The appointment of Mr. Howell to both boards was discussed in this House and fully explained at the time. The appointment of Mr. Bakewell as a member of the State Bank board preceded his appointment as Chairman of the Savings Bank board, it having been previously recommended to me that the Chairman of each board should be on the other board. That procedure has been followed, and it has been followed in accordance with recommendations made to me from both bank areas; it is perfectly proper. I appreciate that the Leader of the Liberal Party in this State has a horror of the idea that community enterprises in this State should be effective in giving service to the people of this State. He takes every possible opportunity to misrepresent, distort or attack them. That is what he is doing today. The Leader is doing his usual knocking job on the cherished institutions of this State.

MOTION FOR ADJOURNMENT: OVERSEA TRIPS

The SPEAKER: I have received the following letter, dated February 12, 1976, from the honourable member for Mitcham (Mr. Millhouse):

I desire to inform you that this day I will move:

That this House at its rising adjourn until 1 p.m. tomorrow for the purpose of discussing a matter of urgency, namely:

That both the Government and the Liberal Party should follow the example of the Federal Government by cutting down their quite scandalous spending of taxpayers' money to be incurred on the extravagant oversea trips proposed by the Premier, the Minister of Mines and Energy, the Minister of Labour and Industry, the Leader of the Opposition, and those accompanying them during the coming interval between sessions of Parliament; that trips on the scale presently proposed are not justified; and that the expenses to be incurred, estimated at about $100 000, should be halved at the least either by not taking so many persons with them or in appropriate cases relieving the State of the burden of paying for such persons by allowing them to pay their own way.

I call on those members who support the motion to rise in their places.

Several members having risen:

Mr. MILLHOUSE (Mitcham): I move:

That the House at its rising adjourn until 1 p.m. tomorrow.

That is the formal way of initiating this urgency motion and debate on a matter which I regard as of great urgency. I appreciate the support I have had from most members of the Liberal Party in my move to have this matter debated in this way today. In taking this course, I am responding to the invitation that was given me so cordially by the Premier yesterday when he opposed my effort to suspend Standing Orders to have the matter discussed there and then. I am pleased that I have at least this opportunity; it is not as good a method of having a debate on this matter as yesterday's method would have been, but I am glad to have at least this way of ventilating the matter in the House.

This is not as good a way, because, by custom, this is a motion which is talked out, and no vote is taken on it. What I wanted particularly was a vote to see where every honourable member stood but, in the nature of this procedure, no vote can be taken. However, we will perhaps get an expression of opinion from members regarding where they stand. As my motion makes clear, I do not complain about the trips themselves. I believe that, in the interests of the State, on a moderate scale some such trips are often justified: what I complain about in the present climate of opinion is the extravagant way in which particularly the Government is going about having a holiday at the taxpayers' expense during the long interval between the sittings of this House.

I will deal, first, with the Leader of the Opposition and his trip, because I know from the comments that appear in today's *Advertiser* that he is anxious to have an opportunity to explain why he has fallen for the Premier's trick, which is what it is. The Premier wants to go on a long trip and take five people with him. Three Ministers, I think, are going overseas. The very neat way of muzzling the Liberal Party is by offering the new Leader of the Opposition a trip. He accepts and, thereafter, the Government is immune from any criticism from that quarter for what is a scandalous waste of money. That is the position. I am complaining not about the trips in themselves necessarily (although I think there are too many of them) but about the extravagance which we see and which was revealed in the replies to my Questions on Notice on Tuesday. Let me remind members, particularly those of the Liberal Party, of the attitude of their Commonwealth colleagues to this matter. We know that the Commonwealth Government, which they support, is calling for restraint and for an example to be made of restraint. In an effort to restore confidence in the community, to set an example of restraint would be a good way of going about it. I remind members of the Liberal Party (I do not expect members of the Labor Party will be influenced by this) what their Commonwealth Leader said in his policy speech about oversea travel.

The Hon. Hugh Hudson: Since then two have gone overseas.

The Hon. G. R. Broomhill: You can't take any notice of what he said.

Mr. MILLHOUSE: As I have said, I do not expect this to affect Government members, but I suggest that it may have, or should have, some effect on the Liberals. This is what Fraser said:

> There will be an end to Government extravagances and excesses. There will be no international safaris by members of Parliament. The purpose and nature of oversea trips will be subject to clear guidelines. Australia does not need a tourist as Prime Minister.

That is a fairly clear indication of the attitude of Commonwealth colleagues of members of the Liberal Party here, yet the Leader of the Opposition, within weeks of that having been said, is willing to accept from the Government a trip for himself, his wife, and his newly appointed press officer to go overseas at an expense estimated at $20 000, as stated in the reply to my Question on Notice on Tuesday. To compound this situation it is only 12 months since his predecessor as Leader of the Opposition went overseas on a similar trip at, I think, an expense to the taxpayer of $16 000; when he came back he was pretty smartly sacked and replaced by the present Leader. What the State got out of the trip made by the member for Light last year I do not know, and I do not know what the State is likely to get out of the trip by the present Leader of the Opposition, either. He is going to study problems of migrants before they migrate: that is the only reason given in the newspaper for his trip, and on that I must rely.

The Hon. Hugh Hudson: What do you think the State got out of your trip?

Mr. MILLHOUSE: I spent much time abroad in the United Kingdom and United States of America studying the law of abortion, and that subject was the burning issue in the subsequent session of Parliament, as the Minister and his colleagues will recall. I gained much information and knowledge and was able to see at first hand the workings of legislation on that topic in other places. When I returned I tried (I believe to some extent successfully) to pass that information on. I believe there were some tangible results from my trip. What on earth the Leader expects to find out about migrant problems by going to the other end I do not know. I do not believe there will be any tangible benefit from his trip. I do not necessarily want members to rely on what I say. It may be said that I am a little biased on this matter, although I am not. What did we see concerning this matter in the *Sunday Mail* in January in Max Harris' column? He summed up the position well indeed, and part of what he said is as follows:

> Dr. Tonkin has fallen for the old three-walnut trick. He's accepted an overseas junket at public expense and by courtesy of the State Government. It's exactly opposed to the strategy which the Prime Minister has expounded. . . . By falling for a jolly free overseas holiday Dr. Tonkin has sullied the image of the Liberal Party's new austerity plans. And he's weakened his hand quite pathetically. How can he scrutinise State Government indulgences with brutal honesty and ruthlessness, when he's taken his share of the travel hand-out system which has become a rather dubious part of the South Australian way of life?

That is correct, and I expected to see an answer to that in the *Sunday Mail* the next week, but there was none. I will now attack those who most deserve the criticism but who will not be criticised except from this corner of the Chamber, and they are the Premier and the Ministers who are to go overseas. The other day, when I asked the reason for the trip of the Premier and those who are to go with him, I was told that the Premier is to leave on April Fool's Day (a most appropriate day for him to go, and some of us would wish that he did not come back) and to visit Malaysia, Iraq, Libya, Algeria, Austria, United Kingdom, Yugoslavia, Poland, U.S.S.R. (Russia and Siberia), and Japan. He will have talks in Malaysia with the Government, apparently, on the involvement in northern regional development. In other places he is going to do other things.

I fail to believe we are going to get much tangible benefit out of this. He is taking with him to all places but Malaysia Mr. Bill Davies (Director-General for Trade and Development), Mr. John Holland (Chief Administrative Officer), Mr. R. Dempsey (Executive Assistant), Steven Wright (Personal Secretary), and Kevin Crease (Press Secretary). What on earth can be the justification for taking so large a party, unless it is that the Premier wants their company as personal friends? He cannot in any way justify taking so large a party of persons. In Malaysia, he will be accompanied by Mr. Bob Bakewell and Ms. Koh, who will be there instead of Messrs. Holland, Dempsey and Crease, who will apparently catch up with the party later. This is an unmitigated and unqualified waste of money for the Premier's personal pleasure and enjoyment at our expense. I do not believe that we will get any reasonable return for what is now estimated as $45 000 of the taxpayers' money. I bet that,

if this trip goes ahead in its present form (and no doubt it will despite what I am saying now), the cost will be considerably higher than that.

Who else is going on a trip? The Minister of Mines and Energy is going, and in his usual arrogant way he would not even tell the House what the cost of the trip will be. "Usual Ministerial expenses" whatever that means was the answer to my question. The Minister of Labour and Industry is also going overseas, and his trip is expected to cost $19 000. I protest at the extravagance of these trips, and there is widespread protest througout the whole community about them. As I do not believe that this matter should go unventilated in this place, I took the step yesterday of trying to suspend Standing Orders and today of moving an urgency motion. These trips, and I speak with due deference to you, Mr. Speaker, are in contrast to the visit that you are soon to undertake. Your trip was announced in August and, as I understand it, you are to pay for your wife to accompany you. I believe that example should be followed by members on both sides of the Chamber. If they want to take as many people as they do, they should bear the financial responsibility for them. Most of us have been abroad and know there is no need to have others with us; one can travel on one's own unless one is frightened, or gets lonely. There is no compelling need for a Minister, or anybody else, to be accompanied on a trip; let that be denied by no-one.

I do not complain, necessarily, about the trip, but I complain most bitterly about the extravagance of it, particularly when we remember how many trips the Premier has had in the past. He has been to Penang, the south of France and other places; year after year, at this season, he goes abroad. He went to Penang last December; he was away for eight weeks from April, 1975; nine weeks from May, 1974; and in November and December, 1973. I did not go back any further than that. What has the State got out of his trips? I do not know of any tangible result for what must be the expenditure, on him, of several hundreds of thousands of dollars. I have moved this motion because I want to have the matter ventilated. I am indignant about it, and there is widespread indignation in the community.

The Hon. D. A. DUNSTAN (Premier and Treasurer): It was to be expected that the honourable member would do something of this kind, because there are, unfortunately for him these days, few ways of grabbing a headline except to go on with some kind of populist nonsense of the kind we have heard this afternoon. He has spoken in this House in the past week and what he has said has not been much reported, so he has altered his tactics. That has not got him terribly much either.

Mr. Millhouse: Come on, get to the substance of it. Personal abuse!

Members interjecting:

The SPEAKER: Order!

Mr. Millhouse: Justify this trip and those you have taken before.

The Hon. D. A. DUNSTAN: The honourable member has referred to personal abuse. After the way in which he has spoken about other members in this Chamber this afternoon and after the abuse he has directed at Public Service officers and the relatives of members I suggest he sit and take a little himself for a moment. The honourable member likes to dish it out, but he never likes to cop it in return; he gets restive. I suggest he remain calm for a moment. He has suggested there is some gross extravagance of an unusual nature as far as the State is concerned. I look back to the time when the honourable member was a senior Minister in a Liberal Government and when there were four Ministers of his Government overseas. One of the first things done by his Leader was to go overseas on a trip which was stated to be of great importance but the return of which to the State still escapes me.

Mr. Millhouse: Would you care to say how many people accompanied Steele Hall on that occasion compared to the number who accompany you?

The Hon. D. A. DUNSTAN: Yes, and I will give quite specific reasons for the number who accompany me. The honourable member started out by attacking the Leader on the basis that the Leader had fallen for some three-card trick by accepting an offer from the Government. That is not true in any way. The position is that the Opposition was notified (I think two years ago) that it was the Government's view that the Leader of the Opposition should be able to make a trip overseas apart entirely from the study tours for back-benchers of this Parliament which are made available every year and which were sought and then endorsed by the Commonwealth Parliamentary Association. As a member of that association, the honourable member could have raised questions in the Parliamentary Association about these trips if he wished. In addition to those trips, it was our view that the Leader of the Opposition, as the head of an alternative Government, ought to be able to take a trip overseas once every three years, accompanied by his wife and a member of his staff. That facility was availed of last year by the former Leader of the Opposition. There was no communication from me subsequent to that to the new Leader of the Opposition. He approached the Government and said that he now wished to take that trip that was available to the Opposition in this three-year period, and the Government, of course, said "Yes", because that was the undertaking that we had given to the Opposition.

I did not make an offer or approach, or anything of that kind. I did not set out to perpetrate a three-card trick, or three-walnut trick, or whatever it is, on the Leader of the Opposition. He knew that, within this three-year period, on a trip he could inform himself about issues that he saw as vital to this State and, doubtless, as vital to the State as the honourable member's investigation of abortion was. As to that, the honourable member went overseas to study abortion, came back, and advised the House to vote against the very Bill that he had introduced, and the House did not take his advice.

Mr. Millhouse: That's absolutely untrue.

The Hon. D. A. DUNSTAN: I do not know what result the honourable member thinks came to this State from that exercise at public expense.

Mr. Millhouse: That's completely and utterly untrue.

The Hon. D. A. DUNSTAN: The honourable member knows that what I have said is correct.

Mr. Millhouse: No, it's not.

The Hon. D. A. DUNSTAN: Anyone who looks at the debates on the Bill dealing with abortion law reform will see that it is true.

Mr. Millhouse: It's completely and utterly wrong.

The Hon. D. A. DUNSTAN: The honourable member was a little embarrassed about saying trips should not be taken, because he had been himself, and other members of the Steele Hall Government had been, including the honourable member's Leader. So the honourable member

is saying that the Leader is wrong for falling for some three-card trick, which I have explained did not exist, and that the Government is wrong not because trips are being taken but because somehow or other they are too expensive. The honourable member has criticised the number of staff I have with me. I point out to the honourable member that, in the case of implementation of policy in the Premier's Department, it is not only necessary for me to be involved in negotiations and investigation of material that will then be of relevance to the implementation of policy, but it is also necessary for senior officers involved to have the same first-hand information themselves.

Mr. Millhouse: Are all the officers you are taking senior officers?

The Hon. D. A. DUNSTAN: I will explain what senior officers are there and why the others are there. In the first place, the first two senior officers involved with policy are the Director-General for Trade and Development (Mr. Davies), who will be involved directly in the negotiations that we have in relation to the Middle East contracts, and the Executive Assistant (Mr. Dempsey) of my department, who is directly responsible for assisting me in policy matters. Those two officers are directly involved in the policy area, and Mr. Dempsey sits in when all heads of departments or senior executives come into my office. He is involved directly in policy activity.

The Chief Administrative Officer of my department is with me for a quite different reason. He is not there to inform himself or to have a holiday. I point out to the honourable member that it is acknowledged in this country by those who do not adopt the jaundiced view of the honourable member that I have a very much heavier administrative burden than has the head of any other Government in this country.

Mr. Millhouse: Haven't you got a competent Deputy?

The Hon. D. A. DUNSTAN: Of course I have, but it is inevitable that what happens in day-to-day administration in South Australia requires my attention whether I am here or not.

Mr. Millhouse: Are you as indispensable as that?

The Hon. D. A. DUNSTAN: The people of South Australia think so, and so do my Party and Deputy. I know how much importance the honourable member's political group and the Opposition place on that fact in their political activities. That can be seen from day to day in the consultations they have with special consultants who inform them how to behave politically and about whom we know. The honourable member should surely acknowledge that, since there are major day-to-day matters of administration that must concern me, I must have an officer responsible in that area who keeps in constant touch with South Australia so that I can be consulted by my colleagues and my department on matters of importance.

Mr. Millhouse: I've never heard you more conceited than that.

The Hon. D. A. DUNSTAN: I appreciate the honourable member's accolade because he would be the best judge in this Chamber, from personal experience.

Mr. Millhouse: Get on with the others.

The Hon. D. A. DUNSTAN: As to my Private Secretary's going with me, the honourable member previously in this Chamber has acknowledged that it is natural that a Private Secretary accompany a Premier wherever he goes and, in fact, that happens with Mr. Wright. However, he happens to be not only my Private Secretary but also a security officer, and on advice to us from the Commonwealth Government, it is necessary for me to have a security officer in some of the areas to which I am going. Mr. Wright is not only an expert Secretary: he happens to be a dead shot and a black belt Karate expert and, if the honourable member wants to test that, he will find it obvious.

My Press Secretary is with me simply because, when I go overseas, I am required to have press conferences not only with the local press but also with the Australian press and Australian information services. Those matters are dealt with by my Press Secretary. The honourable member will find that the news media makes constant requirements, not only in this country, but also internationally, for statements from people who are on a trip of this kind. That is why my Press Secretary is there. I know that the honourable member does not appreciate that fact, but I assure him that it is part of the reason for the success of the Government in South Australia that we do communicate with people in this State.

I have explained why those people will be with me. As far as the Malaysian section of the trip is concerned, most of them will not be with me. The two officers concerned there will be Mr. Bakewell, who has been closely involved in negotiations with the Prime Minister's Department in Malaysia, and Miss Koh, who is a Malaysian and has expertise and knowledge of Government departments and Ministries in that area. She will be there for only that part of the trip, because she knows all the Ministers in Malaysia and has worked in Malaysia. She will double up as Executive Assistant and Press Secretary in that area. She was a prominent journalist in Kuala Lumpur previously. That is why she will be there on that part of the trip only. I am not taking my wife on this trip, because I do not have one. I appreciate the advisability of Ministers and Leaders of the Opposition taking wives with them. I regard it only with envy and disappointment. The Minister of Mines and Energy has never gone overseas as a Minister nor, indeed, taken a Parliamentary trip of this kind. He has been a senior Minister in this Government for the whole of its life, so there is every justification for him to have the same sort of information available to him from first-hand experience as has been provided already to many back-benchers in this Parliament under the arrangements that have been made. There is no justification for criticising what has happened here.

The Minister of Labour and Industry is going in the same way to appraise himself of matters vital to his area and to be briefed by the International Labor Organisation. The honourable member is assiduous in this place in attacking unions and the industrial legislation of this Government, which has the best industrial record in Australia, and we intend to retain it. The matter available to the Minister on his trip will be vital in that area. I do not have sufficient time left to dilate on the business to be done for me overseas, but the honourable member already has that information, although he carefully glossed over it this afternoon.

Dr. TONKIN (Leader of the Opposition): It is rather a pity that the member for Mitcham should be politicking so pettily this afternoon, because it detracts from his normal ability, for which I admire him, of solidly attacking the Government on matters that need to be attacked. I would be the first to attack the Premier for any extravagance on his tour; I would be one of the first to say that he is probably taking too many people with him. That I happen to have decided that the Leader's oversea tour will be best taken at this stage of the

Parliament is coincidental. The member for Mitcham spent the major part of his allotted time attacking me and my trip, so I cannot help being a little suspicious about his motives.

Apparently, he is relying on an article written by Max Harris, who talked about the "three-card trick". I think the Premier has dealt successfully with that matter. I suspect that the question of the Leader's entitlement in each Parliament has now been dealt with satisfactorily. The member for Mitcham also mentioned the reason for my going away. Again, I suggest that he should not rely too heavily on Mr. Harris, who did not do me the honour or courtesy of speaking with me beforehand. If he had done so, I should have been more than pleased to outline the full details of my visit, because it is a document that has been prepared for some time (certainly for much longer than the time since Mr. Harris wrote his article).

If the member for Mitcham would care to see that document, I should be pleased to show it to him. I dealt with the matter last evening, and I am surprised that he did not hear my remarks about it. I am vitally concerned about unemployment, the problems confronting young people in finding employment, and the difficulties and long-term effect that such difficulties will have on their whole attitude to life. I am also vitally concerned about the increase in vandalism and violence in our community, and in the breakdown of family life. If these are not matters that the member for Mitcham thinks are worth examining carefully, I should be surprised, because I thought better of him.

There are other matters, too, that I shall look at, because I do not profess to be an instant expert on every matter. As the Leader of an alternative Government, I wish to learn all I can for the benefit of this State. When this Party takes Government I will go away and learn all I can, whether it be about inflationary financing, urban transport or (as was referred to in passing) a further knowledge of the cultures of the countries of origin of many of our new citizens. I will do all those things, and more as it becomes necessary. I am also surprised about the member for Mitcham because he is pre-judging the issue. The estimate of $20 000, which was given to the House yesterday, was the Government's estimate, not mine.

The Hon. R. G. Payne: And it is an estimate.

Dr. TONKIN: Yes. I believe my trip will be undertaken far more cheaply than that. I hope I shall be able to undertake the trip soon. If I go (as I will), I am sure that the entire trip can be accomplished for far less a sum, and I intend to prove it. That will not inhibit me: indeed, it will strengthen my case in criticising the Premier and his Ministers if they deserve to be criticised. Let me make clear that I am not against (and I do not believe this Party or anyone in this Parliament is really against) the principle of oversea travel as benefiting members of Parliament. I believe much can be gained from such travel. The member for Mitcham would be the first to admit that there is much to be gained from first-hand contact with experts in Government and community matters.

The Hon. Hugh Hudson: He wouldn't admit it if it didn't suit his political purpose.

Dr. TONKIN: That is possibly correct. To extend the experience available in other countries which is not available in Australia and from which we may learn and apply here is of vital importance to anyone who wishes to represent his district and do his best for the State. The stimulus that such contact and discussion gives is immeasurable, as ideas may be set off which will lead to a specific application on returning to the State. I totally favour oversea tours and firmly believe that there are marked benefits to be gained for the State from them. But let me enunciate a second principle, that benefits to the State from oversea tours by the Premier, Ministers, the Leader of the Opposition or back-benchers must be balanced against the expense of those tours. There is not and there will never be a case for junketing or excessive spending. Such a practice must be guarded against by the individual making the trip having a personal sense of responsibility as a member of Parliament. If that sense of responsibility is not used, there is every reason why the individual should be criticised when he returns. I can see no reason for withholding such criticism. As I have said, the member for Mitcham has pre-judged the issue. I am inclined to agree that he has every precedent in the case of the Premier and every reason therefore for supposing that there may be some expense involved that is perhaps more than one would expect.

