LEGISLATIVE COUNCIL

Thursday, February 3, 1966.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

PETITION: ROAD TRANSPORT.

The Hon. C. C. D. OCTOMAN presented a petition signed by 501 electors and residents in the Northern District of the Legislative Council. It stated that any further restrictions on the use of road transport by taxation legislation or otherwise would be detrimental to the interests of the State and that the cost of any such legislation or control would add to the cost of living and discriminate against the residents of country areas, and cause undue hardship to women and children in those areas. The petition contained the respectful prayer that no legislation to effect any such control, restriction or discrimination be passed by the Legislative Council.

The Hon. C. R. STORY presented a petition signed by 350 electors and residents of the House of Assembly Districts of Wallaroo and Yorke Peninsula in the Midland District of the Legislative Council. It stated that any further restrictions on the use of road transport by taxation legislation or otherwise would be detrimental to the interests of the State and that the cost of any such legislation or control would add to the cost of living in country areas and discriminate against the residents of those areas. The petition contained the respectful prayer that no legislation to effect any such control, restriction or discrimination be passed by the Legislative Council.

Petitions received and read.

QUESTIONS

SEWAGE EFFLUENT.

The Hon. L. R. HART: Has the Minister of Labour and Industry, representing the Minister of Works, a reply to my question of January 26 regarding a report on the use of sewage effluent?

The Hon. A. F. KNEEBONE: Yes, I have a report, and I think it is in terms simple enough for anyone to understand. My colleague, the Minister of Works (Hon. C. D. Hutchens) has supplied me with the following reply:

The committee appointed to conduct an investigation into the utilisation of effluent from the Bolivar sewage treatment works comprises the following officers:

Mr. H. J. N. Hodgson, Assistant Director, Engineering Services, Engineering and Water Supply Department, Chairman;
Mr. K. W. Lewis, Assistant Engineer for Water and Sewage Treatment, Engineering and Water Supply Department, Deputy Chairman;
Mr. J. W. Gilchrist, Superintendent, Irrigation Branch, Lands Department;
Dr. K. R. Miles, Chief Geologist, Geological Survey Branch, Mines Department; and
Mr. P. Judd, Senior Research Officer (Irrigation), Department of Agriculture.

The committee was asked to consider all factors associated with the use of this effluent, including its relative salinity, soil characteristics, drainage and the economic aspects. The committee has accomplished a tremendous amount of work, but there is still a good deal to be done, and in an interim report dated December 16, 1965, the chairman stated:—

> "Obviously a comprehensive report with plans, etc., cannot be prepared until work is at least nearing completion on the various major facets of the enquiry. With members of the committee and those working with them all heavily engaged on their normal duties, the committee does not think it will be possible to produce a report in less than 6 to 8 months after this date. This means the earliest possible date by which a report can be submitted is about May-June, 1966."

UNDERGROUND WATER.

The Hon. M. B. DAWKINS: Has the Minister of Mines a reply to the question I asked last week regarding possible extension of water reticulation on the southern end of Yorke Peninsula?

The Hon. S. C. BEVAN: Yes. Drilling of the observation boreholes in the hundred of Carribie is completed. Pump tests to investigate the safe yield of the aquifer will be continued in late February, and the whole project should be completed before the end of this financial year. Drilling in the remainder of southern Yorke Peninsula proved that only small supplies are available outside the hundred of Carribie and the Para Wurlie Basin.

PEKINA IRRIGATION BLOCKS.

The Hon. G. J. GILFILLAN: Has the Minister of Mines a reply to my question regarding irrigation on the Pekina irrigation blocks?

The Hon. S. C. BEVAN: Yes. Drilling is in progress on a test bore located on the western boundary of the Pekina irrigation area. Depth of the hole on January 28, 1966, was 500ft. The artesian aquifer was cut at 400ft., and fine-grained sands and clayey sands have been intersected from 400ft. to 500ft. Drilling is to continue to approximately 600ft., to

explore fully the sediments and to determine the depth to precambrian bedrock.

Previous attempts, both private and departmental, to develop the artesian waters have proved unsuccessful due to blockage of the bore with fine sands. The test bore is being drilled with a percussion plant using a water bentonite mud mix, to prevent the water and sand from flowing into the bore. A cemented sand screen developed by AMDEL will be used to hold and retain very fine sands. This type of screen, originally used in oil production holes, has not been previously used in water bores. A conventional slotted screen will be used for retaining coarser sections of sand. If this hole proves successful, further test drilling is warranted.