Mr. Millhouse: I am afraid your criticism is a little muted.

Dr. TONKIN: I cannot at this stage criticise the Premier's activities certainly not along the lines on which the Opposition criticised his recent trip to the south of France. The honourable member would remember that I was a leading critic of that tour, that I placed detailed Questions on Notice, and made the views that we held clear. I will do so again if there is reason for so doing. That I am going away will not in any way inhibit me in my duty and my role as a critic if that criticism is deserved. The Premier knows it, and so do the Ministers. I believe that this tour could be conducted at considerably less expense.

The Hon. J. D. Wright: I suppose you would extend the same right to me?

Dr. TONKIN: I would extend the same right, and I would expect to be criticised for undue and unnecessary expense. There are important differences in the Leader's tour. It falls due every three years in the life of each Parliament. Because I believed this was the best time, I decided to travel soon. Many considerations must be taken into account in making that decision; they include commitments to the Labor Party and my family.

The Hon. G. R. Broomhill: And your time, too.

Dr. TONKIN: Yes. All these matters must be taken into account, as I am sure that the member for Mitcham took them into account when he went overseas. My decision has been made with all these factors in mind. As the Premier has said, the approach was made to him and, particularly, we will find that the proposed tour will depend entirely on the proceedings of the Electoral Commission, which seems to be rather tardy at present. There is a responsibility for restraint and economy. The member for Mitcham is prejudging in a way that illbehoves his legal background. I assure the House that my taking up the oversea tour that is allocated to the Leader of the Opposition for this Parliament will in no way inhibit me from criticising what I believe to be extravagant practices by the Premier or any of his Ministers.

Mr. GOLDSWORTHY (Kavel): I think it is fairly well known and widely accepted by members that the public has a somewhat critical view of members of Parliament, their salaries, and any trips they might take. The public has a sort of healthy questioning attitude. I think it is a

commonly held view that members of Parliament are underworked and overpaid and that they seize on every opportunity to feather their own nest. I also believe that it is part of the Australian background that people poke fun at our elected leaders, but we take that in fairly good spirits. However, if some members of the public took on the job, they might have second thoughts about it. As the member for Mitcham has been a member of Parliament for a good many years, I can only conclude that his motion is nothing but hypocritical humbug.

The Hon. D. A. Dunstan: He's having a little bitch.

Mr. GOLDSWORTHY: For once, I find myself substantially in agreement with what the Premier has said. I am unable to judge the merits of the Premier's trip, but it seems to me that his retinue is somewhat large.

Mr. Millhouse: Your criticism is muted, too.

Mr. GOLDSWORTHY: The member for Mitcham well knows what his motives are, and he knows that we know. He hopes that he will be able to delude the public, but he knows that he cannot delude any honourable member; he may rest assured on that point.

The Hon. J. D. Wright: And not many outside, either.

Mr. GOLDSWORTHY: This matter is a source of continuing public interest, and the press makes the most of it. I do not blame the press for it, because it is part of the job. If the member for Mitcham thinks that he is fooling any member with his righteous outburst, he is only confirming the view we have had of him for some time. I will not be repetitious and say again what the Leader has said, but I have benefited from a tour I took some two years ago, and so has the member for Mitcham. He said that he was complaining not about the trip but about the extravagance, although, as the Leader has said, the member for Mitcham can hardly accuse the Leader of extravagance when he does not know what the Leader's trip will cost. He is also ill-informed about what the Leader intends to study, but I will not repeat what appeared in the press and at what the member for Mitcham so eagerly seized.

One study tour is made available in the life of each Parliament (normally of three years) for the Leader of the Opposition. The mere fact that the former Leader and the present Leader will be going overseas within a year is coincidental. When the former Leader chose to undertake his study tour, no-one (not even the Government) could have foreseen an election on July 12 last. Nevertheless, it so happens that the present Leader thought it was a suitable time, although it may not turn out that way. The Commonwealth Parliamentary Association believed that oversea trips were a good idea; so, the member for Mitcham is wrong when he suggests that some bait has been offered to the Leader. That statement is patently untrue. I am one of those who, having had the benefit of a study tour, would certainly not begrudge any other member the same opportunity. We cannot live in a cocoon or live an insulated and isolated life and hope to make mature judgments on matters which are not only of State-wide and nation-wide significance but which in many cases need the benefit of international experience. I was away for three months, and the trip cost $4 900. I am sure that the Leader and the former Leader would practise economy, as I did during my tour. Although I took my wife with me, I paid her way.

The Hon. J. D. Wright: It would cost more now.

Mr. GOLDSWORTHY: Yes, because of inflation. No member can accuse any Opposition member of extravagance. The member for Murray went overseas the following year and, if any member has not read his report, I advise him to do so. I wrote what I thought was a fairly comprehensive report, and I had a busy schedule of appointments. However, I believe that the member for Murray eclipsed my effort, and I urge the member for Mitcham to have a good look at the study tour report if he thinks we are wasting $5 000 of the taxpayers' money on these trips.

Mr. Becker: There are no headlines in that, though.

Mr. GOLDSWORTHY: No. I am not in a position to judge: although I think the Premier's retinue is too large, I shall wait to see what comes out of his trip. I am no personal friend of the Minister of Mines and Energy (and that would be an understatement); nevertheless, the Minister is a senior Minister and it seems to me that one cannot, until seeing the results of the trip, criticise any Minister for going overseas. I hold no brief for the Minister of Labour and Industry.

The Hon. G. R. Broomhill: You don't like anyone.

Mr. GOLDSWORTHY: I said that I did not hold any brief for the Minister. I am not familiar with all the details, but I will judge the matter on what we see and learn of his experiences. I speak from first-hand knowledge of the way in which Opposition members behave in this matter, and I know that they take these tours seriously; that they do not take them as oversea junkets. They go overseas and they work.

Mr. Millhouse: Don't gild the lily too much!

Mr. GOLDSWORTHY: The honourable member has the poison dart too heavily laden. I have the utmost confidence in Opposition members that they do not seek to waste the funds of taxpayers. I support the Leader in his decision to take an oversea trip when he so decides, and I supported the decision made previously that one oversea trip be made available to the Leader once in every three years. If the member for Mitcham does not support that decision he should say so, because that is what this argument is all about. The honourable member supported it at the Commonwealth Parliamentary Association, but in directing his attack largely against the Leader of the Opposition he is embarking on the political humbug for which he is so well known.

Dr. EASTICK (Light): I enter the debate because I want the record to be correct. I acknowledge that I was the architect of the scheme whereby the Leader of the Opposition (whoever he or she may be and of whatever political persuasion) should have the chance of having an oversea trip once during the life of a Parliament. I took that view to the Party room when I was Leader, and I found no dissension with the broad principle of that idea. There was discussion about various aspects and, although I believed that it should relate to the Leader only, I found a clear rejection of that view by my Party colleagues, who believed that the Leader's wife should accompany him. Having experienced an oversea tour, I am convinced that it was a wise decision by my colleagues, and that the Government took a completely correct view in promoting this aspect of my tour. Having discussed the matter in the Party room, I spoke to both the Premier and Deputy Premier together, and they told me to submit a proposal that could be taken to Cabinet. My request was not denied, and I look forward to that decision being continued so long as there is a Parliament in this State, because I believe that such a tour results in a distinct advantage not only to the person who is privileged to make the tour but also to the people of this State.

The member for Mitcham asked whether any advantages had been gained from my tour. I believe there have been, and I believe that they have been reflected in the contacts that have been made across the world and the flow of information which I receive and which I believe will continue for a long time. I can now make a telephone call, write a letter, or send a cablegram to known persons in many parts of the world, and receive a reply man to man (or woman to man), having regard to earlier discussions that had taken place between us.

In his motion it seems that the main whinge by the member for Mitcham is that someone is to have, or already has had, an advantage. I believe the advantage has been and will be to the people of this State, because of the experience gained and the information that is available to this Parliament for use in debating important issues. In addition, there is an advantage in the Leader of the Opposition, of whatever political persuasion, having had the chance to contact people who have a genuine interest in the furtherance of the industry and well-being of this State. I do not accept the painfully purile bleat from the member for Mitcham this afternoon as having any real substance or consequence.

I am glad of the chance of having made my opinions known in respect to this matter both to members and to the people of this State. I have previously acknowledged the involvement of officers of the Commonwealth Government who assisted in arranging contacts for me during my tour. The arrangement that has been entered into between the Commonwealth Government and State Governments to co-ordinate all travel programmes of Leaders and Ministers has been worthwhile. I believe I was the first to enjoy this co-ordinated programme, and I learned from many officers of the difficulties that had occured to officers from some State Parliaments (including Premiers) who had travelled overseas and had been denied access to various Government institutions and privileges. I do not deny that there was a degree of privilege in my travel.

The usefulness of the trip was not depressed by the problems that some officers had encountered. I believe the advantage of such co-ordination is real, and I look forward to it being available, as opportunity permits, to more people in the Parliamentary sphere. I do not deny the chance being extended beyond the Leader or Ministers to their wives and a proper proportion of staff, because I recognise that it is necessary to make many arrangements in order to allow the member to gain the greatest benefit from the travel. It was arranged for me before I left to have first-hand discussions with members of labour and employer organisations, with Governments, and with other instrumentalities concerning various aspects of worker participation, worker democracy or whatever it is called. I was given the chance to see at first hand new town development, and the difference between such development in the United Kingdom and Scotland, where it is based on industry, and that in southern France, where the industry is tourism. I had the chance to discuss with responsible officers of the German and Canadian Governments not only their financial relationships between States and the Federal Government—

The Hon. D. A. Dunstan: You had a reason for being in the south of France?

Dr. EASTICK: Having acknowledged that the Premier also visited the same establishments that I had visited with respect to new town development, I believe the Premier had a reason for being in the south of France—

The Hon. D. A. Dunstan: Thank you very much.

Dr. EASTICK: —so long as he was in those places where I was.

The Hon. D. A. Dunstan: You might instruct your Leader, who has made slighting reference to the fact that I was there and did no more than you did.

Dr. EASTICK: I count as a bonus to the travel to France the fact that I had the opportunity of seeing the new port facilities at Fos that are being phased in to take over from the crowded port of Marseille. I also had the opportunity of visiting the headquarters of General Motors and the Chrysler Corporation in Detroit and seeing the problems they have with the motor car industry. That visit assisted me and my colleagues on this side of the House in understanding the problems associated with that major industry. I also count as a bonus the opportunity I had of seeing something of the overall aspects of the tourist industry. Various people have come face to face with the reality, as have the Canadian people, that the first and foremost interest in tourism in the future should be associated with internal promotion, with much less emphasis on external promotion.

Mr. Millhouse: Are you sure you are not stonewalling the debate?

Dr. EASTICK: At least I hope I am giving some tangible information to the House this afternoon and not involving myself in petty, backbiting bitchiness such as we suffered earlier from the member for Mitcham. Having regard to information available, I believe in South Australia many people do not really know all the benefits of their own State. I think the Tourism, Recreation and Sport Department, through the Minister in another place, should be advised that now is the time to decrease the amount of expenditure outside South Australia and to increase it in internal promotion.

What should be apparent from my contribution to this debate this afternoon is that I believe, whether we happen to sit on this side of the House or the other side, we have all been sent here by people for the purpose of advancing the State of which we are proud to be members. That can best occur when the members in this place take every reasonable opportunity available to them to advance the cause of the people they represent. I believe when someone has the opportunity to travel and see a whole enterprise he should do so rather than rely on a photograph, second-hand information, or documentary evidence. It is far better to get a project into total perspective by seeing it on the ground and functional than to go off half-cocked as a result of information that is the result of someone else's interpretation. I could develop that aspect at some length, but I do not intend to do so. However, I wish to say that, if there was a vote on this issue, I would vote against what the member for Mitcham has put forward.

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

The SPEAKER: Call on the business of the day.

FURTHER EDUCATION BILL

Returned from the Legislative Council with amendments.

EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

HEALTH ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

PAY-ROLL TAX ACT AMENDMENT BILL

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.

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Pay-roll Tax Act, 1971-1975. Read a first time.

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

That this Bill be now read a second time.

When introducing the Supplementary Estimates I indicated that in view of the State's prospective Budget situation my Government wished to afford further relief to business organisations in respect to their liability for pay-roll tax. Members will recall that late last year legislation was passed which increased the general exemption level under the Pay-roll Tax Act from $20 800 a year to $41 600 a year with the provision that the increased level of $41 600 was to be progressively reduced until it was completely eliminated at a pay-roll level of $104 000. The legislation also provided certain measures to overcome tax avoidance through the prevalent and increasing practice of "company splitting". That legislation was introduced at a time when States were budgeting against a background of some economic uncertainty in which the effect of wage indexation had not become readily apparent. As my Government was endeavouring to hold a balanced situation on Revenue Account (without increasing taxation) it was unable to go as far as it would have liked in this matter, although its approach was consistent with that adopted by New South Wales, Western Australia and Tasmania.

I point out that there has been some discussion in this House concerning the question whether we can just go it alone on pay-roll tax. Quite clearly it would be disastrous for the States to enter into a dog-eat-dog competition on pay-roll tax rates. The result would inevitably disadvantage the smaller States in due course. Until last October there had been uniformity in the pay-roll tax rates. We had all agreed up to that time that we would have uniform rates in all States. However, at that time Queensland decided that it would not go along with the majority.

The South Australian Government said it would follow the majority view. Consequently, we legislated along with the Liberal Governments of New South Wales and Western Australia and the Tasmanian Labor Government for the amendments which came in last year. Subsequently, the Victorian Government, instead of going with the majority of the States, chose to follow the Queensland example and set the same rates as applied in Queensland. Now that we are in this particular budgetary situation, I believe that, without departing from the principle that we are endeavouring to maintain of substantial uniformity as between the States, we can go to the same length (that is, we can go along with the two States which have gone to the length that is proposed in this measure) so that there will be three-all amongst the States in respect of the pay-roll tax changes. I do not believe we can go it alone and offer wholesale pay-roll tax remissions, because that will not last. Eventually, the financial resources of the larger States, even though they are presently in some economic difficulty, will catch up with us. If we are to maintain some sort of parity and some sort of stability in our economic circumstances, we cannot be seen to be markedly lower in taxation levels than other States or we will cop a whirlwind out of it.

In these circumstances, the Government's view is that we can go as far as Victoria and Queensland have gone. We have made something of the kind of arrangement that exists in Victoria in respect of pay-roll tax in country areas. Our provision in the three growth areas is a little more generous than that in Victoria, because that State has hedged about its pay-roll tax remissions with conditions which we have not placed on ours in growth areas, but the other States have accepted, on Victoria's example, that that is not a general departure from the uniformity they have sought generally on pay-roll tax rates.

The situation is now such that, despite some uncertainty in the Commonwealth area, my Government feels that it can now go further in this matter and provide exemption levels comparable to those in Victoria and Queensland. We will (*a*) maintain the existing general exemption level of $41 600; and (*b*) progressively reduce that exemption level to $20 800 at a pay-roll level of $72 800 rather than eliminate it at a pay-roll level of $104 000. In other words, business organisations with an annual pay-roll of $41 600 or less will pay no pay-roll tax; those with an annual pay-roll between $41 600 and $72 800 will qualify for an exemption of between $41 600 at the lower pay-roll level and $20 800 at the higher pay-roll level; and all those with an annual pay-roll in excess of $72 800 will enjoy an exemption of $20 800.

The legislation provides for the new level of exemption to apply from January 1, 1976, and I am sure it will provide a welcome measure of relief, particularly to the small business sector of the community. The cost to the Budget in a full year will be about $2 500 000, but it is expected that some of that cost will be offset by the effect of the recently introduced company splitting legislation. The remainder of the explanation refers to specific clauses of the Bill, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

This Bill amends the principal Act, the Pay-roll Tax Act, 1971-1975, by restoring the general exemption of $20 800 (which the Pay-roll Tax Act Amendment Act, 1975, replaced with an exemption of $41 600, tapering to nil at a pay-roll level of $104 000) from the day on which that amendment came into operation. Clause 1 is formal. Clause 2 provides that the measure is to come into operation on the first day of January, 1976. Clauses 3, 4 and 5, amend the principal Act only by providing for the general exemption of $20 800. Clause 6 empowers the Commissioner to repay, of his own motion, any tax overpaid as a consequence of the amendments effected by the measure.

Dr. TONKIN secured the adjournment of the debate.

PASTORAL ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Pastoral Act, 1936-1974. Read a first time:

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

This short Bill, which is consequential on the passage of the Water Resources Bill, effects the repeal of Part X of the Pastoral Act. The provisions of this Part have been included in the Water Resources Bill, which integrates the management of the waters of the State, and it is now no longer necessary for the Pastoral Act to deal with the matter. Clause 1 is formal. Clause 2 brings the Bill into operation on the day on which the Water Resources Act,

1976, comes into operation. Clause 3 amends the section which deals with the arrangement of the Act to delete the reference to Part X. Clause 4 repeals Part X of the Act.

Mr. ARNOLD secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL (OPTIONAL PREFERENCES)

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1—After clause 1 insert new clauses as follows:

1a. *Enactment of s. 73a of principal Act*—The following section is enacted and inserted in the principal Act immediately after section 73 thereof:

73a. *Application for registration as a general postal voter*—(1) *An elector*—

(*a*) whose usual place of residence is fifty kilometres or more by the nearest practicable route from any polling booth;

(*b*) who is, by reason of any permanent illness or infirmity precluded from attending at any polling booth to vote;

or

(*c*) who is, by reason of his membership of a religious order or his religious beliefs—

(i) precluded from attending at a polling booth;

or

(ii) precluded from voting throughout the hours of polling on polling day or throughout the greater part of those hours,

may apply for registration as a general postal voter.

(2) The application—

(*a*) must contain a declaration by the applicant setting out the grounds upon which he applies for registration as a general postal voter;

(*b*) may be in the prescribed form;

(*c*) must be signed by the applicant in his own hand writing in the presence of an authorised witness or, if the applicant is, by reason of illiteracy unable to sign the application, must be authenticated in the prescribed manner;

(*d*) must be made to the Electoral Commissioner.

(3) No elector shall make, and no person shall induce an elector to make, any false statement in an application for registration as a general postal voter, or in the declaration contained in such application. Penalty: Two hundred dollars, or imprisonment for one month.

1b. *Amendment of principal Act, s. 74—Duty of witnesses*—Section 74 of the principal Act is amended—

(*a*) by inserting in subsection (1) immediately after the passage "postal ballot-paper" the passage "or for registration as a general postal voter";

and

(*b*) by inserting in subsection (3) immediately after the passage "postal ballot-paper" the passage "or for registration as a general postal voter".

1c. *Amendment of principal Act, s. 75—Issue of certificates and ballot-papers*—Section 75 of the principal Act is amended by striking out from subsection (1) the passage "the application", firstly occurring, and inserting in lieu thereof the passage "an application for a postal vote certificate and postal ballot-paper".

1d. *Enactment of s. 76a of principal Act*—The following section is enacted and inserted in the principal Act immediately after section 76 thereof:—

76a. *Registration of general postal voters and issue of certificate and ballot-papers thereto*—(1) Where the Electoral Commissioner receives an application for registration as a general postal voter and is satisfied that—

(*a*) the applicant is by reason of the provisions of subsection (1) of section 73a of this Act, entitled to apply for registration as a general postal voter;

(*b*) the application is—

(i) properly signed by the applicant;

or

(ii) authenticated in the prescribed manner, as the case requires;

and

(*c*) the application is witnessed and that in relation to the witness an occupation and address have been set out in the application,

he shall register the applicant as a general postal voter.

(2) The Electoral Commissioner shall in respect of any election deliver or post to each elector who is for the time being registered by him as a general postal voter and entitled to vote at that election a postal vote certificate printed on an envelope addressed to the returning officer for the district for which the elector is enrolled, and a postal ballot-paper for that election.

(3) Notwithstanding the provisions of subsection (2) of this section, where the Electoral Commissioner receives an application for registration as a general postal voter after five o'clock in the afternoon of the day preceding the polling day for any election, he shall not deliver or post to that elector a postal vote certificate or a postal ballot-paper for that election.

(4) Any postal vote certificates and postal ballot-papers issued by the Electoral Commissioner under this section for a Council election and for an Assembly election respectively, may be in the prescribed form.

(5) The Electoral Commissioner shall cause a register to be kept of the electors for the time being registered as general postal voters and the register shall be open to public inspection at all convenient times during office hours.

(6) The register shall set out for each district the name and address of each elector who is registered as a general postal voter and is enrolled for that district, together with a specimen of his signature, or the authentication in respect of the elector, and a statement of the grounds upon which he is so registered.

(7) The Electoral Commissioner may at any time, other than during the period between the issue of the writs for an election and the return of the writs, cancel the registration of any elector as a general postal voter by notice in writing to that elector.

1e. *Amendment of principal Act, s. 79—Lost postal ballot-papers*—Section 79 of the principal Act is amended by inserting immediately after the passage "section 75", twice occurring, in each case, the passage "or 76a".

1f. *Amendment of principal Act, s. 80—Authorised witnesses*—Section 80 of the principal Act is amended by inserting in subsection (2) immediately after the passage "postal ballot-paper" the passage "or for registration as a general postal voter".

1g. *Amendment of principal Act, s. 84—Penalty for failure to post or deliver postal ballot-paper, and for unlawfully opening ballot-paper*—Section 84 of the principal Act is amended by inserting in subsection (1) immediately after the passage "postal ballot-paper", firstly occurring, the passage "or for registration as a general postal voter".

1h. *Amendment of principal Act, s. 86—Preliminary scrutiny of postal ballot-papers*—Section 86 of the principal Act is amended—

(*a*) by inserting immediately after the passage "applications for postal vote certificates and postal ballot-papers" the passage "and the register for that district of general postal voters";

(*b*) by inserting in paragraph (*a*) immediately after the passage "that certificate" the passage "or on the register";

(*c*) by inserting in paragraph (*b*) immediately after the passage "made the application" the passage "or is registered as a general postal voter";

and

(*d*) by striking out from paragraph (*b*) the passage "relates to the elector in respect of whom the application is authenticated" and inserting in lieu thereof the passage "is in respect of the elector who made the application or is so registered".

No. 2. Page 2 (clause 4)—After line 21 insert new paragraphs as follows:

(*da*) by striking out subparagraphs (*f*) and (*g*) of paragraph (9) and inserting in lieu thereof the following subparagraphs:—

(*f*) The returning officer shall then ascertain the number of first preference votes received by each group and the number of first preference votes received by a group shall be attributed to votes to the group.

(*g*) At any stage of the count (that is, after the count of first preference votes or after a transfer of residual votes pursuant to subparagraph (*g*) of this paragraph) a number of the candidates included in or comprising each group equal to the number of whole quotas included in the number of votes attributed to that group shall be elected:

(*h*) The order of election as between candidates included in a group shall be determined by reference to the position of the names of those candidates included in the group as printed on the ballot-paper reading from top to bottom, the candidate whose name appears first, being first elected, the candidate whose name appears second, being second elected, and so on:

(*i*) Unless all the vacancies have been filled, at each stage of the count the residual votes (that is, in the case of a group with a number of votes attributed to it less than a whole quota, those votes, or in the case of a group with a number of votes attributed to it including a whole quota or a number of whole quotas, the number of votes in excess of the whole quotas included in the number of votes attributed to the group) of the group that at that stage of the count has the fewest residual votes shall be transferred to the continuing groups, in proportion to the voters' preferences, as follows and that group shall be excluded from the count:—

(i) where the group's residual votes are the whole of the votes attributed to the group, the ballot-papers containing those votes shall be transferred by the returning officer to the continuing groups next in order of the voters' available preferences;

(ii) where the number of the group's residual votes is less than the number of votes attributed to the group, the returning officer shall—

I. divide the number of the group's residual votes by the number of votes attributed to the group and the resulting fraction shall, for the purposes of this subparagraph, be the transfer value of the group's residual votes;

II. arrange in separate parcels for the continuing groups the whole of the ballot-papers of the group according to the next available preference indicated thereon;

III. ascertain, in respect of each continuing group, the total number of ballot-papers of the group that bear the next available preference for that continuing group and shall, by multiplying that total by the transfer value of the group's residual votes, determine the number of votes to be transferred from the group to each continuing group. If as a result of the multiplication, any fraction results, so many of those fractions, taken in the order of their magnitude, beginning with the largest, as are necessary to ensure that the number of votes transferred equals the number of the group's residual votes shall be reckoned as of the value of unity and the remaining fractions shall be ignored;

IV. then, in respect of each continuing group, forthwith, take at random from the parcel containing the ballot-papers of the group which bear the next available preferences for that continuing group the number of ballot-papers to be transferred to that continuing group and transfer those ballot-papers accordingly.

(iii) the number of ballot-papers transferred under this subparagraph to a continuing group shall be attributed as votes to that group.:

(*j*) Where at any stage of the count the number of votes attributed to a group exceeds a number of whole quotas equal to the number of candidates included in or comprising the group, the number of votes attributed to the group in excess of that number of whole quotas shall be treated as residual votes for the purposes of subparagraph (*g*) of this paragraph and the provisions of that paragraph shall apply as if that group had the fewest residual votes at that stage of the count:

(*k*) If in respect of the last vacancy at that stage of the count there is only one continuing group or only one continuing group that has a candidate not already elected, a candidate included in or comprising that group shall be elected, or there are only two continuing groups, a candidate included in or comprising the group with the greater number of residual votes shall be elected.

(*db*) by striking out paragraphs (10) and (11) and inserting in lieu thereof the following paragraphs:—

(10) If at any stage of the count two or more groups have an equal number of residual votes and the residual votes of one of those groups have to be transferred, the returning officer shall decide which group's residual votes shall be transferred. If as a result of any stage of the count two or more groups have attributed to them an equal number of votes (being a number of votes that includes a number of whole quotas) the returning officer shall decide as between those groups the order of election of the candidates included in or comprising those groups. If in respect of the last vacancy at that stage of the count there are only two continuing groups and those groups have an equal number of residual votes, the returning officer shall decide by his casting vote which group's candidates shall be elected. Except as provided in this paragraph, the returning officer shall not vote at the election.

(11) If as a result of any stage of the count two or more groups have attributed to them votes of a number that includes a number of whole quotas, the resulting election of those groups' candidates shall be deemed to be in the order as between those groups, first of the candidates included in or comprising the group that had the greatest number of votes attributed to it as a result of that stage of the count, second of the candidates included in or comprising the group that had the next greatest number of votes attributed to it as a result of that stage of the count, and so on.

Amendment No. 1:

The Hon. PETER DUNCAN (Attorney-General): I move:

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

The Government has carefully considered the amendments made by the Legislative Council, and it cannot agree to this amendment. It deals with a system that has been proposed by the Legislative Council providing that registration of postal voters shall be introduced so that a person who finds that he prefers to have a postal ballot sent to him each time there is a State election will be able to do so. Postal voting is already available in South Australia to a wide selection of people who seek to vote by this method. There are many safeguards in the present system to ensure that it is not abused. I believe that, if this amendment were agreed to, there would be a grave abuse of the postal voting system, because the system does not provide sufficient safeguards to ensure against malpractice. If we allow this system to be introduced into our electoral laws we could have a situation where large numbers of ballot-papers were being completed by people who were not authorised or people who were enrolled as a person on a general list of postal voters provided for in this Bill.

Mr. Millhouse: How can you justify saying that?

The Hon. PETER DUNCAN: The Legislative Council's amendments apply to persons with a permanent illness or infirmity, and I defy any member to tell me how such a system could be operated. How can anybody determine who is permantly ill or permanently infirm? How will the electoral officers keep the rolls up to date? If a person enrols as a general postal voter on the basis of permanent illness, who can say when such a state is reached or when such a state ceases to exist? I ask the Leader of the Opposition whether we should introduce compulsory medical checks to determine this type of illness. It seems to me that the provision would not work and that it would be improper to have it in the electoral laws. If we were to have medical checks on these people, I think that that would be a direct insult to many of them. They would be offended by that type of test. It is a serious matter and we, as a Government, would not impose it on the people.

Mr. Millhouse: What about people who live a distance away or those with religious belief?

The CHAIRMAN: Order! The member for Mitcham will have an opportunity to speak later.

The Hon. PETER DUNCAN: I will deal soon with the position of people who wish to register for religious reasons, because it seems to me that again we would run into big difficulties with such people.

Dr. Tonkin: Don't you trust them?

The Hon. PETER DUNCAN: Whether a man is conscientious in such a matter is not dealt with in the Bill. How will we determine whether a person is conscientious? How do we know whether people will use this as a method of avoiding their democratic obligations under the electoral laws? The amendment puts the responsibility on the Electoral Commissioner, and I think that he should not bear that responsibility. He is a man of high repute, and I would not want him put in the position of having to determine whether a person had religious grounds for registering as a postal voter.

The provisions put in the Bill by the Legislative Council are completely unacceptable for the reasons that I have given and because of the impracticality of applying them. The provisions would lead to a complete breakdown of the electoral system because, in applying them, the Electoral Commissioner would be in the invidious position of having to determine one person's right to be registered as a general postal voter against the right of another person whose name was on the ordinary roll. That responsibility should not be placed on the Electoral Commissioner. He has an important and responsible role, and to place him in the invidious position in which these amendments would place him would be completely unjust to him.

Dr. TONKIN (Leader of the Opposition): I have never heard such a collection of puerile nonsense in this Chamber from someone who is supposed to be a responsible Minister. What a lot of rubbish it is! If what the Attorney has said is true, how can we trust anyone who fills in an enrolment form for the ordinary roll? The Electoral Commissioner has a big responsibility to make sure that such a person is telling the truth, and I do not think he has much difficulty in exercising that responsibility. What is so different about the matters before us?

I do not think the Attorney has read the amendments. New section 73a(a) refers to a person whose usual place of residence is 50 kilometres or more by the nearest practicable route from any polling booth. If someone makes the necessary application in terms of new section 73a(2), what will be difficult about that? A person either lives 50 km from the booth, or he does not. If a new road is constructed and the distance is reduced to 25 km, the position will change, and the onus will be on the elector. How can the Attorney object to that?

Subsection (*b*) of that new section refers to any person who is, by reason of any permanent illness or infirmity, precluded from attending at any polling booth to vote. Postal votes are issued now to people who by reason of illness or infirmity cannot attend at the booth, and many people have to go through that business at every election because they are permanently infirm. I must be charitable to the Attorney: he is young. He is in the prime of youth. He cannot contemplate that people could be permanently incapacitated or permanently infirm. It is either that, or he does not care.

These people should have rights just as anyone else has, and they should be able to vote as a matter of course. The Attorney should not further disadvantage people who have already been disadvantaged by nature. Apparently, he has not heard of medical certificates and the compulsory medical checks that motor car drivers must undertake after they reach 70 years of age. Those checks are a nuisance and they are difficult. People do not like to have to do them.

The Hon. Peter Duncan: They must be done annually, too, must they not?

Dr. TONKIN: Some of them do not like being told that they cannot drive, but they would not stand being told they could not vote. Regarding membership of a religious order, the Attorney is well known for his contempt for the beliefs of others. Nevertheless, there are people in the community who hold strong views about the Sabbath, whether it be regarded as being on Sunday or on Saturday. I thought the Attorney would be broadminded enough to know that other people have religious views, that people hold differing religious views, and that people are not wrong in that. They believe in what they say. It is a disgrace for the Attorney to say that those people may not be believed and that we cannot trust them. The Attorney should look at the country in the North of the State: the member for Frome could give him some pointers. It is totally impossible, whether it be because of distance from a polling booth, their infirmity, sickness, or religious

beliefs, easily or practicably to exercise their vote. A fundamental principle of democracy is that people should be able to exercise their vote and that it should be made easy for them to do so, especially when they are compelled to vote. The Attorney cannot have it both ways; he either compels people to go to the polls and enables them to do so or he removes the compulsion. This is a practical amendment, and I wholeheartedly support and commend it to members.

Mr. MILLHOUSE: When the Attorney interjected during the Leader's speech I could not help thinking how funny it was for him to oppose this amendment. He has concentrated on people who are infirm, because it is perhaps a little less difficult for him to oppose it thinking of them than of others, by making a comparison with people who have a driving licence. I believe we must certify annually that we are fit to drive. It is peculiar that the Government is considering issuing drivers' licences for a three-year term instead of for one year. It is inconsistent to use that argument. The Labor Party's real opposition to the amendment is that it would not help it as a Party. The Labor Party believes, and rightly so, that as a rule postal voting goes against it. Therefore, the Labor Party will not support this provision if it can possibly avoid it, because it believes that such a provision gives other Parties an advantage. That is an unworthy motive, but it is undoubtedly the only possible reason of substance for the Labor Party's opposition.

I well remember the by-election in 1959 in the old seat of Frome when the late Mick O'Halloran died, and many of us from both sides of the Chamber went to that district and tried to get postal votes from people living up the Birdsville Track and elsewhere. The Party to which I then belonged (the Liberal and Country League) lost by 11 votes. From a purely Party viewpoint, I suppose there is something in what the Government fears from this amendment because, had there been a permanent postal vote at that time, the L.C.L. would probably have got more than the 11 votes necessary to win. I suggest that the Government's attitude is a most unworthy attitude for attacking what is a good amendment. I do not like compulsory voting. We should do everything we can, while the compulsion remains, to lessen the inconvenience for people. I know it can be said that, for people living outside a certain radius, voting is not compulsory, and that people in religious orders can be excused from coming to a polling booth. However, why on earth should such people not be allowed to have a standing postal vote? There is no suggestion that they are sick or that they need a certificate. Regarding the infirm, the Leader has put his finger on it, because it is possible to obtain a medical certificate, which must be renewed annually or triennially, whatever period is chosen.

Dr. Tonkin: Or three months with a medical certificate.

Mr. MILLHOUSE: Yes. There is no difficulty about that. No matter what arguments we advance in this State, the Government just has the numbers with you, Mr. Chairman, so we can talk until we are blue in the face, because the Government will try to delete this amendment from the Bill. I support the amendment and therefore oppose the Attorney's motion.

Mr. ALLEN: I support the amendment, which inserts a new clause dealing with applications for registration as a general postal vote and makes it easier for people in outlying areas, people who suffer from permanent illness, or those who have certain religious beliefs, to obtain a vote. It is a simple amendment, and I should have thought that all members would accept it. I am surprised at the opposition to the amendment. The only reason I can bring forward for such opposition is that the Government intends to introduce a measure of this kind.

The problem dealt with by the amendment was highlighted at the 1975 State election. It will be recalled that we had a snap election after the Premier went to the Eastern States, saw what chaos the Labor Commonwealth Government had created, and realised that if a State election was held in March, 1976, he could not possibly win. The snap election made it particularly difficult for the Electoral Office to cater for the election and for voters in outlying areas to obtain a vote. However, that is history. When Parliament met after that election I asked the Premier, on August 21, 1975, the following question:

Will the Premier consider appointing a committee to investigate ways in which the postal voting system in this State could be simplified so that people living in outer areas would have time to exercise their right to vote? In the recent State election, many voters in the outer areas of South Australia were deprived of a vote because the time was insufficient for them to obtain the necessary voting papers. I pointed out last week in the Address in Reply debate that at the 1970 State election 526 persons did not vote out of a total of . . . 8 600 on the roll . . . In 1975 that figure rose to 703, so almost 200 voters more did not vote in Frome in 1975 than voted in 1970, which indicates that the short time available did not enable people to obtain postal votes. My question continued:

The number of non-voters always is high in these areas, because many stations receive only one mail delivery a week. In fact, some receive only one delivery a fortnight. The time from the closing of nominations until voting day is not sufficient for people to carry out the necessary procedures. It is considered by most people that the present postal voting system, or the provisions regarding application for postal vote forms, needs revising.

The Premier replied:

I will examine the matter for the honourable member. It is intended to introduce during this session some amendments to the Electoral Act—

and that was done—

which will include matters concerning postal voting.

The Premier made a promise that he has not kept. I should therefore like to know from the Attorney why the Premier did not keep that promise. The present system of postal voting is unsatisfactory to many people, especially elderly people. Although people may not be permanently incapacitated, they worry considerably about voting. I know of several instances where elderly people have been unable to vote and have been particularly upset as a result. These people have never broken the law in their life, and they are afraid of what will happen to them.

If a system such as that suggested in this amendment were introduced, these people's fears would be allayed considerably. After all, we are not asking the Government to give these people two votes. When the Attorney says that it could lead to malpractice, I cannot understand him, because it would be virtually impossible for these people to have two votes and, if they did, they would be prosecuted anyway. After all, the people are having only the one vote, so I cannot see the reasoning behind the Government's argument.

At the last election the Federal Government closed all polling booths in South Australia that had fewer than 50 registered voters. In the Frome District, out of a total of 50 booths, 17 were closed, with the result that people living in Olary had to go over 160 km to Yunta or Cockburn to vote. The Oodnadatta booth was going to be closed, which would have meant that people living

there would have had to travel about 450 km to vote. However, the Oodnadatta and Cockburn booths were retained at the last moment. I understand that the State Government does not intend to follow the Commonwealth system. Parachilna and Wilpena Pound booths each had nine votes. If the proposed system of postal voting were implemented, these people could apply to have their names put on the postal voters' roll, and polling booths could be closed.

It now costs about $60 a day to conduct a booth for between nine and 12 voters. So, this system of postal voting would be a considerable saving to the Government and it would obviate the necessity for voters living in outlying areas to travel considerable distances. I cannot see the Government's wisdom in opposing the amendment. The following report, originating in Perth, appeared in the *Sunday Mail* of January 11, under the headline "Polling on Time Change in Country":

The Australian Government may introduce a remote electors roll to give country people a greater opportunity to vote in Federal elections. If introduced, the roll will be similar to one used by the Western Australian Government.

Members in Western Australia are delighted with the system they have, because it gives people living in the northern part of that State the opportunity to vote. The article continues:

It ensures electors living in remote stations and mining areas will not miss the chance to vote on time. The move was predicted by Western Australia's Senator Reg Withers on the "State File" TV programme. Senator Withers, a member of the inner Cabinet and Minister for Administrative Services, said yesterday it was almost impossible for some outback people to get their postal vote in on time. He said in the 1974 Federal election about 600 people in the Kalgoorlie electorate had missed the deadline.

Under the remote electors roll system these people would have automatically received a postal voting slip as soon as the candidates' names had been confirmed. This would give them several weeks to get their voting slips in by polling day . . . "I believe we should have a remote electors roll like we have in Western Australia," he said. "This would give people disadvantaged in the outback a greater opportunity to vote."

Under our present system, when the nominations have closed (or before), those who want a postal vote must apply to the local post office. As happened at Copley last year, if there is a great rush for forms they can run out. The forms must be completed and returned to the Returning Officer for Frome, who is stationed at Peterborough. In three weeks it is impossible to carry out all that is required to make a postal vote. Our postal voting system is most archaic.

Although it has been claimed that the suggested postal voting system could be abused, I ask the Government to spell out just how it could be abused. It is impossible to obtain a postal vote within 10 days in outlying districts. To give concrete evidence of those who failed to vote, in 1970 there were 526 in the Frome District, whereas in 1975 there were 703. In the Eyre District in 1970, 673 failed to vote, whereas in the recent 1975 election 1 069 failed to vote. I point out that the former member for Frome, now a member of another place, has had little to say on this matter, although he knows the area well.

What I ask is that people need not fill in the application form to ask for a postal vote, because their name will already be recorded. Regarding the possibility of abuse, under the proposed system, I understand that a separate roll will be drawn up for these voters, so I cannot see how the new system would be any more difficult to operate than the present system. The Government is continually crying out that we must have one vote one value, but in this case it seems to be seeking to give some people one vote with no value.

Mr. EVANS: I do not support the motion, and I agree with what the member for Frome has said. Government members have admitted that people in the remote parts of the State had difficulty in getting services and in gaining the same benefits as those enjoyed by people living in the metropolitan area or near major residential centres. The Legislative Council's amendment would extend a service to people in remote areas, so Government members have an opportunity, by supporting it, to prove their sincerity in making the statement to which I have referred. I oppose the Attorney's motion because it is contrary to a guarantee given by his Party that it would do everything possible to help people living in the remote areas of this State.

Dr. EASTICK: The member for Frome said that the Premier had promised during this session that the requirements of people living in remote areas would be considered, but the Attorney has walked away from that guarantee. I refer to page 688 of *Hansard* on which is printed a table of general electoral statistics concerning the most recent State election, showing that the percentage of electors not voting was 8·83 per cent in the District of Adelaide. I believe a large part of that percentage was university and college students who voted in their home on the weekend of the election, and did not vote as first preference votes in their district.

The Hon. Hugh Hudson: They would be recorded as absent votes and not people who did not vote.

Dr. EASTICK: I stand corrected. The percentage for Eyre is 10·61, and it is 8·40 for Frome. In Norwood the percentage was 9·30, but in that district the poll was declared much earlier than in any other district and many postal and absent votes were not counted as formal votes. The high percentages for Frome and Eyre were caused because people were unable to obtain a vote for the reasons outlined by my colleague. The present washaways on the railway line in the North of this State illustrate the problems that exist in that area, and perhaps a person covered by this amendment would not always receive the benefits claimed by it in these conditions. However, people would benefit if they had been allowed to lodge a vote in advance of such a washout.

The Hon. Hugh Hudson: Bragg and Torrens have as high a percentage of people who did not vote as Frome has.

Dr. EASTICK: Torrens comes into the same category as applies to Adelaide, with many tertiary students and nurses, and the Glenside Hospital is in Bragg.

The Hon. Hugh Hudson: What about the Queen Elizabeth Hospital?

Dr. EASTICK: Albert Park has 6·68 per cent and is higher than several other districts, but these figures show that there are real reasons why the percentage is down in the figures for the six highest districts.

The Hon. Hugh Hudson: You made up those reasons.

Dr. EASTICK: My statement is pertinent in relation to the position applying in Frome and Eyre, and I have said why the figure for Norwood is so high.

The Hon. Hugh Hudson: Are there many students in Norwood?

Dr. EASTICK: The poll at Norwood was declared within a very short time after the election. The Minister is aware, as are Opposition members, that there is a much

baser reason for the amendment not being accepted, because it would create a precedent that could be used by members of unions who might want the same provision to apply to their activities. This new provision is perfectly reasonable, and gives people their due right. It would allow members of a union their right if it were applied to measures that may be introduced in future. That is the baser reason for the Labor Party walking away from the promise made by the Premier this session.

Mr. COUMBE: I have listened with much interest to the speech made by the Attorney-General on this matter. All I can say is that as first law officer of this State he made an appalling speech, one of the worst I have ever heard. I point out to him that the amendment makes it easier for certain disadvantaged people to exercise their ordinary right to vote as citizens of this State. I would have thought that the Attorney-General, of all people, especially after listening to him in this place, would be concerned about one thing above all—the rights of the common man. We are talking about people who could be disadvantaged in some circumstances, but the Attorney-General wants them to be classed as second-class citizens, because it will be harder for them to vote.