CAMBRAI-SEDAN WATER SUPPLY.

The Hon. C. R. STORY: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. C. R. STORY: My question is directed to the Minister representing the Minister of Works. In the Cambrai and Sedan area agitation has been going on for a number of years for a reticulated water system through that area but, because of certain circumstances, this has not been economically feasible. In view of the fact that it has been reported that a proposed new main from the Murray will come through that general area, I ask the Minister whether he can give any indication as to the actual target date for putting water through that area, and whether consideration will be given to embodying some reticulated scheme in the area, if I am correct in my assumption that the main will pass through that area.

The Hon. A. F. KNEEBONE: I will be pleased to convey the questions asked by the honourable member to my colleague and bring back a report as soon as it is available.

CONSTITUTION ACT AMENDMENT BILL (ELECTORAL).

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It has been the foremost plank in the Labor Party's policy in South Australia for many years that we should provide democracy in this State. The present constitutional and electoral arrangements are clearly undemocratic and the policies contained in this Bill have been overwhelmingly endorsed by the people of South Australia in two successive elections. In the last one the Labor Party obtained a larger proportion of votes than has been recorded for any major party in any State election in Australia in the last 50 years.

At that election the Labor Party announced that its policy was for a 56-member Lower House, based on the principle of one vote one value; that in making this provision there would be no decrease in the number of country members; that there would be adult suffrage for the Legislative Council; one vote one value for that House, and effective deadlock provisions of a kind previously outlined to Parliament that are similar to the deadlock provisions existing as between the House of Commons and the House of Lords. The Labor Party also explained that the drawing of electoral boundaries would be by a permanently constituted independent commission, so that shifts in population would not place any district either at a disadvantage or an undue advantage electorally, and so that the boundaries in South Australia would be permanently aligned on instructions to the commissioners enshrined in the Constitution, and providing for effective democratic Government and not a political measure the subject of periodic manipulation for unscrupulous sectional ends.

As to the Lower House redistribution, this will provide that 26 of the 56 seats must be in the present country area. The commission must obtain a quota for electorates in South Australia which, at the moment, would be about 10,000 to a seat, but it may depart from the quota by 15 per cent above or below that figure. This would mean that more closely settled districts would have a number of voters something over 11,000 and country districts something over 8,000. This would still provide difficulties in two areas. While most of the settled area in South Australia comprises a total area smaller than the State of Victoria, there remain vast empty unsettled spaces in the Far North and Far West.

Here, because of difficulties of communication and the extreme sparseness of the population, it would be difficult for the commission to provide seats quite up to the figure which would bring them within 15 per cent below the electoral quota, although the commission would not have to depart very far from the figure that I outlined previously. In consequence, provision is made in the Bill that the commission may in its discretion provide that in two seats, on the grounds of remoteness, sparseness of population and difficulty of communication, the number of voters shall

be more than 15 per cent below the electoral quota, although this is subject to the overriding direction to the commission that it shall require seats to be approximately equal in number of voters to the other seats in the State. The redistribution for the Upper House will necessarily be based upon the Lower House redistribution, and it is not possible to separate provisions for Upper House electorates from those for Lower House electorates. Therefore, the measures in respect of both Chambers are necessarily contained in the same Bill.

The Upper House, under the new provisions, will be democratically constituted but, because only half its members retire at each election, it may well have a different political view in total from that of the Lower House, where all members must retire at each general election. The Labor Party regards its measures for the Upper House as a step to eventual abolition, as we consider that experience in this area of unicameral legislatures in New Zealand and Queensland have amply demonstrated that a second Chamber is redundant. However, the provision for democratic elections for the Upper House will leave the ultimate decision as to abolition to the people.

The deadlock provisions that I have outlined were explained at the election, as they had been at the time of a Bill introduced in the last Parliament. They mirror those between the House of Commons and the House of Lords, which allow the House of Lords the right to cause the popularly elected Chamber to have second thoughts but which cannot exercise a power of veto over measures introduced by the people's Chamber and insisted upon by it after a period.