I thought the Attorney-General would be trying to protect their rights by giving them the same privilege enjoyed by people living near polling booths or people who have good health. What harm would be done if this amendment was carried? A register would be set up on which certain disadvantaged people could have their names inserted, and a postal vote could be sent automatically to them. The Attorney-General talked about administrative problems and difficulties the Returning Officer might have. I would have thought that the principal reason for an electoral Bill would be to ensure the rights of ordinary people.

What is the Attorney-General frightened of? What are his real motives for opposing the amendment? He referred to abuses, but the amendment read in conjunction with the principal Act provides penalties against abuses. New penalties are set out in the amendments, as are the obligations. In the name of fair play, at least, surely we can get the Minister to accept this amendment.

The Hon. PETER DUNCAN: The Government does not oppose the principle that there should be a postal register, but we believe that the mechanics of the register provided for in this amendment are unsatisfactory. The Government is therefore not willing to accept it. In his typical style the Leader of the Opposition based his comments on this matter on a general abuse of me. He criticised me quite wrongly. I did not say that I held other people's religious views in contempt. He then said I had not been to the North of the State to see the problems he alleges exist there. The member for Frome gave the lie to that story.

The Leader also sought to abuse me on the basis of my age. I am quite happy to have him do that because I know only too well that I will be a member long after he passes to other places. The member for Mitcham criticised the Government, saying that we would suffer some loss of Party advantage if we supported this amendment. I reject that, as it has nothing to do at all with the Government's attitude. If members opposite look carefully at the sort of person who may be advantaged by this type of provision they will find that the people who live out along the East-West railway line and who possibly do not vote would be advantaged. I think it is fair to say that most of those people support the Government. This clearly gives the lie to the member for Mitcham's point on this matter.

The member for Torrens was a member of the Hall Government. He was in this place for many years before Labor came to power. Both the Playford Government and the Hall Government had opportunities to pass legislation similar to the Western Australian Act if they had wanted to, but they did not take the opportunity to do that. I think that indicates clearly the superficial nature of the honourable member's comments this afternoon.

Mr. GOLDSWORTHY: If the Attorney-General had not been so weak in his rebuttal I probably would not have got up to speak. There is no doubt that the Attorney-General has no real argument. His first argument was that there was a grave risk of abuse. He had some vague, unexplained fear of malpractice that could lead to a complete breakdown. He now argues that the mechanics would be too difficult. If the Attorney-General had listened, particularly to what the member for Frome had to say, he would realise that the difficulties have been overcome in Western Australia. That State has a more sparsely settled outback population than South Australia, but the Western Australians have the wit to overcome these difficulties. Does the Attorney intend to honour the promise given by the Premier in a letter to the member for Frome when he said amendments would be introduced concerning postal voting? My conclusion is that the Labor Party wants to keep country people disadvantaged; there is no other conclusion. The Labor Party wants them to miss out on postal voting because of flood or difficulty. The Attorney-General has no case at all.

The Committee divided on the motion:

Ayes (20)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hudson, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (20)—Messrs, Allen, Allison, Arnold, Becker, Blacker, Boundy, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Mathwin, Millhouse, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Pairs—Ayes—Mrs. Byrne, Messrs. Hopgood and Jennings. Noes—Messrs. Dean Brown, Gunn, and Nankivell.

The CHAIRMAN: There are 20 Ayes and 20 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes.

Motion thus carried.

Amendment No. 2:

The Hon. PETER DUNCAN: I move:

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

The Government has given careful consideration to this amendment and cannot agree to it. One of the matters this Government has been praised for by the community is the introduction of a simplified method of voting for the Legislative Council. The list system has been very successful and the Government has been complimented for it, particularly after the recent State elections when the system was put to the test for the first time. A number of people praised the Government for introducing this ballot system for the Legislative Council, saying it was a very simple system compared to the systems used for Upper Houses throughout Australia. People have said the Legislative Council system compares very favourably with the Senate system of voting.

It is important that we continue this simple system. This system has been readily accepted by the people of this State, and an indication of that is that the number of

informal postal ballot-papers for the Upper House in South Australia at the recent election was far fewer than the number of informal postal ballot-papers for the Senate election. This is also an indication of how successful this system has been and how well it is operating. For that reason the Government does not want this system disturbed, and we oppose this amendment as it would upset the system.

Mr. GOLDSWORTHY: I did not think we could hear a much weaker argument than we heard on the first amendment, but we just have. The only point made in both of these arguments was that the Government had carefully considered the amendments. I do not doubt that for a moment. It has come up with the inescapable conclusion that the system is unfair, but it suits them that it be unfair. I do not think the Attorney has read the amendments. They in no way change the method of voting. The voter will vote in the same way as at present. This amendment merely ensures that the preferential system will be carried to finality. It is completely illogical for the Attorney to say that the people love this simple system of voting and therefore the Government cannot agree to the amendments.

Many people realise that at the recent Legislative Council election the Labor Party got minority support. It did not get half the votes, yet it managed, by the incomplete preferential system, to gain the extra seat in the Legislative Council. The Government decided to opt not for fairness but for political advantage. The Labor Party opposes the amendment, because it knows it got the extra Legislative Councillor because of the incompleteness of the system. The amendments would not add one informal vote to the count: the votes will be merely counted further.

Mr. MILLHOUSE: Especially in view of the rather strained atmosphere that there was on this side of the Chamber a short time ago, I appreciate the support of the member for Kavel. Members of my Party moved these amendments in the other place, and the Liberal Party supported them. I am pleased to have the same support for them here. There will be no change whatever in the voting. The amendments simply provide that left-over proportions of quotas will be counted. I tell the Attorney-General and the Government that it may have been to the Government's advantage last time that the bits and pieces were not counted, as the Government got the sixth member, but that next time the Government may dip out because of the portions not being counted, so there is not necessarily any advantage to one side or the other. If the Government does not accept the amendment, and therefore sinks the Bill (because that is what it will mean)—

The Hon. G. R. Broomhill: You've said things like that before.

Mr. MILLHOUSE: I know that I am sticking my neck out, because members of the Liberal Party will have to stick, but I hope they do stick this time. These amendments would be in the Act now if there had been time to do the necessary drafting when the present system of electing members of the Legislative Council was devised and placed before the Chamber. I know that the amendments took a long time to draft, and we know that they are technically satisfactory. They have been tested by the Electoral Commissioner, and there is no reason why they should not be accepted, apart from the Government's experience at the last election. The Government has taken a shortsighted view based on advantage that it got in one election. I strongly support the amendments, and I ask why portion of votes should not be counted.

Dr. TONKIN: Mr. Chairman—

Mr. Keneally: More grandstanding!

Dr. TONKIN: One cannot help wondering whether the member for Ross Smith may be in line for the position of Attorney-General: I am sorry, I meant the member for Stuart.

Mr. Keneally: It ill behoves you to reflect on the member for Ross Smith. He is very ill at present.

Dr. TONKIN: I was intending to reflect on the member for Stuart. If the member for Ross Smith is ill, I am sorry to hear it, and on behalf of the Opposition I wish him a speedy recovery. Obviously, there is no case for the Attorney-General to prepare on this occasion, because he has not a leg to stand on. What he has said is nonsense. What concerns the Opposition is that the Government Party, which describes itself as the champion of one vote one value, according to its lights, is pleased to have about 20 000 voters disfranchised. That happened at the most recent election, because the residual votes were not counted. Is that, as the Hon. Sir Thomas Playford used to say, "British justice"? It is certainly not fair. The Attorney knows that it is blatantly unfair, that it is a sham, a gerrymander. He cannot defend it, and there is no ground on which he can defend it except to say, "We don't like it." He is a hypocrite, and so is everyone on that side who supports him in this matter. They are gerrymanderers of the first order. This is a total and absolute gerrymander. If the Labor Party honestly believes in electoral reform (as it says it does) and if it believes in being honest in its approach to electors, it will support this amendment. It distresses me more than anything else does that a group of people who have made such a play about electoral fair play in the past should stoop as low as this. I hold them in contempt.

Mr. BLACKER: I support the amendment because it removes a small anomaly in the voting system. Although the anomaly is small in comparison with the total Legislative Council electoral system, with which I totally disagree, the amendment deletes a section of the Act that disfranchises a small section of the community. Although it is the Labor Party's objective, as it is of the other major Party, to try to enforce a two-Party system on the voters of this State, one must realise that since we have had single-member districts only in 1970-73 has Parliament been formed of only two Parties. Usually an Independent or a member of a minority Party is elected. Some people in this State are looking for something other than the major Parties. If we accept this motion, it will assist the Government in its endeavour to disfranchise those people whose right it is to choose to support an Independent or a minority group. I listened with concern to the Attorney's meagre defence of his Party's attitude. It was not a defence of any significance but was just grandstanding for Party politicking. I oppose the motion.

The Committee divided on the motion:

Ayes (20)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hudson, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (20)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, and Wotton.

Pairs—Ayes—Mrs. Byrne, Messrs. Hopgood and Jennings. Noes—Messrs. Dean Brown, Venning, and Wardle.

The CHAIRMAN: There are 20 Ayes and 20 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments introduce matters which properly should be dealt with by separate measure.

Later:

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

Consideration in Committee.

The Hon. PETER DUNCAN (Attorney-General) moved:

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

Motion carried.

A message was sent to the Legislative Council requesting a conference, at which the House of Assembly would be represented by Messrs. Abbott, Allen, Duncan, Eastick, and Keneally.

Later:

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 10 a.m. on Tuesday, February 17.

The Hon. PETER DUNCAN moved:

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

Motion carried.

OIL REFINERY (HUNDRED OF NOARLUNGA) INDENTURE ACT AMENDMENT BILL

The Hon. HUGH HUDSON (Minister of Mines and Energy) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received.

The Hon. HUGH HUDSON: I move:

That the report be noted.

The report is straightforward. The Bill, as members would appreciate, adjusts the rates to be paid under the indenture by Petroleum Refinery (Australia) Proprietary Limited to the Noarlunga council. The original rates, which were fixed at $20 000, have been at that level since 1958. The Bill adjusts this sum to $35 000 and provides a suitable formula for annual adjustment. The committee received evidence basically from the P.R.A. and from the district council. The Bill is supported, with the only request made to the committee being one by the District Council of Noarlunga, and I quote from its submission:

The council specifically reserves its right to seek further rates or other revenue in place of rates from enterprises established on the P.R.A. site (the subject of this Bill) which are not merely an expansion of the original oil refinery. It has in mind enterprises such as a waxing plant. Council asks the committee to have this provision incorporated in the Bill.

The committee, in its judgment, decided that such an amendment would be contrary to the normal arrangement that exists with respect to indentures, that it could not be inserted at this stage without the agreement of the company, and that it was normal practice that indentures of this nature were amended only with the agreement of the parties. If the Government of the day attempted to amend indentures without the agreement of the other party, that would seriously affect the relationships between industry and Government in this State, because in any dealings on future indentures no company could really rely on the word of the Government of the day; that could always be subject to further change by Parliamentary amendment.

For that reason, in particular, the amendment suggested by the district council was not included. I think that the council's representatives understand the position, and they understand that it would be difficult, if not impossible, for Parliaments to amend the indenture without the company's agreement. They understand basically that, if there is a further extension of activity on that site, the question of rates payable to the council would have to be subject to further negotiations with the company and that any adjustment that took place would have to arise as a consequence of those negotiations and be agreed to by the company. There are several questions and answers in the minutes of evidence that demonstrate that point. The committee believes that the amendments that would satisfy the district council would destroy the expectation of companies that the terms of indenture, once agreed, would be altered only with the agreement of the parties. I think that that is understood well enough by the district council. In fact, on page 17 of the minutes of proceedings, Mr. Catt, the District Clerk, states:

The council is quite adamant that it wants to honour the undertaking it gave in 1958, but only as it applies to the refinery covered by that indenture. Anything additional we wish to retain our right to rate on the normal basis, or by way of another indenture . . .

Mr. Abbott, the Mayor, states at the same page:

We are prepared to honour the original indenture, but we do not expect to give the same incentive again after 18 years.

I think the legal position is that the council does not have a right to further rates should there be increased activity by P.R.A. on the site. All that can take place to secure that right for the council would be further negotiations between the Government and P.R.A., and no-one can predict precisely at this stage what the product of those negotiations would be. I do not think it necessary to add anything further.

Mr. CHAPMAN (Alexandra): As a member of the Select Committee, I express appreciation to my Leader for allowing me the opportunity to act as a member of it. I support the Chairman's comments that the Government has taken a responsible step in arranging the realistic rate to be drawn from the occupiers of the land and directed to the District Council of Noarlunga. I also support the remarks he made when he covered the points in the report. The only comment I make about the committee's activities is that I am disappointed that the method of advertising for witnesses to appear before the committee was limited to a few days. I understand that it is the practice of the staff, on behalf of such Select Committees, to insert advertisements in the papers circulating in or about the area.

Such an advertisement was inserted in the *Advertiser* and in the *Sunday Mail* last Saturday, and that advertisement (small and insignificant as it is) in the Public Notices column invited persons who wished to give evidence before the committee to contact Parliament House without delay. I suggest that the notice given was limited. The committee met on Monday and Wednesday of this week, and also today. The committee has prepared its report. It seems to me that every effort should be made to contact people who might be vitally interested and who might not have seen such an advertisement or have had an opportunity in such a short period to arrange to appear. I am not reflecting on the action that has been taken, because it

seems that it is a matter of practice. I raise this matter because the committee's subject involves a major enterprise in South Australia and several other companies, other than the party involved in the indenture, are based and operating in South Australia. Accordingly, those wellknown oil companies should have been directly informed in these circumstances. I have taken steps to inquire about the companies' reaction, because one of the largest competitive oil companies in South Australia was unaware of the action that had been taken and that there was a Bill before Parliament to amend the indenture.

The senior representative of that company in South Australia made clear to me this morning that, even had his staff brought to his attention the notice to which I have referred, it would have taken him and his company at least four weeks to obtain the necessary authority from its Melbourne-based head office and the directions to instruct and prepare a representative on behalf of the company to take whatever action was necessary. It seems that the Select Committee, in its haste to bring before Parliament a report so that the amendment would be considered this session, may have cut across the path of a fair and reasonable opportunity for other parties to act.

I express appreciation to the witnesses who attended before the committee. Representatives of the adjoining and surrounding councils came to the committee to express the opinions of the councils on behalf of ratepayers. The Mayor of the Noarlunga council was not available, but Mr. Abbott (acting Mayor) presented a submission. He was accompanied by his District Clerk, Mr. Catt, who asked questions of the committee on behalf of the council. The committee enjoyed the benefits of the advice of the Parliamentary Counsel (Mr. Daugherty), and also heard evidence from Mr. Sunderman, of Petroleum Refineries Australia Proprietary Limited. I should think that no other persons, other than those to whom I have referred, would be interested in this amendment.

The Bill is designed to upgrade within reason the rating payable by the landholders to the Government within the structure of the indenture and, accordingly, to credit the district council concerned. The Minister, as Chairman of the committee, has given the details that led to the paragraphs contained in the report. I appreciate the concern expressed by the council concerning its desire for an amendment to the Bill. I was present with the Chairman and Mr. Daugherty when discussing the feasibility of amending the Bill, and I am satisfied that if the amendment desired by the council had been proceeded with it would have destroyed the basis on which indentures have rested so heavily in the past and destroyed the confidence of any applicant industrialist in future. In that respect, I accept the report. I believe the report and the accompanying comments should be sufficient to inform the House of the action taken by the committee, and any further comment could only add to that support, which would be necessary in order to allow the Bill to pass through its various stages. I appreciated the chance to act as a member of the Select Committee: apart from the experience gained, it was interesting, and I found it a pleasure to work with the Chairman and other Government members on the Committee.

Mr. WOTTON (Heysen): I support the remarks made by the Chairman of the Select Committee, and express my delight in having been asked to help represent my Party on this committee. It was my first: I was pleased that it was as straightforward as it was and I appreciate the experience I gained. I appreciated the evidence given by both witnesses to the committee, and it would be fair to say that they had reached agreement with some reluctance. Mr. Sunderman, a director of Petroleum Refineries Australia Proprietary Limited, who was disappointed with the increase, drew attention to the recent survey completed by the State Energy Commission that indicated that significant incentives would have to be provided to encourage investment in refineries in South Australia away from the Eastern States. The council is willing to accept the compromise of the annual payment from the Government, subject to annual adjustment, and I believe that the situation now resolved between the council and the company can only create a firm basis for future investment in South Australia. I thank my Party for giving me the chance to serve on this Select Committee, and I support its report and that of the Chairman.

Motion carried.

Bill read a third time and passed.

BEVERAGE CONTAINER ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. D. W. SIMMONS (Minister for the Environment): I move:

That this Bill be now read a second time.

It is designed to prevent the sale of carbonate soft drinks in certain non-reusable glass containers, which are constructed of thin glass, with or without a plastic wrapper. If such bottles were to be allowed on to the South Australian market, there would be increased hazards because of broken glass. Since such containers are inherently more fragile than those now on the market, they would conflict with the policy expressed in the Beverage Container Act that beverage containers should be returned for re-use, and their appearance on the market would destroy the existing long-established system of deposits on soft drink glass containers already operating in the State.

Such bottles have already appeared elsewhere in Australia. The Government has been advised that it is intended to introduce them into this State and of the dangerous consequences of such action. As a consequence, this Bill is urgent and proposes an apparently Draconian method of overcoming the problem. However, officers of the Environment Department, after discussion with representatives of the soft drink industry and the Government's legal advisers, have established that the only effective way to prevent such containers being sold in South Australia is by introducing a power whereby containers specified by regulation may be prohibited from sale within the State. However, I give a clear assurance on behalf of the Government that the use of this power will be extremely restricted and applied only in cases of extreme importance such as that which now faces us. It had been hoped that we could design a more limited measure, but it has been found impracticable in the time available to obtain sufficient technical information to enable a narrower provision to be written. Such narrower definitions will be prepared and proclaimed by regulation when the House will have an opportunity, if it so desires, to comment on the provisions

The opportunity is also taken to further amend the Beverage Container Act to make clear that the provisions in relation to the prohibition of ring-pull containers will not apply before June 30, 1977. This is in line with assurances given when that Act was being debated in this Chamber. It has been drawn to the Government's attention

that there is some uncertainty and confusion in the industry in relation to this date provision, and this measure is designed to establish the position beyond doubt. It is necessary to proclaim the Act in order to make use of the provisions of the Act to achieve the end which we have in mind, and if we do that it would automatically bring into operation on and after June 30 this year a ban on ring-pull containers. That would have been contrary to the undertaking given last year when the Act was passed and so, to put it beyond doubt we are not trying to advance the date of that and to set the industry at rest, we are amending the Act in this Bill to provide that the prohibition of ring-pull containers will not apply until after June 30, 1977.

This short Bill which amends the principal Act is intended to give full effect to the undertaking entered into by the Government immediately before the passage of the principal Act. The principal Act, which has not yet been proclaimed to come into operation, at section 13 provided that on or after June 30, 1976, "beverage ring-pull" containers could not be sold by retail. Subsequently the undertaking was clarified, and it appears desirable that this date should be extended until June 30, 1977, and this amendment is effected by this Bill.

Clause 1 is formal. Clause 2 provides for the commencement of the measure to coincide with the commencement of the principal Act. Clause 3 extends the period during which ring-pull containers may be lawfully sold until June 30, 1977. Clause 4 inserts a new section 13a in the principal Act that permits the prohibition of sales of soft drinks in certain "prescribed" glass containers. It is intended that the only containers that will be prescribed by regulation for the purposes of this section are certain non-returnable glass containers that are at the moment causing a great deal of concern.

Mr. ARNOLD (Chaffey): I opposed the original legislation when it was before this House, and I still believe that that legislation was not sufficient to control the litter problem in South Australia. However, I support the present Bill for the purpose of preventing the sale of carbonated soft drinks and certain non-returnable containers constructed of thin glass. I readily agree that, if this Bill is not passed, any benefits to be derived from the principal Act will be nullified. The type of container referred to in this Bill has not been established as a container in this State, and it is therefore appropriate that the present action be taken now, before this type of container becomes established here.

If the introduction of this type of container into South Australia is allowed, it will destroy the existing deposit system on recognised returnable solid-glass bottles. In the interests of making the principal Act a viable proposition, it is necessary that this Bill be introduced. The Minister has clearly indicated, and we accept his undertaking, that it is not the intention of the Government to advance the time of bringing into effect the removal of the ring-pull can from the scene in South Australia. Clause 3 inserts "1977" in lieu of "1976". So, there can be no argument about that. The Opposition is happy with the Bill and supports it.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 3. Page 2037.)

Mr. RUSSACK (Gouger): This Bill makes many miscellaneous amendments to the principal Act, some of which are to close loopholes. I believe where there are loopholes inequalities exist, and that the errors should be rectified so that everyone can carry out the provisions of the legislation in a correct and acceptable way. I do not intend to go into detail about the Bill, because many matters can be considered in the Committee stage. However, certain things must be said at this stage. The Bill makes three main changes. The first change is that the formula for the registration of a vehicle will be determined by regulation and not by Statute. This will also apply to the registration fee and other fees to be charged. Secondly, it is intended that future driving licences will be issued every three years, except in cases where a person is reaching the age of 70 years. This three-year period, other than as specified in the Bill, will not be optional. Thirdly, the Bill also provides a new provision for the controlling and operation of tow-trucks.

The present Act provides a formula for the determination of the registration fee of vehicles to be made by Statute and that provision should remain. That allows members of this Parliament to debate any alteration or change in fees that would affect their constituents. A regulation becomes effective from the time it is gazetted, although regulations are laid on the table of the House for 14 sitting days. I consider that such a system would not be as good as the system of fees being enacted by Statute. The regulations are accepted if they are not challenged within 14 days. Let us consider the present position. If the present session concludes next week and Parliament does not sit again until June, regulations pertaining to this Act (if it is passed) could be gazetted in March or April and they would become effective immediately. When Parliament meets again, those regulations would be placed on the table, but I believe it would be difficult at that stage to unscramble the egg. Because of that, I believe it is undesirable that the procedure should be changed from one of amendment of the Act to one of regulation, because many things are unknown at this time.

We do not know what is in the mind of the Government concerning fees. I think there may be steep increases in registration and licence fees. If that were so, there would be no opportunity to debate the matter or express our opposition to them until Parliament met again, and then it would be too late. Driving licences are to be issued for a three-year period. I know it is not appropriate at this stage to comment on amendments, but a five-year period would possibly be more acceptable than a three-year period. This change is being instituted to streamline administration and effect savings in postage and stationery. I commend the Government for extending the period at least to three years. In Victoria, licences are for three years. In New South Wales the period is optional—one or three years. In Queensland there are several categories: there is a 10-year period up to 41 years of age; then there is a five-year period; and, over the age of 66 years, it is a one-year period. That system would be cumbersome and discriminatory. It would be preferable to have a fixed number of years, preferably five years.

Regarding the provision concerned with tow trucks, there have been difficulties in this area. As there are numerous accidents, the towing business is essential, but it must be controlled. This Bill will provide a much improved system of control that will be of great benefit. I will seek information from the Minister at the Committee stage. Regarding the approval of driving licences, we cannot over-emphasise that people being given a licence

must be capable of operating the vehicle for which that licence has been given. Clause 44 enacts new subsection (2) of section 75, as follows:

(2) A licence—
(*a*) shall be in a form determined by the Minister; and
(*b*) shall contain such conditions as the Registrar thinks fit to include in the licence.;

In the present Act, the Registrar has had wide powers to determine conditions of some licences, and he has capably accepted that responsibility. In the second reading explanation, the Minister states:

Clause 44 provides that the Registrar may insert conditions in drivers' licences. For some time now it has become apparent that there is a need to restrict the kinds of vehicles that, for example, the holder of class 5 (that is, bus driver) licence may drive. The sizes of vehicles that come within the meaning of omnibus may vary greatly. A person who wishes to drive a small van for private family purposes should not be necessarily entitled to drive a large passenger bus. There is also a need sometimes to restrict the purposes for which a class 5 licence holder may drive a bus. A person who may wish to drive a small passenger van for private purposes, or in the course of certain employment, should not necessarily be entitled to drive passengers for hire.

I agree that when it comes to approving a licence for a person to drive a passenger bus that person must be a most competent driver because he has the responsibility of many lives in his care. I know the people involved in this part of the industry are in accord with this provision of the Bill. I am sure that a logical and correct variation of that class 5 licence will evolve from the provision in this Bill. The Bill also provides that, if a person does not hold a licence for three years, he will be expected to start from square one, as though he had not previously held a licence. I think that is wise, because everything possible must be done to avoid accidents and save lives, and an initial step towards this is to ensure the person being given a licence is a person capable of operating the vehicle for which that licence has been given. Clause 10 enacts new subsection (2) (*c*) of section 33, as follows:

the motor vehicle has not previously been registered under this Act upon an application by the present applicant in respect of which stamp duty has been paid,

the Registrar shall treat the application as if the vehicle had not previously been registered under this Act, and registration fees and stamp duty shall be payable on the application accordingly.

That provision applies to a vehicle that has been used for interstate purposes and has had a reduced fee. It also applies to a vehicle that has been free of registration for some purpose, and is then registered in the normal way. The stamp duty will be due and payable when that vehicle has been registered. Section 33 has contained a loophole whereby it has been possible to avoid stamp duty. This loophole will be closed so that when the transfer of a registration is made stamp duty will be due and payable. Clause 4 contains the following, definition:

"prescribed registration fee" in relation to a motor vehicle means the registration fee for that motor vehicle prescribed by, or computed in accordance with, the regulations:;

This new definition relates to the matter to which I referred earlier when I said that a registration fee will be a prescribed registration fee determined by regulation. The insertion of this definition has necessitated many consequential amendments to the principal Act. By using regulations the Government is assuming the full responsibility, rather than allowing Parliament to determine certain matters. Clause 4 also contains the following definition:

"weight" of a vehicle includes the weight of any prescribed accessories or equipment carried (either habitually or intermittently) upon the vehicle:.

Perhaps once or twice a year some vehicles might carry stock hurdles, stock crates or other equipment and, according to my interpretation of this definition, a vehicle would have to be weighed, for the purpose of determining its registration, with all the equipment and accessories that it would carry, whether once or twice a year or frequently. The definition is a little too narrow and is an imposition on people who use equipment only once or twice a year.

Clauses 36 and 37 relate to trader's plates. Clause 37 sets out the times, places, and purposes for which certain trader's plates can be used. Clause 36 provides that if a driver commits an offence whilst using trader's plates not only is he responsible but the trader in whose name the plates have been acquired is also responsible. This is dealt with in section 66 of the principal Act which is amended by striking out subsection (3) and inserting in lieu thereof the following subsection:

(3) Where a motor vehicle to which a general trader's plate or limited trader's plates are affixed is driven otherwise than in accordance with subsection (2) of this section—
(*a*) the driver of the vehicle; and
(*b*) where the driver of the vehicle is not the trader, the trader, shall both be guilty of an offence and each liable to a penalty not exceeding $100.

Clause 56 deals with the points demerit scheme. On many occasions in this House I have heard the member for Light raise the matter of certain truck drivers whose livelihood depends on using a truck and who through misfortune have collected so many demerit points that they have lost their licence and cannot drive again until completion of the suspension. As I understand this clause, it gives such a driver, in certain circumstances, another chance. I hope my understanding of the clause is correct and that the fears expressed by the member for Light will be overcome to a degree. If a person attracts demerit points he must have committed a breach of the road traffic laws, but there are occasions when, through misfortune or misadventure, it is not entirely his fault. I hope this provision will assist such a person. I will not deal with Part IIIc relating to tow trucks at this stage but will seek information and detail from the Minister during the Committee stage.

I cannot emphasise too strongly that the Opposition views with much concern the fact that the Bill, by providing for regulatory action, is taking away Parliament's responsibility in determining certain formulae and the sums to be paid for registration and other fees. As the majority of measures contained in the Bill are commendable, we support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

Mr. RUSSACK: Clause 2 (2) provides:

The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

If it is likely that any specific provisions will be delayed, can the Minister tell me what they are likely to be?

The Hon. G. T. VIRGO (Minister of Transport): This is a saving provision, because the Bill seeks to do several things, the matter of weights being one. As various regulations will be prescribed from time to time, the clause simply provides the opportunity to bring the

Bill into operation as soon as possible, instead of delaying its proclamation until all provisions can be proclaimed together.

Clause passed.

Clause 3 passed.

Clause 4—"Interpretation."

Mr. RUSSACK: As there are various types of tow-trucks, will the various categories be specified and the appropriate registration fee applied to each category? I understand that a heavy tow-truck is registered as a mobile crane and that the definition distinguishes between the two. Some heavy tow-trucks would be used only three or four times a month. Would such a tow-truck attract the same registration fee as a normal vehicle of the same weight used for normal transportation, or would a concession apply?

The Hon. G. T. VIRGO: A clear distinction will be made between a mobile crane and a tow-truck. Sometimes the two tend to merge, but the provision makes clear that one vehicle is a crane whilst the other is a tow-truck.

Mr. RUSSACK: Will the definition make a difference to the registration fee?

The Hon. G. T. VIRGO: The fees are already laid down in the Act and, although we are moving from the Act to regulations, there will be no change of definition. So, the existing provisions will continue.

Mr. RUSSACK: I move:

Page 2, line 45—Leave out "intermittently" and insert "frequently".

Certain equipment and accessories are used infrequently. I take it from the definition of "weight" that, irrespective of the accessories or equipment, the words "habitually or intermittently" would mean that accessories would have to be included when the vehicle was weighed for registration purposes.

The Hon. G. T. VIRGO: I cannot accept the amendment. I think that the honourable member has overlooked two points. How would one determine whether the vehicle was used frequently? I am not sure whether my definition of "frequently" would be the same as the honourable member's definition. Would once a week or once a month be "frequently"? An important aspect is that the weight includes the weight of any "prescribed" accessories. I think that the problem referred to can be taken care of by the word "prescribed".

Mr. RUSSACK: To me, there is a difference in the meaning of the two words. Something used once a year every year would be used regularly and something used once a week would be used frequently. I think it would be better to have "frequently" instead of "intermittently", which could mean 12 times a year. The people about whom I am mainly concerned are those who use the accessories only once or twice a year. Did I understand the Minister to say that weights would be considered in the regulations?

The Hon. G. T. VIRGO: The Bill provides that the weight of a vehicle will include the weight of any prescribed accessories. Therefore, we will need to prescribe in the regulations the type of accessories that will be included. I imagine that it would be permissible to have a prescription regarding the use, although I am not certain that that would be done.

Mr. RUSSACK: Will bins used by primary producers be included in "accessories"?

The Hon. G. T. VIRGO: I cannot give details of the regulations, but I give the undertaking that points raised by honourable members will be considered when they are being drafted.

Dr. EASTICK: Sometimes bins would be fitted to the trucks for carting grain, and at other times stock hurdles would be fitted. Obviously the multiple weight of these things will not be taken into account, but the committee would welcome an indication whether it will be the weight of the heaviest or the lightest, or the average weight, that will be finally decided.

The Hon. G. T. VIRGO: I repeat that the regulations have not been drafted, but all the points raised by members will be considered when they are. I do not think the honourable member will expect that the weight would include stock hurdles used on one occasion, grain bins used on another occasion, and so on. Obviously, the weight cannot take in the aggregate of all the accessories used from time to time.

Mr. EVANS: I can see the Minister's point but I am concerned that the weight of the heaviest item will be taken into account. We are not concerned with the aggregate weight of the equipment fitted to the vehicle. We ask why they should be included at all, because they are part of the load. One might argue that, if one was carrying wheat in bags, the bags should be weighed.

The Hon. G. T. Virgo: One could argue that, with an oil tanker, the weight of the tanker should not be included.

Mr. EVANS: It is an oil tanker all the time, unless it is part of a semi-trailer. The accessories that have been mentioned should not be included in the tare weight of the truck. The Minister gives me the impression that it will be the heaviest accessory taken into account in order to ensure the highest tax rate, even though it may be fitted to the truck only rarely.

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

Dr. EASTICK: Before the dinner adjournment, the Minister was referring to what was to be the weight on the truck. We expect a better reply than he gave, as it will be the Minister who will instruct the officers and the Parliamentary Counsel how the regulations are to be drawn up.

The Hon. G. T. Virgo: The Parliamentary Counsel does not draw up the regulations; you ought to know that.

Dr. EASTICK: I stand corrected. I was not aware of that. I have heard the Parliamentary Counsel refer to regulations in which he had been involved. It is important for the Minister to give the Committee further information on this matter, because it needs such information to know what to support. In the dictionary, "intermittently" is defined as meaning "fits and starts"; "frequently" means "often". The member for Gouger was correct in moving this amendment, because the term "frequently" will be more meaningful than the term the Minister seeks to have retained. Members expect a better indication from the Minister of the Government's intention about how the regulations will be drawn.

Mr. VENNING: It has been said that "intermittent" means "fits and starts", but it could mean "starts and fits". The word "frequently" means "often". Farm bins are used seasonally, are not put on trucks often, nor are they put on in "fits and starts". Because they are seasonal, they should not come into this at all. I know this matter is hard for the Minister, because it is out of

his line of activity; we had the same problem with paddock bins when we were trying to get them proclaimed to be a farm vehicle.

The Hon. G. T. VIRGO: I have been to the library, and the Librarian told me the definition, and it does worry me. What does worry me more is the verbiage of the amendment, which is to leave out "intermittently" and insert "frequently". I cannot do that. Therefore, I ask that the amendment be defeated.

The Committee divided on the amendment:

Ayes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack (teller), Tonkin, Venning, Wardle, and Wotton.

Noes (20)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hudson, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen, Dean Brown, and Vandepeer. Noes—Mrs. Byrne and Messrs. Hopgood and Jennings.

The CHAIRMAN: There are 20 Ayes and 20 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Amendment thus negatived.

Mr. GUNN: I ask the Minister how he intends to implement the clause. It is obvious from what he has said that he intends to use it as a revenue measure against road transport. Constituents have complained to me that they have been questioned about how often they have their stock plates on their truck, and they have been told that in future they will have to include the stock plates in the weight of the vehicle for registration purposes, and they may use them only once a year.

Mr. BOUNDY: The electors of Goyder also are concerned. I take up this matter on behalf of the road transport operators. Most of the District of Goyder is not served by rail, and road transport is used on the basis of stock hurdles on Monday, grain bins on Tuesday, stock hurdles on Wednesday, grain bins on Thursday, and perhaps superphosphate spreader on Fridays. The method of administering this provision is so complex as to be worthless, and I ask the Minister to consider the matter seriously before proceeding.

The Hon. G. T. VIRGO: Before the dinner adjournment I explained that there was provision in the Bill for the accessories and equipment to be determined by regulation. That is the whole purpose of the clause. The amendment that has been debated sought to do what the member for Goyder seeks to do. The details of the regulations have not been determined, but they will take into account the points that have been raised. Obviously the regulations will not try to aggregate all the accessories that are carried from time to time, but they will try to stop some of the cheating that is occurring.

Mr. GUNN: I seek an assurance that, before the regulations are laid on the table, the Minister will have discussions with the Road Transport Association and the United Farmers and Graziers of South Australia Incorporated about their effect on members of those associations. The farming community is the largest single group of owners of trucks in South Australia, and it would be only fair and proper that the Minister discussed this matter with its organisation.

The Hon. G. T. VIRGO: The request is unnecessary, because, if the honourable member is close to the United Farmers and Graziers and the transport association, he ought to know that I always have discussions with them. There will be no variation on this occasion.

Dr. EASTICK: I draw the Minister's attention to a regulation produced in 1970, before he had discussions with these responsible people.

The Hon. G. T. Virgo: What date?

Dr. EASTICK: I can get the date.

The Hon. G. T. Virgo: I did not become Minister until June, 1970.

Dr. EASTICK: That is correct. South Australia has been under suppression ever since. The Minister rapidly had to withdraw a regulation that his department promulgated in his time as Minister. That regulation required that all tractors that went on to a road have front and rear mudguards. I pointed out then that front mudguards could not even be obtained as an optional extra.

Clause passed.

Clauses 5 to 7 passed.

Clause 8—"Regulation of registration fees."

Mr. RUSSACK: I oppose the clause, because it is one of the obnoxious parts of the Bill and changes the whole procedure that has applied for a long time. It takes away the right of debate on matters relating to registration fees and how the fees are assessed. I refer the Committee to the clause, and point out that I think the word "revelant" should be "relevant". I assume that the past procedure where Parliament can debate and determine these matters will cease, as under the clause this can be done by regulation and gazetted. That will mean there will not be an opportunity to debate the regulations other than when they are laid on the table of the Chamber. It is expected that this session will finish next week. Regulations under this Act could be prepared and gazetted and come into operation immediately they are gazetted, but three or four months could elapse before Parliament meets again and the regulations could be debated. In that time the implementation of the regulations will have gone so far that it will be almost impossible for them to be disallowed without causing chaos. Such a procedure is depriving Parliament of the authority it should have to exercise its right and responsibility to debate these important matters.

Mr. GUNN: I support the remarks made by the member for Gouger. This clause is a departure from the normal practice of this Chamber. We are giving the Government power to collect millions of dollars from the people of this State without Parliament having a proper opportunity to debate the matter. If this matter is dealt with by regulation, the Opposition will be virtually gagged. Insufficient private member's time exists now, and there is little opportunity for members to debate an issue. Once the regulations are in operation, there is little the Opposition can do about them. I cannot understand why a Government, which has said on many occasions that it supports open Government, denies the democratically elected representatives of the people the opportunity to debate a taxation measure. This will be introduced by back door methods. I have grave reservations about the provision. It may be far simpler for the Government, but we are not here to make matters easier for the Government.

The Hon. G. T. Virgo: You can say that again.

Mr. GUNN: This Government must answer for its action and justify that action to the public. The Government is trying to sneak these regulations through Parliament so that perhaps they will escape the attention of the people until they receive their registration certificates.

The Hon. G. T. Virgo: You won't like the reply I am going to give.

Mr. GUNN: I hope the Minister will give a proper reply, because it is the first time he has done so this evening; he usually reverts to abuse. I will sit down if the Minister wishes to reply, but I give him no guarantee that I will accept it and that I will not speak again. I hope he will explain at least the reasons for adopting his attitude.

The Hon. G. T. VIRGO: The purpose of this provision should be clear to everyone. Under existing Australian Government legislation relating to road grants it is provided that the States must match certain grants.

Mr. Gunn: Mr. Jones's Bill!

The Hon. G. T. VIRGO: In other words. we have tied grants, which the Opposition strongly resents.

Dr. Tonkin: Hear, hear!

The Hon. G. T. VIRGO: I am pleased the Leader has said that, because on Monday I will have discussions with the Commonwealth Minister for Transport (Mr. Nixon) to try to undo an extension of the tied grants for South Australia. If the Leader and the member for Eyre can get under that two-timing, I shall be interested to know how they will do it. The Commonwealth Minister for Transport is not only directing how we shall spend the money the Federal Parliament provides: he is also instructing us how we shall spend the money, as tied grants, that we in South Australia are raising. In other words, there is an extension of the dictation from Canberra. I hope on Monday that I will undo that bit of skulduggery. I will have a difficult task, because previously I had a Minister who was understanding of the State's needs, whereas regrettably I now have a Minister who is interested only in one thing: providing assistance for himself and his kith and kin, the farmers. He voted last Tuesday to provide himself with about an $11 bounty for superphosphate.

The CHAIRMAN: Order! The honourable Minister is straying from the clause. I hope he will stick to the clause. The honourable Minister.

The Hon. G. T. VIRGO: I think I have made the point clear to the Opposition that this clause provides an avenue whereby we will be able to adjust revenue received from motor registration fees to comply with the directions we receive from Canberra. No matter how the Opposition may protest, the simple facts are that I have in my room now a telegram from the Minister for Transport instructing us, as a State, arising from the Premiers' Conference of last week—

Mr. Arnold: At least he let you know first.

The Hon. G. T. VIRGO: He did not have the decency to do that. He scheduled it out through officers but, fortunately, we have some competent and loyal officers in South Australia who advised us of the position. We are informed that there is about $5 800 000 with which the former Government had provided us and which is now subject to the Commonwealth Government's direction. There is the sum of $5 100 000 which the former Federal Government told us we had to raise as an additional matching requirement for spending in accordance with the overall schedule and which we are now being directed on how to spend by the Federal Minister.

Under the new centralist federal system that Fraser and Nixon are introducing, we must have either flexibility in raising funds or a vast reduction in our roads programme. All Opposition members have from time to time pleaded, "Give us more money in my area." If Opposition members want more money in their areas, it can be obtained only by raising additional sufficient funds, in accordance with the directions we receive from Canberra, so that the money needed by local government in areas represented by members can be satisfied.

Mr. GUNN: The Minister has again set out on the approach he adopted before 1972, namely, to blame the Liberal and Country Party coalition Government.

The CHAIRMAN: The honourable member must stick to the clause.

Dr. TONKIN: I rise on a point of order, Mr. Chairman. The Minister has for the past 10 minutes been berating the Federal Liberal and National Country Parties, and talking about tied grants, but not one word have you said to him during that time. If he has introduced the subject, it should be entirely in order for the member for Eyre to refer to it.

The CHAIRMAN: When the Minister was speaking, I called him to order and asked him to stick to the clause. I am doing exactly the same in the case of the member for Eyre. He, too, must stick to the clause.

Mr. GUNN: I hope that I will be given the same latitude as you have given the Minister. The situation which the Minister has complained about in his reply to my query on the clause is a direct result of the Whitlam Labor Government, because it was Mr. Jones and the Whitlam Government that passed the existing agreement.

The Hon. G. T. Virgo: What agreement?

Mr. GUNN: It was Mr. Jones's Bill that included an agreement to replace the one that expired just after the election of the Whitlam Government; the Minister knows that. This provision will be a vehicle so that the Minister can drastically increase registration fees. He has admitted that it is the Government's aim to increase registration fees, and we want to know why. The problems we are facing with regard to construction funds for roads are a direct result of the operating agreement, under which South Australia will receive about $2 400 000 for rural arterial roads funds each year, whereas we were getting more than $12 000 000 under the old agreement. That is why the country roads programme has been cut back. The Fraser Government is the best Government Australia has had since before 1972.

The CHAIRMAN: Order! There is nothing in the Bill concerning the Fraser Government. The honourable member must stick to the Bill.

Mr. GUNN: I was trying to answer the Minister's abuse. I suggest that he adopt a conciliatory attitude in dealing with the Commonwealth Minister so as not to complicate the situation for the member for Gouger when he becomes the Minister after the next election.