I now turn to the detailed provisions of the Bill. It makes three substantial alterations to the Constitution of the State. The first will increase the number of members of the House of Assembly from 39 to 56, new Assembly districts to be defined from time to time by an electoral commission. The second major amendment is made to the deadlock provisions and is along lines similar to the provisions of the Bill introduced by my Party some three years ago. The third amendment is to provide that all enrolled electors for the House of Assembly shall be qualified as electors for the Legislative Council.

The first general amendment is effected by clauses 4, 5, 8, 9, 10, 11 and 14. I deal with clause 14 first. This clause (together with clause 3, which makes a consequential amendment to section 3 of the principal Act) inserts a new Part, consisting of sections 76 to 85 inclusive, in the present Constitution. New section 76 provides for the appointment of an electoral commission comprising a Supreme Court judge (who is to be the chairman), the Surveyor-General and the Assistant Returning Officer for the State. New sections 77 and 78 make the necessary machinery provisions concerning procedure and application of the Royal Commissions Act. New section 79 requires the Commission to divide the State into 56 approximately equal electoral districts for the House of Assembly. For this purpose the commission is to obtain an electoral quota by dividing the total number of electors by 56. It is provided that electoral districts for the Assembly are to be regarded as approximately equal to each other if none of them contains a number of electors more than 15 per cent above or below the electoral quota. New section 79 (4) provides, however, that, if the commission, having regard to sparsity and remoteness of population and difficulties of communication, is satisfied that it is desirable, it may provide that in not more than two districts the number of electors can be more than 15 per cent below the electoral quota.

New section 80 sets out the criteria and matters which the Commission will take into account. Paragraph (*a*) requires that each electoral district is to be of convenient shape with reasonable means of access between the main centres of population; not less than 26 of the electoral districts are to be wholly within the country area, which means any area outside the areas comprised in certain metropolitan districts as they were defined in 1954 when the Electoral Districts (Redivision) Act was passed. It is also provided that townships shall as far as possible not be divided between electoral districts. New section 80 (*b*) sets out that the commission may have regard to physical features, community of interest, local government areas and existing district boundaries.

New section 81 provides for a redivision of the five Legislative Council electoral districts, four of which are to consist each of 11 whole Assembly districts and the fifth of 12 whole Assembly districts. New section 83 provides that within eight months of the passage of the Bill the commission is to present its report and recommendations and under new section 84 when the Governor considers it fit so to do he is to publish the report and recommendations in the *Gazette*, upon which event the new boundaries will come into force without the intervention of Parliament. At this stage I

refer to new section 82, which is in terms similar to corresponding sections in previous redivision Acts; it provides for the commission to invite, receive and consider representations from individuals and organizations before making its report.

New section 85 provides for complete or partial redivisions from time to time (but not more frequently than once in six years) by further electoral commissions to be appointed on each occasion comprising a Supreme Court judge, the Surveyor-General and the Assistant Returning Officer, and the provisions of sections 77 to 82 and section 84 are to apply with the necessary modifications in relation to such future commissions. It will be seen that the new Part V provides for the detailed definition of boundaries to be altered from time to time on recommendations by an electoral commission appointed from time to time. The number of electoral districts will continue at 56, but the definition of the boundaries will be the prerogative of the Governor on the recommendation of an electoral commission.

I deal now with the other clauses of the Bill governing this matter. The first of these is clause 4, which inserts a new section 11a in the principal Act. This new section provides that from and after the first general election of members of the House of Assembly after new boundaries have been proclaimed, those members of the Legislative Council whose term of office has not expired shall, for the unexpired portion of their term, be deemed to represent Council districts to be determined by the electoral commission. Such a provision is necessary as it is likely that after redivision of the State the Council districts will not be the same or bear the same names as those which were in existence before the redivision and, of course, members of the Council are elected for a term of six years. Clause 5 makes it a consequential amendment. Clauses 8, 9, 10 and 11 deal with the House of Assembly. Section 27 of the Constitution Act provides that the Assembly shall consist of 39 members. By clause 8 this provision will remain only until the day of the first general election of members held after redivision, and clause 9 of the Bill inserts a new section 27a providing for a House of 56 members after redivision.