Mr. BOUNDY: Country roads are important to South Australia, but it is irresponsible of the Minister to suggest that he be given a blank cheque to provide funds by way of regulation for this purpose. Parliament should retain the right to scrutinise any proposed increase in charges.

Mr. BLACKER: I am concerned at the attitude of the Minister. This Bill was laid on the table on February 3, which was before the Premiers' Conference. Therefore, the blame for this part of the Bill cannot be placed on the present Commonwealth Government, as the Minister has tried to do.

Mr. RUSSACK: The Minister has not replied to the Opposition's point of view. The Minister has said that he will go to Canberra and try to reverse the decision on untied

grants: if he were successful, his arguments about this clause would have no basis. I refer to the democratic procedure in Parliament, and I intend to oppose this clause, because it does away with that procedure and the right of this Chamber to debate such measures. This clause repeals sections 27 to 30, which provide for the power weight of vehicles as a formula or method of determining a basis on which a registration fee is applied. Can the Minister say whether this same method will be used now, or, if not, what is the method to be used to classify vehicles so that the registration fee can be applied?

The Committee divided on the clause:

Ayes (20)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hudson, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Noes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Russack (teller), Tonkin, Venning, and Wotton.

Pairs—Ayes—Mrs. Byrne, Messrs. Hopgood and Jennings. Noes—Messrs. Allen, Vandepeer, and Wardle.

The CHAIRMAN: There are 20 Ayes and 20 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes.

Clause thus passed.

The CHAIRMAN: I point out to the Committee that the word "relevant" is spelt incorrectly. The alteration will be made, as it is a clerical error.

Clause 9 passed.

Clause 10—"Registration for vehicles used in interstate trade."

Mr. RUSSACK: Section 33 of the Act provides a fee for an interstate motor vehicle of $5. As all other fees will now be fixed by regulation, is there any reason why this $5 has been left in the Act and is not to be determined by regulation?

The Hon. G. T. VIRGO: The purpose of this amendment has nothing to do with the point the honourable member has raised; it is to prevent people from cheating. People can cheat by registering a vehicle at a reduced fee, and the next day say that that condition no longer applies and they want to take it up to the ordinary area. Now, if they are going to cheat, they will have to pay for it.

Mr. RUSSACK: I realise that. One of the major purposes of the Bill is to allow for the fixing by regulation of registration and licence fees, yet this particular fee is left in the legislation and will have to be altered by amendment to the Act. Why is that so?

The Hon. G. T. VIRGO: The honourable member has raised a good point. We should have put this into the regulations. Now I know that he supports fees being fixed by regulation, the next time the legislation comes up I will move this fee over.

Mr. RUSSACK: I did not intimate, as the Minister suggested, that I now agree with the regulation method. I voted against that clause but, as the clause has passed and that principle will be in the Act, if it passes the other place, I asked that question and I thank the Minister for the answer.

Clause passed.

Clause 11—"Registration fees for primary producers' commercial vehicles."

Dr. TONKIN: This clause and the clauses down to clause 18 all deal with an insertion in the Act of the passage "prescribed registration fee". This is a consequential series of amendments, following the agreement of this Committee to clause 8. We are totally against this prescribing of fees. This has been put to the test once already, but I want clearly on record the Opposition's total and absolute opposition to government by regulation, and that is what this amounts to. In this case of a registration fee for primary producers' commercial vehicle, we do not know what will be the prescribed registration fee. The Minister will not tell us. Many people can be disadvantaged under the terms of this clause and the clauses that follow.

As soon as Parliament rises those fees can be increased. This sort of thing happened in the case of builders' licensing and it has happened in a number of other cases. We would have to wait not only until June, but for the prescribed time which would be some time in August. The Minister may well shrug his shoulders, but it is possible for this to happen, and once such an increase was established it could be, even in that time, a severe burden on a number of members of the community. All one has to do is look at the categories set out in those clauses. The Opposition totally and absolutely opposes this measure. There is far too much government by regulation. This matter came up when it was proposed that Parliament House should not sit for a period of six months or more; it is an appalling situation. The situation arises where regulations come more and more into our lives. The Minister of the Government can, by regulation, virtually dictate what will happen. We are almost at a point where Parliament need not sit at all, because things will have been arranged 12 months beforehand. I totally oppose this clause.

Mr. GUNN: The Minister has again failed to give a clear explanation.

The Hon. G. T. Virgo: How can the Minister dictate? That's a dopey thing to say.

Mr. GUNN: Not only is the Minister refusing to answer the query: he is now resorting to personal abuse of the Leader.

The CHAIRMAN: I inform the honourable member that the honourable Minister does not have to answer the question if he does not want to.

Mr. GUNN: It is not only that he does not want to, or does not have to: it is obvious he cannot do so. He has resorted to personal abuse of members on this side in his endeavour to hoodwink the people so that, by regulation (and this clause will give him the necessary power) he can completely destroy road transport in the future without giving Parliament the opportunity to debate it properly.

The Committee divided on the clause:

Ayes (20)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hudson, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Noes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Rodda, Russack (teller), Tonkin, Venning, Wardle, and Wotton.

Pairs—Ayes—Mrs. Byrne, Messrs. Hopgood and Jennings. Noes—Messrs. Allen, Nankivell, and Vandepeer.

The CHAIRMAN: There are 20 Ayes and 20 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes.

Clause thus passed.

Clauses 12 to 29 passed.

Clause 30—"Duty of transferee on transfer of vehicle."

Mr. RUSSACK: A specific amount is provided now. I realise that all the prescribed fees will be subject to regulation. Is it intended that these fees will be increased soon?

The Hon. G. T. VIRGO: At this stage, we have not any prior thoughts of increasing fees other than registration and licence fees. I expect that they will have to be increased. We have not considered the remainder, but in considering the need for increased revenue we will be considering all charges to try to get some sort of equity. I think the short answer is that there are no preconceived ideas at this stage of increasing the fees.

Clause passed.

Clauses 31 to 35 passed.

Clause 36—"Use of general trader's plates."

Mr. RUSSACK: This afternoon I said that I had the impression that this clause gave an additional provision in that the driver of a vehicle using trader's plates would be liable to prosecution, and so would the owner of the vehicle. I have learnt since that this has been the case, and the Bill provides for only a regrouping. Will the Minister say whether that is so?

The Hon. G. T. VIRGO: That is correct.

Clause passed.

Clauses 37 to 51 passed.

Clause 52—"Term of licence."

Mr. RUSSACK: I move:

Page 12—
Line 28—Leave out "three" and insert "five".
Line 34—Leave out "sixty-seven" and insert "sixty-five".

The effect is that the term of the licence would be extended beyond the three years, which the Bill provides, to five years. It would be necessary for a person taking out his last five year licence to be only 65 years old. The amendments really mean that the licence period will be longer and fewer renewal notices will have to be issued. I admit that I have not contacted any departmental officials to see what effect it might have on the department, but I believe it would be appropriate to extend the time in line with some other States. The clause as it stands provides for the extension of the term of a licence and stipulates that it will be for three years and that it will be non-optional. In other words, a licensee must take out the licence for three years, the only exception being people who have attained the age of 67 years when their licence renewal will be for only one year. At age 70 and above people must undergo an annual test.

In Queensland there are various periods according to age, and a licence can be granted for 10 years, five years, or one year; in Victoria it is three years; and in New South Wales it is optional whether it is a one-year or three-year licence. The three-year licence in South Australia has been introduced to streamline administration and to reduce costs, because it is easier for a person to pay his licence fee once a year than it is to pay for three years. People on limited incomes, and perhaps people receiving pensions, would prefer a yearly licence. Therefore, the extended period of the licence would be more applicable to people who have a reasonable income. When changes such as this are introduced there are always associated difficulties. Nevertheless, those changes are desirable.

The Hon. G. T. VIRGO: I am not greatly unattracted to the proposition. However, having said that, I dispel immediately any hopes the honourable member may have, because I am unwilling at this stage to support the amendments. South Australia is moving from an annual licence to a three-yearly licence. That is a fairly significant step, without extending into a five-year licence. The current licence costs $5 a year; a three-year licence will cost $15 (assuming there is no increase, but I said earlier that there could be a small increase of about $1 a year), and a five-year licence would cost $25. A driver's licence is an important piece of paper, and experience has shown that, in attempting to deal with our road problems, there is no better way of inflicting a penalty on the aberrant driver than taking away his licence. He can be fined, which might cause him some financial embarrassment for some time, but not for long. From information we have been able to glean, depriving a driver of his licence for say, six months, is the most effective way of punishing him. To convert from a one-year licence to a five-year licence suddenly would take away some measure of control that the Registrar now possesses. The member for Gouger said that pensioners would still obtain annual licences. Some people are entitled to pensions at age 65 or earlier. Many thousands of pensioners under the age of 65 years are licensed.

Mr. Russack: But they get a concession.

The Hon. G. T. VIRGO: Yes. By the same token, I do not believe we should take such a giant step. Whatever period of licence we adopt, this must be phased in over the same time span. The Registrar has come forward with a proposition to phase in the three-year licence over the next three years. The plan we intend to introduce is to divide the populace on an age basis, so that those in one age bracket spread over three years will get a three-year licence, those in the next age bracket will get a two-year licence, and those in the next age bracket will get an annual licence. We also intend that the 57-year-old group will get a three-year licence, the 58-year-old group will get a two-year licence, and the 59-year-old group will get an annual licence.

By that method we will be able to achieve a common revenue level over the phasing-in period. The Highways Fund is financed from three sources, and the licence fee is one of the principal sources. We do not want any peaks or troughs; otherwise, we will be in difficulty with the fund. It seems to me that what we ought to do is proceed on the basis, as proposed in the Bill, of introducing three-year licences to be phased in over that period and, if after they are phased in it is considered that there ought to be any further alteration to the proposal, that is the time when we ought to do it. I do not think that we should be doing more now than the Bill proposes.

Mr. EVANS: The Minister said that, if we had a system whereby the Highways Department every five years obtained most of its money in the first year, it would be difficult for the Government. That might be a good system, if the Government were responsible and the department was capable of looking after its funds.

The Hon. G. T. Virgo: What a reflection on the department.

Mr. EVANS: The Minister made such a reflection. The department would know how to budget its funds. I think the reason for his opposition is that the Government intends to increase the fee, and if a five-year licence was issued, the Government would lose money. We can

cut down the cost of Government administration and help the Registrar by going to a five-year licence system. If there is a need to phase in the system, the Minister should accept that, for the initial three or four years, there would be an opportunity for people to buy an annual licence until the system was fully operational. I believe that people would easily adapt to a five-year licence and I certainly believe that the Highways Department is capable of administering its funds. With a five-year licence, at least people would know how much they would have to pay.

Mr. RUSSACK: Regarding the cancellation of licences for driving offences, the five-year licence might be an even greater deterrent. I am sure the department would have no difficulty about the phasing-in period. I ask the Committee to support my amendments:

The Committee divided on the amendments:

Ayes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Russack (teller), Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (20)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran, Duncan, Dunstan, Groth, Harrison, Hudson, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen, Nankivell, and Rodda. Noes—Mrs. Byrne, Messrs. Hopgood and Jennings.

The CHAIRMAN: There are 20 Ayes and 20 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Amendments thus negatived.

Mr. RUSSACK: Will the refund referred to in new section 84 (8) apply to a person leaving the State?

The Hon. G. T. VIRGO: A refund will be paid if the reason is *bona fide*, otherwise it will not be paid. If the court takes away a licence after a person has just renewed it, that is bad luck for the person concerned.

Clause passed.

Clauses 53 to 56 passed.

Clause 57—"Enactment of Part IIIc of principal Act."

Mr. RUSSACK: New section 98c (1) includes a definition of "the area". I understand that the present area concerned is a distance of 32 kilometres from the General Post Office. Will this area be altered?

The Hon. G. T. VIRGO: No change is intended at this stage.

Mr. RUSSACK: Can the Minister say whether the consultative committee referred to in new section 98d (3) now exists, and name its members?

The Hon. G. T. VIRGO: Yes, it exists now, and its members are Mr. Strutton (Registrar of Motor Vehicles), Michael Bowering (Crown Law Department), and Chief Superintendent Brown.

Clause passed.

Remaining clauses (58 to 71) and title passed.

The Hon. G. T. VIRGO (Minister of Transport) moved: *That this Bill be now read a third time.*

Mr. RUSSACK (Gouger): The Bill contains some commendable amendments that I am sure will improve the legislating provisions such as those relating to the extended licence and control of tow-trucks. However, in supporting the third reading, I indicate our strong opposition to the fact that the determination of registration and licensing fees will be by regulation instead of Statute.

Bill read a third time and passed.

LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 3. Page 2030.)

Mr. GOLDSWORTHY (Kavel): Although at first glance this may appear to be a fairly simple measure, it involves more than one might think. I have read the Attorney-General's explanation. The principle on which the Licensing Act is based is enunciated briefly, as follows:

The Act fixes the fee for most kinds of liquor licence as a percentage of the gross amount paid or payable by the licensee for the purchase of liquor during the 12 months ended on the last day of June preceding the date of the application for the grant or renewal of the licence.

The principle previously established is that in most cases the fee is 8 per cent of the wholesale price paid for liquor by the licensee during that period. The Attorney-General then refers to trading practices that the Government has obviously decided are not desirable. Referring now to provisions of the Act being open to exploitation, he states:

A person takes over a hotel that carries on a modest business and therefore attracts a low licence fee; he proceeds to make enormous sales of liquor at a well advertised discount during the ensuing period of 12 months; he then abandons the licence . . .

The Attorney-General's next point is that this stratagem not only leads to a substantial loss of revenue, but also creates gross inequities between licencees. I do not think anybody will argue with that description of what has been going on for some time in South Australia. The strange thing is that the Government has been aware of the situation for some time. It had conferences about the matter (it was talking about it 12 months ago) but decided to do nothing. It was running around like a chook with its head cut off.

We are aware that the marketing in this industry has not been very orderly, but it is only now that the Government has brought forward this Bill. The next point of the Attorney-General is as follows:

. . . to remedy inequities that have already occurred, the unusual step of including in the Bill a clause making its operation retrospective has been taken.

That provision is unprecedented. The Attorney-General refers to it as "an unusual step". If he can point to a precedent that would allow for retrospectivity of the order envisaged in this Bill, I shall be pleased to hear of it.

Mr. Millhouse: It's a euphemism to say it is an unusual step.

Mr. GOLDSWORTHY: I say it is unprecedented, but I have not the legal background of the Attorney-General. I do not disagree that the trading practices have in some instances led to a situation that is undesirable. The Opposition wholly favours closing a loophole in the law, so that in the future trading in this industry will be conducted along desirable lines.

I am not conversant with the total ramifications of the Licensing Act, but I have tried to come to terms with what this Bill seeks to do. I have had conversations with various people to get advice on what this Bill is all about. There is a degree of retrospectivity, and has to be, in one sense, in the operation of the Licensing Act, because fees are based on sales that have happened in the past. A fee is fixed for operations in the future, so an educated guess must be made as to what the sales will be. In the case of a new hotel evidence is taken and a licence fee is fixed on the basis of that evidence. An educated guess has to be made as to what the fee is to be. I point out that new licensees are aware of

these provisions. Machinery exists so that the fee can be reviewed after the hotel has been operating for some time.

The Opposition does not believe that there should be retrospectivity within the law; we believe that is wrong in principle. We acknowledge the fact the law can be deficient and that people can take advantage of it; we do not admire those people. As a matter of principle, we believe that loopholes should be closed so advantage cannot be taken in the future. I have been attempting to have amendments drawn that will do that.

Mr. Millhouse: It's easy; all you do is vote against clause 2.

Mr. GOLDSWORTHY: That is one way of doing it, but there are ramifications involved that I do not wish to go into at this time. Someone in the current situation would be in a position to abandon a licence in the future, but thereafter the law would operate and that situation could not recur. I do not intend to state the way in which we will deal with this matter in Committee. I point out what we believe is the correct position in a democracy. If we cast the law back and make it retrospective, even though we may disagree with what has been going on, we set a dangerous precedent. The Opposition seeks not to allow practices considered undesirable to continue, but we should not go back and amend the law on things that have occurred in the past. Some people say that there are loopholes in the income tax law.

Mr. Venning: Tell us about them.

Mr. GOLDSWORTHY: That is why people have their accountants. All taxing laws have this inherent difficulty. There may be loopholes in the taxing laws and one may decide to change them, as the income tax laws were changed by the previous Commonwealth Government and as they will be changed by the present Government. However, to change the whole tax law and make it retrospective for three years would be unjust, even though people had taken an advantage of a loophole and had got an advantage over other citizens.

Obviously, the law can be improved at any time. We would not have Bills before this Parliament if that were not the case. However, to go back and enact laws and impose penalties that citizens were not aware of previously would set a dangerous precedent. I am not saying that the trading practices in the liquor industry in the area dealt with in the Bill are desirable. I do not believe that. I know from conversations with hoteliers in my district that the position is causing much difficulty, and I do not want this to happen in future. We want to close the loophole, but we cannot go back and demand retribution for a deficiency in the law. On most Fridays, even when the House is in session, I go into a local hotel in my district and have a counter meal, so I have been aware of the practices and difficulties for about 18 months.

The Government has been sitting down, having conferences, and wondering what to do, and now it wants to alter a fundamental principle of how society works. I believe that we cannot accept the Bill as it is. We must close the loophole, regulate trading within the industry, and act for the general well being of the hotelier, whose career this business is, but we cannot go back and penalise people who have been smart enough, or crook enough as one may say—

Mr. Whitten: Say "crook".

Mr. GOLDSWORTHY: It depends on whether the law has been broken.

Mr. Whitten: He's a crook if he breaks the law, isn't he?

Mr. GOLDSWORTHY: The point is that the law has not been broken; it has been deficient in this area. The former Attorney-General was one of the best at fancy footwork that I have seen, and if the present Attorney-General can point to precedent in law where we have condoned retrospectivity of this kind, we may reconsider the position, but we as a Party are totally opposed at present to such retrospectivity. The people would not know where they were if we acted as the Government suggests. There may have been chaos in the industry, and we believe in orderly marketing, but if the law is deficient, that should be fixed up. That principle is immutable in any society.

Mr. Keneally: That's a good word.

Mr. GOLDSWORTHY: That is why I used it. I have been at great pains with the Parliamentary Counsel and others to see how something can be done and the exercise has been extremely difficult.

Mr. Venning: Did you win?

Mr. GOLDSWORTHY: We will see. Only one course is open. We cannot support the legislation in its present form. I think that clearly sums up the attitude of the Opposition on this matter.

Mr. CHAPMAN (Alexandra): It does not sum up the situation as far as I am concerned, because I wish to bring additional matters before the House. The Attorney-General in his second reading explanation told the House that the Bill was designed to close a loophole in the provisions of the Licensing Act that provided for the assessment of licence fees. He also stated:

> The Act fixes the fee for most kinds of liquor licence as a percentage of the gross amount paid or payable by the licensee for the purchase of liquor during the 12 months ended on the last day of June preceding the date of the application for the grant or renewal of the licence.

I thought that was a very explanatory opening remark. In the latter part of that first paragraph, he expressed clearly and concisely the system of liquor licensing applying under the Act in South Australia, but, more particularly in the former part, he told the House and the public that he had recognised a loophole, and I know that his Government was aware of the loophole at least a year ago. I place the responsibility on the Government to smarten itself up and block loopholes as quickly as it can. I suggest that the Government has found other matters that would return much more revenue and that accordingly it has directed its attention in other areas. It has let this particular matter go. For at least a year it has ignored the recognition of a loophole in the Act. The Government has now described and declared its neglect in that regard.

Mr. Whitten: Would you have supported it 12 months ago?

Mr. CHAPMAN: I will support what I propose to put to the House in my own way and in my own time. Later in the second reading explanation, the Attorney referred to clause 2.

Mr. Millhouse: Will you—

Mr. CHAPMAN: Stop your interference and do not speak from out of your place. You go back where you belong. By clause 2 the Attorney has recognised again and told the House that this is an unusual step for the Government to take. That unusual step is the retrospective clause in the Bill. I wish to concentrate on the undesirable effect of retrospectivity in relation to any taxing law in our Statutes. It is against all canons of good faith to make any law retrospective. The reason is

that citizens act in the belief that the law as it stands at any given time is, in fact, the law. That is a basic understanding of our people, and it is one we are obliged to uphold at all times.

In particular, it is against good faith and good moral integrity to make a taxing law retrospective because, right through the community from the highest to the lowest socio-economic level, people act and conduct their own affairs in the belief that these taxing laws mean what they say at the time. For example, if the House proceeds with this Bill and supports it in its present form to amend the Licensing Act, the door will then be open to allow retrospectivity for all our taxing laws, whether they be State or Commonwealth.

I do not have to advance examples of the numerous methods of taxing that this Government has applied to remind the House of the mess we would be in if retrospectivity by precedent was used in those other taxing areas, whether they involve registration fees, land tax, water rates or income tax. If that happened, the Government would be in an embarrassing situation.

Retrospectivity in legislation is against natural justice, against equity and fair play, against the standard of ethics that one should be able to expect from any responsible and honest Government. It is against the principles of British justice, and against all legislative procedures since the abolition of the Star Chamber in 1642. For the benefit of members opposite who do not know what the Star Chamber was, I should like to explain that the Star Chamber was a special tribunal which sat without a jury and which administered severe punishments to offenders without the offenders having a real and proper opportunity to defend themselves, or to be defended.

The Star Chamber was a means for the Crown to exercise arbitrary power. We know that we have been close to arbitrary direction, as demonstrated by this Government and the previous Commonwealth Government, but surely we are not to be faced with such a provision in one of our liquor laws. I refer to several other judgments which have been delivered dealing with retrospectivity. I refer first to a ruling given by Mr. Justice Willes in *Phillips v. Eyre* (1870), as follows:

> Retrospective laws are, no doubt, prima facie of questionable policy, and contrary to the general principle that legislation by which the conduct of mankind is to be regulated ought, when introduced for the first time, to deal with future acts, and ought not to change the character of past transactions carried on upon the faith of the then existing law.

I believe that that judgment still stands high in the principles and understandings of the public. Certainly it is highly regarded as a principle of the Liberal Party and the Opposition generally.

Mr. Millhouse: I'm not so sure about your Deputy Leader.

Mr. CHAPMAN: I am not in a position to assess what our members will do in the later stages of the Bill or in the Committee stage, but I know what I will do, and this is my opportunity to demonstrate the reason why I am going to oppose bitterly the retrospective element of this Bill. In a book on cases of constitutional law, reported in *Phillips v. Eyre,* it was further stated:

> It was further objected, that the colonial law was contrary to natural justice, as being retrospective in its character, and taking away a right of action once vested, and that for this reason, like a foreign law against natural justice, it could have no extra-territorial force. Retrospective laws are, no doubt, prima facie of questionable policy, and contrary to the general principle that legislation by which the conduct of mankind is to be regulated ought, when introduced for the first time, to deal with future acts, and ought not to change the character of past transactions carried on upon the faith of the then existing law.

That reference demonstrates the need to be extremely cautious about introducing any law, especially any taxing or impost law which takes into account retrospective acts by the parties concerned. In *Tommy Dodd Co. v. Patrick* (1874), vol. 5, *Australian Jurist Reports* at page 14, it was stated:

> Unless the intention of the Legislature is clearly expressed that an Act is to be retrospective it is the duty of the court to hold that its operation is not to be such as to interfere with existing rights. The presumption in all cases is that the Act regulates the future and not the past.

Again, I believe that that statement demonstrates the need for us to close any identified loopholes in the law as quickly as possible. We have a responsibility to do that, but in no circumstances do we go backwards and create a situation of penalty, discomfort, or otherwise, on a citizen of our community who, at the time of carrying on a practice (in this instance, a hotel business), was acting clearly within the precincts of the law. Retrospective legislation has been frowned upon since the early days of our courts and legislative houses; it has been frowned upon by prominent justices who have been recognised across the world and in the law reports of this land and other lands. Those reports have been used again and again as precedents in court hearings. I believe that I have clearly demonstrated to the House the need to keep well away from any form of retrospectivity in the area of attempting to produce a tidy, effective licensing law in this State.

It is clear to me from my reading of the Bill and the Attorney's remarks when introducing it that he is trying in a rugged way to tidy up what may be an untidy practice in the hotel trade. He obviously intends to redesign the Act to ensure the most orderly form of marketing in the liquor trade. I do not deny that one should, wherever possible, desire orderly marketing involving the producer or supplier, the retailer and the consumer. I do not want to dwell at length on the merits or demerits of how the Attorney has set out to achieve that end. However, he will have one hell of a job on his hands if he intends to ensure the orderly marketing of consumer products in this country. He has much ground to catch up.

One does not have to go far from this place to see disorderly marketing at the consumer level. One has to look only at our own service station outlets in South Australia. With all the cries from service station proprietors to have petrol discounting abolished, the Government has chosen to keep away from that area. I recall a Government member asking a Minister to try to do something about that situation, but he got the "Don't touch, let them go" approach. Here, however, the Government is clearly demonstrating its intention to use the back-door method of achieving orderly marketing. It would be fairly embarrassing for the Government to become too involved in this area, because the trade union movement in Victoria is probably carrying on the greatest discounting operation of any authority in the country. The trade unions are involved not only in Bourkes in Melbourne but also in discounting petrol at between 10c and 14c a gallon below the standard price recommended by the oil companies.

Mr. Allison: Not 10c!

Mr. CHAPMAN: Yes. I understand the same crowd are considering going into the hotel business. One can only presume that they are entering the hotel business with

the idea of selling grog. I wonder what the price will be. Of course, it will be in line with the rest of their practices, and liquor will be sold at a discount so that there is cheap booze for the boys. The Attorney is treading on thin ice if he is to use standover tactics to regulate marketing at that level. He will have all the supermarket operators (Tom the Cheap, etc.) on his back, because those companies are carrying on the same sort of practice that the Attorney and his colleagues have implied has already upset the hotel industry in this State. Look what happened to the small grocers. They cannot compete with the large supermarkets. Am I to understand that the Government is to take action against those big companies and pull them into line, or am I completely off the mark?

Mr. Keneally: Yes.

Mr. CHAPMAN: Am I! If that is the case, the Government must be after not orderly marketing on a general basis but a certain individual. The Government must have in mind someone or some organisation, if it is not the mob, that it is trying to catch. The Attorney has plenty of time to explain what is the real motive and intent in trying to preserve retrospectivity in the Bill. On the available evidence, I have no alternative but to suggest that there is something really sinister concerning this measure and that the Attorney is getting away from the true spirit of running hotels on an orderly basis.

Something else is involved, and I should like the Attorney to clarify the position, bearing in mind his admission that it is an annual step to take. I suggest that it is unusual because it is totally unacceptable. I understand that steps will be taken to amend certain minor aspects of the Bill at the appropriate time. In accordance with Standing Orders, I will not pursue that matter now but will leave the remainder of my material and comments until the relevant amendments are moved.

Mr. MILLHOUSE (Mitcham): It is not often that I agree fully with the member for Alexandra, but I do agree with all that he has said about the principles in law regarding retrospectivity. I cannot for the life of me understand why the member for Kavel (who led the debate for the Liberal Party on this matter) beat about the bush as he did. When he had finished his speech I had no more of an idea what he and his Party had in mind than the man in the moon had. At least the member for Alexandra said what he regarded to be the principles of the law. Of course, he did not go to the crux of the matter and say why the Government intends to do what it is doing under the provisions of this Bill. I do not argue with the scheme of the Bill except for clause 2, which makes the Bill retrospective to September 28, 1967. I shall only sum up what the member for Alexandra said on the principles of the law by referring to one authority, a comparatively recent one, namely, Maxwell on the *Interpretation of Statutes,* 12th edition, 1969. At page 215, this is what it says about retrospectivity:

Upon the presumption that the Legislature does not intend what is unjust rests the leaning against giving certain Statutes a retrospective operation.

I hope that members will observe the word "unjust". It continues:

They are construed as operating only in cases or on facts which come into existence after the Statutes were passed unless a retrospective effect is clearly intended.

Of course, clause 2 of this Bill is for that purpose. The report continues:

It is a fundamental rule of English law that no Statute shall be construed to have a retrospective operation unless such a construction appears very clearly in the terms of the Act, or arises by necessary and distinct implication. Clause 2 makes it clear that this Bill is intended to be retrospective. The report continues:

The statement of the law contained in the preceding paragraph has been so frequently quoted with approval that it now itself enjoys almost judicial authority.

The significant word there is "unjust". Retrospective legislation is unjust legislation. I have been wondering, not only because of this Bill but because of a number of his other actions, just what we have got in the new Attorney-General, whether we have a man with any sense of justice at all or whether he is entirely cynical and expedient. Let us be frank about this: the Government is, the Attorney is. This Bill is the "Get Brian Warming Bill". The whole object of the thing is to get at one man, Mr. Brian Warming, who devised or had devised for him a scheme to get around the Licensing Act.

Mr. Chapman: Do you think the Attorney-General will admit that when he replies to the debate?

Mr. MILLHOUSE: I hope he will. I do not care whether he does or not. We know that is the case. We know the hotel industry has bitterly resented what Mr. Warming has done. It makes no secret of it. I do not approve of it, either, but what Mr. Warming did was not contrary to the law. Let us take an example which will, I am sure, be of some interest, particularly to members on this side of the House. The Licensing Act is a fiscal Statute in part, and these provisions are fiscal. Let us take the Succession Duties Act, which is also a fiscal Statute to raise money for the State. I suppose we have all heard of the expression that one is entitled to avoid the payment of tax but one must not evade the payment of tax. What if a person is able to find a way to avoid succession duties on his estate when he dies? He finds something in the Act that has not been used before. He draws his will in that way and then dies, and saves a considerable sum of money in succession duties. Would any member on this side of the House say (I hope no member opposite would say) that the Succession Duties Act should be changed after his death to collect from his estate, after it has been wound up, what the man has been able to save by finding a way through the Act? That would be, I am sure every member would agree, utterly unjust. We are entitled to order our affairs on the law as it stands at any particular time.

Mr. Brian Warming, through the Rose Inn Hotel, devised a good and cunning scheme, set out in the Minister's speech. He bought a hotel which, apparently, was a little run down and therefore the licence fees were low, because they are fixed on the through-put of liquor. He was able to work up that hotel by discounting and then he did not want to go on with the licence because in the subsequent year the licence fee would be much higher. There is nothing illegal about this. Everyone who goes into a run-down business wants to work it up. He hit on a method which worked his up enormously. Why not? There was nothing illegal about it. Now, the Government, which did nothing about it, comes along and wants not only to stop in the future the practice that he adopted at the Rose Inn but to go back and collect from him the back fees as though this amendment had already been in effect. What is the amount which it is trying to collect from this individual? I am not sure, but I believe from both what the Government has told me and what Mr. Warming has

told me that it is over $300 000. That is what the Government is aiming to collect from this man, to impose on him a fine or a penalty of an amount in excess, I am led to believe, of $300 000. How can anyone in his right senses, whatever he may think of Brian Warming, believe that that is just, and how many other people may be caught by this Act? The Attorney-General says he is out to get Brian Warming, but we do not know whether there is anyone else to be caught by it.

The Hon. Peter Duncan: I have not said that at all.

Mr. MILLHOUSE: Oh, yes you have; you said it to me. There is no doubt about that. I do not hold any brief for Mr. Warming. I have spoken to him on the telephone, but not until today did I speak to him face to face; I did not even recognise him when he was in the gallery last night. He is a business man who has been in trouble with the law from time to time; he is a very shrewd man. I know one of the stories I heard about him some years ago. Apparently, he was one of the first men in this State to have his licence disqualified for some driving offence, which was a new penalty in those days. He boarded the Melbourne express that evening, went to Victoria, got a licence there, came back here and was able to drive. No-one thought of going to another State to get a licence, and there was no reciprocity for suspension of licences. That was legal then; it was a loophole then, but it has been covered up since. That is the sort of thing Mr. Warming has done, but it is not illegal. It is shrewd. We may disapprove of it, but there we are! I do not apply this necessarily to Mr. Warming, but even a scoundrel is entitled to the protection of the law. Just because a man is badly regarded by people, it does not put him outside the law. We do not have outlaws now, and yet the only justification the Government has for this, the only argument it is advancing privately, even though it was not put into the Attorney's speech, is, "This is Brian Warming; we know what sort of a person he is and we are going to get him". I will not put up with that. As long as I have any breath left in my body, I will protest about this.

This is one of the most unjust Bills ever to come into the House, in my experience, to impose on a man a penalty of over $300 000 because he was smart enough to find a loophole in a fiscal Act. Whose fault is it? How long has the Premier been Treasurer of this State? We must all, those of us who have been here during the period of the Licensing Act, take some responsibility for it, I suppose. None of us saw it but, heaven knows, the job of a Parliamentary Counsel is continually to try to stop up loopholes in fiscal measures. It is being done all the time. As soon as one is stopped up another is found, but we do not make them retrospective. It is very unjust to do that.

I do not know that there is much more I can say about this. I do not mind who the individual is; I do not mind whether there are other individuals: I will not accept retrospectivity of this kind in the Licensing Act or in any other Act. I support the second reading of the Bill but I certainly will not support the third reading if clause 2 is still in it. I suggest to the member for Kavel, if he is leading for his Party, that the only effective way of putting it right is to vote against clause 2. That means that retrospectivity disappears and, as I understand it, there is no problem about the subsequent clauses in the Bill. It will not be retrospective if clause 2 is cut out. It has been put there to make it retrospective, but I hope that, in view of what has been said by the member for Alexandra, by me and perhaps by others who will speak, the Government will have second thoughts about this Bill.

It is, if anything, a stage worse than the Bill the Government brought in last year or the year before that on the Myer Queenstown project to try to nullify litigation. That was brought in by the Attorney-General's predecessor, now His Honour Mr. Justice King. They did not go on with it because, in answer to a written question of mine, the then Attorney-General said they did not think they would get it through the Upper House. I hope they will do a bit of head counting in the Upper House and find that they will not get this one through and that they will abandon the Bill here and now, and not even put it to a vote.

Mr. EVANS (Fisher): There is no way in which I can support the Bill, either. If one looks at the legislation enforcing the licensing fee, one knows that it goes very close to breaching the Australian Constitution. The Dennis hotel case, in 1926, created the circumstances for the type of law we have in relation to licensed places in South Australia. I say quite honestly that, at a meeting with the previous Attorney-General in August or September, 1974, when we were discussing the petrol franchise tax, I posed the question then, and subsequently in this Chamber, mentioning a figure of $110 000 or $130 000 that could be evaded by the operations of a certain individual. The then Attorney, now His Honour Mr. Justice King, was aware of the facts. He was the law officer for this Parliament in introducing legislation for the Australian Labor Party.

Mr. Coumbe: How long ago was that?

Mr. EVANS: It would have been perhaps 18 months ago. At that time the A.L.P. Government knew for sure about the proposed operations but did nothing. It condoned the loophole in the law. Parliament has sat for many days and nights since then. They did not say it was wrong and that they would change the law. Members on this side asked questions and were told that it was difficult to fill the loophole. Now, in 1976, because one person (or more than one) has been able to make money by operating in a lawful manner, someone becomes jealous of that operation and decides to get some of the money from him. That is what they are saying.

It is a sad thing when society reaches the stage where an individual cannot trust the law. Two years ago, a person could have moved into an operation that was lawful. Subsequently, some people could get into Parliament who did not like that man or his operation, and the law could be changed to catch him for doing something that was quite lawful, and he could be penalised. If we pass legislation such as this, the man in the street will no longer be able to trust the law.

The former Attorney-General said in this House on several occasions that it was not possible to legislate on morals, and yet the present Attorney and his colleagues say that what has happened in a certain operation is immoral according to normal business practice. The former Attorney-General said, as the Premier has said on many occasions, that we cannot legislate on morals and set moral standards by Parliamentary action. The key speakers on the Government side have been saying that for at least the past six years, but that is what they are setting out to do with this operation.

I agree with what has been said by all the speakers on this side. If there is a loophole, let us fill it for the future. I can give a recent example of the present Government's double standards. The case to which I refer happened only last year, in the present Parliamentary session. The Government found that business operators

had discovered a loophole in the stamp tax legislation. If a property had been acquired for $200 000 it could be transferred in 20 lots of $10 000, with stamp duty of just over $2 000. If the transfer was put through in one lump sum the duty would be perhaps $7 000 or $8 000. Businessmen and private operators have been doing this for a long time. The Government realised that it was getting less revenue than it had expected, but it did not make the law retrospective on that occasion because too many citizens would have been involved in the collection of tax. If they can kick one or two people in the guts, they do it. That is their approach. The stamp tax was a case where people had found a loophole in legislation, and more than $300 000 or $400 000 in tax was evaded.

It might not have gone to one or two individuals, but more were involved. The law was not made retrospective. The matter was too dangerous in an electoral sense; it could have cost the Government votes. We are not here to judge. The Government has made this statement on many occasions; it has been made by the previous Attorney-General, the present Attorney, the Premier, and some Government backbenchers: if a person has committed an offence in the past and paid the penalty, society should forget it, and he should be given an opportunity to abide within the law. I believe the main person the Government had set out to get in this case has abided by the law, and his past record cannot be used in judgment in that event. If he breaks the law again, his past record can be used, but he has not broken the law. The Government has shown in recent times that it does not always support retrospectivity where there is a loophole with fiscal law, and there is no need to do it now. I oppose the legislation as strongly as it can be opposed.

Dr. EASTICK (Light): The Premier made a statement on an earlier occasion that if the legal action commenced by a company should succeed in the courts eventually, the Government would introduce an amendment to the Planning and Development Act to support its planning decision. That statement was contained in a letter forwarded by the Premier to Mr. K. C. Steele, a person high in the Myer organisation. It was used in a debate in October, 1973, on the Planning and Development Act Amendment Bill (Queenstown). It was clearly set out there, as on previous and subsequent occasions, that members on this side abhor the use of retrospectivity. I am aware that retrospectivity has been contained within other measures on other occasions and that, if the Opposition has elected to accept the retrospective aspect of the legislation (especially that relating to superannuation, where there were extenuating circumstances) members have been prepared to say that it was against their normal practice.

The Hon. Peter Duncan: As I said in the second reading explanation.

Dr. EASTICK: The magnitude of the Government's audacity in bringing such a measure as this to the House is explained in the final clauses, where the Government seeks to offset the difficulties that would arise if the person who is particularly involved in this measure sought to take the matter to the High Court. It indicates and amplifies the gravity of the position. Many times the Premier has used the phrase "in due season". I turn it on him now, and say that he has had his due season: he was warned of this situation for a long time, but he has been more interested in introducing socialistic doctrinaire policies and legislation in order to suppress the people of this State than in correcting faults in legislation that has been passed. He has had many chances, but it did not suit the Premier to recognise the due season, because he wanted the cheap beer to buy himself cheap electoral support. He has turned to Opposition members many times and asked them. "You show us how to do it." He did not want to be the person who belled the cat, and who would remove from the people of this State the chance of cheap beer legally obtained.

I have no qualms in saying that the action that has been taken for some time, and has been allowed to continue, was most unfortunate for the hotel and liquor industry. It was against the best interests of the industry and has caused much harm. It has also been the reason for several people having gone to the wall or having retired from the hotel business, because they could not compete. As my colleagues have said, the action that was being taken was within the law of this State, and not contrary to it. Albeit it may have been against the spirit of the law as originally intended, the fault is ours and not that of the person who has been making capital out of his action. Now, the Government is asking members, particularly Opposition members, to take the hot chestnut out of the fire and to take some of the odium that is rightly the Government's. Legislation should have been introduced when the magnitude of the trading loss to the Government was considerably less than it is now. I support a situation that would prevent from this day or from the day of proclamation the chance for a person to circumvent what is to be the actual intent of the legislation, but I do not support the Attorney or the Premier in the course they have used to political advantage and against the best interests of the people of this State.

Dr. TONKIN (Leader of the Opposition): I make the position of the Opposition quite plain. I think it has been summed up by speakers so far.

Mr. Millhouse: Not all of them.

Dr. TONKIN: I speak for this side, and probably for the person who has just interjected, in saying that the Opposition is totally against retrospectivity: we will not have it at any price. It is a matter of principle and we will uphold it come what may. Action that has been taken by some persons has no doubt gravely affected the industry, and we are aware of that situation. That action must be stopped: if there is a loophole in the legislation it must be blocked, but what action has been taken has been totally within the law on the Statute Book. I agree with the member for Light when he said that the Government is looking to the Opposition to help it share the blame. We will not take the blame for the Government's lack of activity in the past two years. Why should we have any part of it, particulary when the action the Government asks us to take is totally against the principles of Parliamentary democracy? We will oppose that part of the Bill referring to retrospectivity.

Mr. Millhouse: Hear, hear! At last we have it.

Dr. TONKIN: If the honourable member would listen harder, he would not be in this absolute turmoil of anticipation.

Mr. Millhouse: I listened to your Deputy, but did not know what you were going to do.

Dr. TONKIN: I will not have any part of retrospective legislation either now or in future. Its implications are far reaching and could have deleterious effects in the long term, and we will not have a bar of it.

Mr. GUNN (Eyre): I totally oppose the principle involved in clause 2. Previously, when the Government tried to carry out a similar action, I made my position

clear. If Parliament passes this legislation as it stands, we will have torn up the normally accepted practice that has evolved over hundreds of years and thrown the rules out of the window. Never again would the public have any confidence in its legislators. The Government's action is against all British traditions which this Parliament has been built on and which have laid the foundations for our democratic way of life. One of the Attorney's predecessors described himself as "Her Majesty's Chief Law Officer", but now the Attorney wants to completely prostitute the democratic system. I do not support the activities of the gentleman who the Government intends to slam. Hotel proprietors in my district have complained to me and I to the Government, and I do not believe that people should be allowed to evade the law. However, this gentleman has not broken the law.

The fault is with the Government, which has been fully aware for a long time of his activities. We have passed hundreds of Bills, and there is no excuse for the Government not shutting the gate a long time ago. At this late hour of the session the Government now asks us to pass this type of legislation, although the Attorney and his predecessor were aware of the law and what activities were being undertaken. The Attorney's predecessor was described by the former member for Alexandra as one of the greatest producers of Bills he had seen, but he could not introduce a simple Bill to close an apparent loophole. Obviously, the Government did not act, because it knew that there would soon be a State election and it did not want to cut off cheap beer supplies in the metropolitan area. I support the closing of this loophole, but I will not in any circumstances support clause 2. I support the second reading of the Bill.

The Hon. PETER DUNCAN (Attorney-General): Let me initially remind members opposite why the Government has introduced this Bill. This Government believes that it has an obligation to defend the revenue against the sort of activity to which members have referred this evening and which this Bill is aimed at defeating. Secondly, this Government believes that it has an obligation to the licensed traders in this State who are properly operating within the spirit and intent of the law. Those licensees who are doing this should be defended against the sorts of practice that have become fairly common recently. This Bill does not run counter to the comments of the member for Alexandra and the member for Mitcham; it is not aimed specifically at a particular person.

Members interjecting:

The SPEAKER: Order!

The Hon. PETER DUNCAN: There are a number of licensees who may be involving themselves in the undesirable practices. Of course we do not know who they are until—

Mr. Chapman: Tell me just one.

The Hon. PETER DUNCAN—they fail to renew their licences. For that reason, in the case to which the member for Mitcham referred, the Government was unaware of the outcome of the particular practice involved until June, 1975. In fact, the Government still does not know what the situation is in relation to that operator, because there never has been any sort of return put in on those premises. That is the situation that we seek to remedy. The Government does not know of the practice until the licence expires; that is why this Government has not acted until now. Until June of last year we were uncertain of the position. The Deputy Leader of the Opposition said that since the introduction of this Bill he had been trying to look at ways and means of correcting what he saw as the deficiencies in the Bill. He frankly admitted that he had been unable to do that, even with the assistance of the Parliamentary Counsel. That is an example of how difficult it has been to draft this Bill, which has been in the processes of drafting for some months.

The original instructions went to the Parliamentary Counsel about the middle of last year, and the legislation is now before the House. I pay my tribute to the Parliamentary Counsel who has drawn this piece of legislation, because it is a great credit to his skill that he has been able to produce this Bill, which is, as the Deputy Leader said, very complex. That is the reason why this Bill has only just been brought before this House. Members opposite will know of the Dennis Hotels case; the member for Fisher referred to this matter. The financial provisions of the licensing laws of the States are very delicately balanced in a constitutional sense; that is commonly known, and no-one seeks to deny it.

Mr. Millhouse: What has this got to do with retrospectivity?

The Hon. PETER DUNCAN: It has to do with the interest of other members opposite as to why the Government did not introduce this Bill earlier. The situation constitutionally was such that the Bill had to be drawn very carefully to ensure that the delicate balance to which I have referred was not upset. That explains why in clause 5 there is a provision to ensure that this Bill in no way upsets the balance that has been set up by the decision in the Dennis Hotels case; that is why the Government has not produced this Bill before now. I want to explain why it is necessary for this Bill to be retrospective but, before I do, I want to refer to some of the rather high-sounding statements made by members opposite about retrospectivity.

Dr. EASTICK: I rise on a point of order, Mr. Speaker. It would appear that the Attorney-General, in telling this fairy tale, is being timed. We on this side would want him to have unlimited time to continue the fairy tale, and I ask that the necessary alteration will be made.

The SPEAKER: That was a mistake; it was overlooked.

The Hon. PETER DUNCAN: I thank the member for Light for his indulgence. The matter of retrospectivity has brought many high-sounding comments from members opposite. It is interesting to consider the history of this House in dealing with retroactive legislation. This Parliament is not without retrospective legislation. We have passed retrospective Bills not only in the dim dark past but also recently. As recently as last year the amendment to the pay-roll tax legislation was introduced, and there was a retrospective provision in it—section 18d (3c). In 1962, when the Playford Government was in office, the Sewerage Act was passed; it was retrospective as far back as 1946, which is a far longer period of retrospectivity than the period provided for in this Bill. The Sewerage Act Amendment Bill affected legal rights, because it ratified a whole series of agreements had been made outside the law; that certainly affected people's rights. Again, in 1972, members opposite supported an amendment to the Land Tax Act, which again was retroactive. This clearly indicates that, although the Opposition may rant and rave as it has done tonight, it is not entirely genuine about the matter.

Members interjecting:

The SPEAKER: Order! Earlier in the debate, many Opposition members had a very good go in speaking to this Bill, and there were no interjections from the other side then. It is only reasonable for the Attorney-General to be able to reply in peace without constant interjections, which are unnecessary and prolong the debate.

The Hon. PETER DUNCAN: I want to deal with the matter of retrospectivity in more detail, because the retrospective action of this Bill is vital. The reason for that action in the Bill is to ensure that the method of determining a licence fee can be allowed to continue, and to take action against the persons involved in the practices that the Bill seeks to remedy. If honourable members had read the Bill more carefully, they would have seen, I think, that clause 2 provides that the Act is to be deemed to come into operation on September 28, 1967. New subsection (1c) of section 38 provides that, in effect, the retrospective provisions can apply for only three years from the date of assent to the Bill.

Mr. Chapman: I wonder why it was three years.

The Hon. PETER DUNCAN: That was to ensure that those licensees who had renounced or may renounce their licences would be able to be caught by the Bill, so they will not be able to cheat and defraud State revenue of the money which is payable by all other licensees and which rightfully should be payable by the people about whom we are talking.

Members interjecting:

The SPEAKER: I warn honourable members once more. We will go through the Bill clause by clause in Committee and, if there is anything that honourable members object to, they will have an opportunity to speak then.

The Hon. PETER DUNCAN: This Government believes that it has a responsibility to take that action to defend the licensees who quite properly act within the law, and who have acted within the spirit of the law. This Bill is an attempt by the Government to do that. The Government is committed to defend the responsible traders in the industry, and the Bill seeks to do that and to defend the revenue of this State.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

Mr. MILLHOUSE: I oppose this clause, which is the vicious one in the Bill and the one to which most debate was directed at the second reading stage. I do not believe the Attorney when he says the Bill is not meant to catch only Brian Warming. He is at least the prime target of the Bill, and I do not know why the Attorney is trying to deny it. It is shabby of the Government to trade on the unpopularity of one man, a man whose reputation perhaps has been questioned in the past, to try to get this legislation through, yet we know privately that that is the position. This is thoroughly bad for the reasons that have been given. The Bill can be cured of its defects if the clause is deleted. I therefore intend to oppose it, and I hope that every member on this side will do the same.

Mr. GOLDSWORTHY: For more than a week I have been trying to sort out the effect of certain amendments and deletions. Can the Attorney explain what will be the effect of the deletion of this clause? On the information that I have, I intend to oppose the clause, but the information has been a little diverse. I want the Attorney to explain, if the Government has a case in mind at present and the Bill is passed without this clause, what the future effect will be, because it is the future we are concerned about.

The Hon. PETER DUNCAN (Attorney-General): The simple answer is that, if this clause is not in the Bill, people involved in this practice at present will not be caught even in the current year, because it will not be possible to assess their licence fee under the provision of the Bill back past the date on which assent is given to the Bill.

Mr. GOLDSWORTHY: Surely this would apply only if the licence was abandoned. If there were an application for renewal of the licence after April 1, I take it the requisite fee for the past 12 months trading will be paid. Therefore, it seems to me that the only possibility of an escape in future will be if the licence is abandoned in the cases the Attorney is thinking of. Thereafter, there would be no chance to abandon the licence and escape the impact of this legislation. Is that correct?

The Hon. PETER DUNCAN: The very ill that this Bill seeks to remedy is the one that flows from the abandoning of licences and, if a licence were abandoned in June of this year, or in April (or whenever the licence is abandoned), we could go back only to the date when assent was given to this Bill. The very remedy in this Bill is regarding the abandoning of licences and the defrauding of revenue of the amount of the licence fee that should have been paid on the sale of liquor during the previous 12 months.

Mr. MATHWIN: The Attorney obviously does not know the answer; he is not sure of his facts. He has mentioned two different months in answering a question. I suggest that the Attorney report progress, get the answers, and give them to the Committee later.

The Hon. PETER DUNCAN: If the member for Glenelg has a question, let him put it and I will answer it.

Mr. GOLDSWORTHY: I am still not clear about this, and I wonder whether the Attorney is.

Mr. Millhouse: I don't wonder; he's not.

Mr. GOLDSWORTHY: I am asking him: he is supposed to be clear, as he is sponsoring the Bill. It seems to me that this Bill, if passed with this clause deleted, would give only one opportunity, and that would be during this year, to abandon the licence. Thereafter the possibility would not exist under the legislation as drawn, without this clause.

Mr. CHAPMAN: If the Bill is designed to embrace, amongst other things, the practices the Attorney has outlined, have the Attorney, or his officers, as tax collectors in this State, sought to determine whether Mr. Warming is willing to relicense his premises at the Royal Oak Hotel?

The Hon. PETER DUNCAN: As I have pointed out previously, this Bill is not aimed at any particular person. The answer to that question is "No".

Mr. CHAPMAN: I have the permission of Mr. Warming to relate a conversation which transpired between us. If the Attorney and his department were willing to support the Licensing Board in issuing a licence for a further period of 12 months on the Royal Oak Hotel, Mr. Warming assures me he will readily pay cash and enter into another contract for the ensuing period. If there are any doubts at all about Mr. Warming's practice in relation to that hotel and his future activities as a hotelier on those premises, what about putting him to the test? What is the Attorney worried about? Why is he trying to cling to this retrospectivity clause if no other cases can be cited?

The Hon. PETER DUNCAN: This Bill seeks to remedy the ill that exists at the moment and we seek to ensure, as far as possible, that revenue which should have been paid to the State will be paid to the State. That is the purpose of the Bill.

Dr. EASTICK: Is the Attorney currently working on legislation that seeks to obtain from petrol resellers funds which they have evaded paying and which they have been feeding back to the community through discounts? Is not the position the same? Although we are now considering a licensing provision related to the hotel industry, we could be considering licensing provisions associated with other commodities. If the Attorney's argument is worth anything, the reply to my question must be in the affirmative.

Mr. MILLHOUSE: Has any estimate been made of the amount of revenue that the Attorney believes will be collected if this retrospective provision is included in the Bill? If an estimate has been made, how much is it? I know what he told me in private conversation.

The Hon. PETER DUNCAN: The Government has no official estimate at all.

Mr. Millhouse: Have you any estimate, official or otherwise?

The Hon. PETER DUNCAN: I have a view, but I will not make it available, because it is my private opinion and it is not based on any scientific evidence. I do not intend to give that information.

Dr. EASTICK: I hoped that when the Attorney rose he would reply to my question. I now ask the Attorney to answer my question.

The Hon. PETER DUNCAN: I am happy to answer that question, although I believe the question is irrelevant to this Bill. The Government has no evidence of any petrol resellers avoiding the payment of revenue and, in view of that situation, there is no Bill in preparation in that area.

Mr. EVANS: Has the Government knowledge, other than the knowledge given to it in 1974 that one liquor operator was probably setting out to make use of this loophole, of any other operator who is setting out to make use of the loophole, or who has made use of it?

The Hon. PETER DUNCAN: I understand that the department has no knowledge of any other operators or licensed people engaging in that practice.

Mr. Evans: Except for the case you were informed about in 1974.

The Hon. PETER DUNCAN: The information at that stage was insufficient to base a Bill on, because the licence was still current. It was not until June, 1975, that the Government had evidence on which to act.

Mr. GUNN: It appears from what the Attorney has just said that the Government was not aware of the loophole in the law. In 1974, were the Government, the Attorney or his predecessor aware of the existence of the loophole and the fact that it might be exploited?

The Hon. PETER DUNCAN: I do not have that information. I cannot answer for my predecessor; I do not know what situation was in his mind at that time. Certainly, I was not aware of the loophole.

The Committee divided on the clause:

Ayes (20)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hudson, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Pairs—Ayes—Mrs. Byrne, Messrs. Hopgood and Jennings. Noes—Messrs. Allen, Coumbe, and Russack.

The CHAIRMAN: There are 20 Ayes and 20 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes.

Clause thus passed.

Remaining clauses (3 to 5) and title passed.

The Hon. PETER DUNCAN (Attorney-General) moved: *That this Bill be now read a third time.*

Mr. MILLHOUSE (Mitcham): I oppose the third reading of the Bill. I said earlier that I would support the second reading but that I would not support legislation with a retrospective element in it. As that element has been left in the Bill, I am opposed to the entire Bill. I do not like the practice that is going on; I believe it should be stopped. But that is far outweighed by the vice and injustice of the retrospectivity that this Bill embodies. If we must have the stopping of the loophole coupled with retrospectivity, I do not want either. I hope that will be the view on this side of the House. I believe and I hope devoutly that it will be a view of a majority of members in another place. The Attorney-General (and let the hotel industry know this) runs the risk of losing the Bill altogether if he insists on retaining in it retrospectivity. If he wants to stop up the loophole he would be well advised to abandon this most objectionable clause 2. He has not yet abandoned clause 2, so I therefore oppose the third reading of the Bill and I will divide on it.

Mr. CHAPMAN (Alexandra): I should like to place on record my attitude towards this Bill now that the Attorney has demonstrated his intention to retain the retrospectivity clause. I, too, believe that the intent of the Bill, apart from the retrospectivity clause, is sound and responsible. Without retrospectivity the balance of the Bill would have our support, certainly mine. On that basis I declare that I shall not support the third reading of the Bill. I hope the Attorney will take steps immediately to redraft a Bill that seriously takes into account the preservation of the licensing system and the existing provisions in the legislation. If necessary he should amend the provisions to allow licence fees to be fixed on the basis of trading volume whether it be liquor purchased at or sold on the premises so licensed. I hope that the Attorney will take immediate steps to plug the loophole that has been cited and any other loopholes that may be found relating to liquor selling. Every effort should be made to preserve the hotel industry and allow it to carry on in a proper and businesslike manner, so that the spirit and intent of the Licensing Act as we know it can be upheld. As far as the retrospectivity clause is concerned, I cannot and will not support it.

Dr. TONKIN (Leader of the Opposition): It is a great shame that the Government has allowed greed to get the better of it, because that is what it amounts to. It is greed, pigheadedness and a desire for retribution. Otherwise, the Bill would have been perfectly in order to stop up the gap that existed. The Opposition is not in a position to make good the deficiencies that the Government has shown to have existed over the past three years and of which it has been totally aware. It is a reprehensible situation that the Government has known, on the Attorney's admission, that this loophole has existed, but has taken no action. The Government has been negligent and has only itself to blame.

The Government is now trying to pull the Bill out of the fire, but it is a monument to retrospectivity, and we will have no part of it and will oppose the third reading.

Dr. EASTICK (Light): I believe that some extremely useful advice has been given to the Attorney by the member for Mitcham and by other members. No guarantee has been given to the Attorney that, if he allows this measure to proceed beyond this House, it will not even be read a second time in another place. In that case he would suffer the likelihood of losing the whole Bill, and he would not be able to resurrect it. I do not know the full implications of Standing Order 326, which allows for the recommittal of a Bill at the third reading stage, but, I ask leave to continue my remarks to give the Attorney the opportunity to decide whether he will recommit the Bill so that it can leave here in a form which is likely to be supported in another place and which will be of benefit to the industry. I seek leave to continue my remarks.

The SPEAKER: The question is that the member for Light have leave to continue his remarks.

The Hon. D. A. Dunstan: No.

The SPEAKER: Leave is refused.

Dr. EASTICK: I have little more to say other than that the Attorney-General and the members of the Government have had fair warning of the likely consequences of the pigheadedness they are now showing. I cannot support the third reading of the Bill. The position as I have outlined it is a fair assessment of the likely consequences.

The House divided on the third reading:

Ayes (20)—Messrs. Abbott, Broomhill, Max Brown, Corcoran, Duncan (teller), Dunstan, Groth, Harrison, Hudson, Keneally, Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse, Nankivell, Rodda, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Pairs—Ayes—Mrs. Byrne, Messrs. Hopgood and Jennings.

Noes—Messrs. Allen, Coumbe, and Russack.

The SPEAKER: There are 20 Ayes and 20 Noes. There being an equality of votes, I give my casting vote in favour of the Ayes. The question therefore passes in the affirmative.

Third reading thus carried.

Bill passed.

BUILDING ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

FIRE BRIGADES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

JURIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 5. Page 2142.)

Mr. MATHWIN (Glenelg): I rise to support this Bill and indicate to the House that my Party will be supporting it. The two main points are problems caused in the operation of jury pools, where the sheriff is required on occasions to call all jurors when only a few of them are needed for the business before the court. On occasions, I understand that more than 40 people have had to attend the court when there was no need for them to be there at all. So that amendment is welcomed from this side of the House. It is interesting to note that the first Juries Act was passed in 1927, and it was amended in 1937, when it was reprinted. It was amended again in 1965, one of the main amendments at that time being concerned with the equal number of jurors. A simple amendment was made to the Act then, part of which I will read out:

> . . . required to make up the number of men and women to be summoned as jurors, so that as nearly as possible the number of men to be summoned bears to the number of women to be summoned the ratio which the number of men in the jury list bears to the number of women in that list provided that, whenever practicable, the sheriff shall ensure that each panel shall contain not less than fourteen women.

That was a simple amendment made in 1965! It is no wonder we have lawyers to explain to the ordinary person what an Act means when there was an amendment like that in 1965.

Another matter to be amended in this Bill is giving women equality, which adds the responsibility to which they have to face up. Before this Bill comes into operation, a woman can cancel her attendance as a juror merely by writing to the sheriff saying that she cannot attend. If she gives up to six days notice, that is sufficient. But, now, of course, she will be equal to a man, in that, before she can gain exemption, she will have now to prove that she is in ill health or has urgent and important business to deal with, or that there are two or more partners on the same list employed in the same firm summoned to serve at the same time. In such cases the judge or the court may decide whether the women may be relieved of that duty. Clause 4 brings in the method of serving summonses on people on juries. At present they must be informed by registered mail. Now, however, with the massive increases in postal charges imposed by the previous socialist Government in Canberra, causing astronomical increases in mail charges, the notices will be delivered by ordinary mail.

The Bill will be supported by this Party. Further, now that a woman is on the same level as a man, where a sordid case is to be heard (one that might upset her when she hears all the sordid, grisly, and horrible details) she must be the same as a man and listen to the whole business. With that brief report to this Parliament, I say that we as a Party support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Amendment of third schedule of principal Act."

Mr. MATHWIN: Can the Attorney explain what is meant by a religious house?

The Hon. PETER DUNCAN (Attorney-General): I will undertake to find a definition for the honourable member and let him know.

Clause passed.

Title passed.

Bill read a third time and passed.

SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from February 5. Page 2142.)

Dr. TONKIN (Leader of the Opposition): This Bill, although quite a detailed one, is largely a machinery Bill and is basically devoted to tidying up certain deficiencies in the Act which have become apparent during the working

of it in the past two years. The only queries I have been able to find in relation to it are, first, one in relation to clause 3 (*e*), and perhaps the Premier will be able to enlighten me in general principle. It has been argued that this amendment could be bad news for members of declared schemes; possibly such institutions as the Adelaide Children's Hospital, which would come under a proposed Health Commission, could then be said to have a declared scheme, a scheme to which the Government is liable to contribute.

As an example, quite a few members of the Adelaide Children's Hospital would not want to transfer to the Superannuation Fund, but if past history is anything to go by they will probably not have much choice. In this respect I am talking of the Electricity Trust of South Australia and more recently the State Government Insurance Office. Clause 9 allows the Minister to make a deal with such a person on a basis that will accord with the arrangements he may enter into with the Minister. That is not a very firmly put objection. It is a query, because many people in that situation would like to know where they stand.

There is one other query in relation to the amendment to contribution salary, in clause 7. This means that salary increases paid retrospectively will be taken into account for the purposes of calculating the pension from the retrospective date, but that contributions from employees will be collected from back pay. It would appear that some employees are not required in these circumstances to make up the contributions for the period of retrospectivity, but I am told on inquiry that that is because the amount of effort, time and money involved in collecting these contributions would make the extra contributions not worth collecting. If that is so, I would like to have the Premier's assurance that it is so, because we are not in a position where we can afford to let any funds of that nature get away from the Superannuation Fund.

The Superannuation Act is particularly generous for public servants, and I think public servants in South Australia do remarkably well. I do not say for a moment that they do not deserve to, because I think they do a fine job. However, it is a question that the community will have to come to terms with ultimately, because the Public Service superannuation serves generally as a pacesetter for the private sector of the community. With the private sector depressed, as it is at present, these superannuation provisions can be quite significant and have quite a significant effect on private enterprise.

Further, with the growth of the number of people in the Public Service, we may find that the community itself cannot always afford to make these generous payments. If we reach the stage where more people are working for the Public Service than are working for the private sector (and that time could come if certain activities of this Government carry on), we may find that the full cost will fall on the community and that the superannuation scheme may fail. With those comments, I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Dr. TONKIN (Leader of the Opposition): It has been suggested to me that people working in a hospital and already contributors to a declared scheme may be required to join the State superannuation scheme, although they do not wish to. That may happen if they become employees of the Health Commission. Will they have the right to opt out of the State scheme?

The Hon. D. A. DUNSTAN (Premier and Treasurer): The provision applies to "any such person who is a contributor to a declared scheme". The people to whom the Leader refers are excluded from the definition of employee.

Clause passed.

Clauses 4 to 14 passed.

Clause 15—"Commutation of pension of contributor pensioner."

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

Page 7, lines 23 and 24—Leave out all words in these lines and insert—

(*b*) by inserting in subsection (1) after the passage "thirty per centum" the passage "of an amount derived by deducting the supplementation amount from the amount".

I understand that this is a drafting amendment.

Amendment carried; clause as amended passed.

Clauses 16 to 18 passed.

Clause 19—"Commutation by spouse of spouse pension."

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

Page 8, lines 13 and 14—Leave out all words in these lines and insert—

(*b*) by striking out from subsection (1) the passage "that pension" last occurring and inserting in lieu thereof the passage "an amount derived by deducting the supplementation amount from the amount of that pension";

I am instructed that this is also a drafting amendment.

Amendment carried; clause as amended passed.

Remaining clauses (20 to 26) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 11.35 p.m. the House adjourned until Tuesday, February 17, at 2 p.m.