Clause 10 amends section 32 of the principal Act (which now provides for 39 electoral districts) by making provision for the continuance of the 39 districts until the first general election of members after a redivision. New section 32 (2) provides that the State is to be divided into 56 new electoral districts for the purpose of the first general election of members after a redivision. Clause 11 of the Bill makes a necessary consequential amendment in regard to a quorum for the House of Assembly. At present, with a House of 39 members, the quorum is 15, including the Speaker. By clause 11 (*a*) this will continue to be the position until the first general election after a redivision. Paragraph (*b*) inserts a further subsection (1*a*) in section 37 to provide that after the redivision the quorum shall be 21 members, including the Speaker.

I have explained the way in which the amendments dealing with the redistribution are being made. As honourable members know, it has been the policy of my Party for many years to seek an increase in the number of members of the House of Assembly. Originally consisting of 36 members, by 1890 the number rose to 54. On federation the number was reduced to 42 and after the transfer of the Northern Territory to the Commonwealth in 1911 it was reduced to 40. It was increased in 1915 to 46, but in 1936 was reduced again to 39 members. Only in Tasmania is the membership of the Lower House (35) smaller than our own, others varying from 50 in Western Australia to 94 in New South Wales. Only allowing for increases in population since 1936 there would be justification for a membership of over 56. The other aspect of this matter is the basis upon which the electoral commissions are to proceed. This basis is the principle of one vote one value with the necessary practical provision that if a district is within approximately 15 per cent of the electoral quota the principle is considered to have been observed. The other matter to which I refer is the requirement that of the 56 districts at least 26 are to be wholly within the country area. Having regarded to the great increase in population and the differing rates of increase between the metropolitan and country areas the Government considers that the present basis of 26 country districts and 13 metropolitan districts is completely unjustified and that the basis of near equality provided for by the Bill is more in keeping with democratic methods.

I come now to the second amendment concerning the franchise for the Legislative Council, which is effected by clauses 6 and 7. Clause 6 (1) provides that all enrolled electors of the Assembly who are entitled to vote for the Assembly shall be entitled to vote for the Legislative Council. Subclause (2) provides that this amendment shall not take effect until the first general election of Assembly members

to be held after the commencement of the Act. In other words, the new provisions will not apply to by-elections between the commencement of the Act and the next general election. Clause 7 makes a consequential amendment. I do not need to speak at length on this matter. It is well known that the policy of my Party has for many years been that the qualification of electors of the Council shall be Assembly enrolment and the clauses which I have referred to so provide.

The last substantial amendment is that made by clause 12 of the Bill, which repeals the present deadlock provisions in section 41 and substitutes what the Government regards as workable provisions based upon those which relate to disputes between the House of Commons and the House of Lords. In effect, the new provision means that if the House of Assembly insists on a Bill in two successive sessions with a space of 12 months between each passing, then the Bill may be presented to the Governor and become law without passing through the Legislative Council. The provision would not apply to money Bills or Bills extending the duration of Parliament. The last clause of the Bill to which I refer is clause 13 which makes a consequential amendment to section 60 by relating the definition of money Bills in sections 60, 61 and 62 also to section 41. I submit the Bill for the considered opinion of honourable members and their favourable reaction to it.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.

DISTINGUISHED VISITOR.

The PRESIDENT: I notice in the gallery Mr. R. Alan Eagleson, Member for Lakeshore district in the Provincial Parliament of Ontario, Canada. I extend to Mr. Eagleson a hearty welcome to this Council. I should appreciate it if the Chief Secretary and the Hon. Sir Lyell McEwin would conduct Mr. Eagleson to a chair on the floor of the Council.

Mr. Eagleson was escorted by the Hon. A. J. Shard and the Hon. Sir Lyell McEwin to a seat on the floor of the Council.

ROAD AND RAILWAY TRANSPORT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from February 2. Page 3708.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): It is not my intention to speak at great length upon this measure, because it has already been announced on behalf of the Government that the Government desires the defeat of the Bill. I suppose that is because of the vast amount of public expression of displeasure regarding the Bill. Many petitions have been presented to the Council and I have a file of correspondence that has been received from all parts of the State. Similar approaches have been made to other honourable members and I suppose it is accepted and expected that this Bill should be defeated.

The various clauses have been dealt with in detail in the many speeches that have been made and we have heard much about its general effect, not only on transport, but on the economy of the State and on industry, which includes employment. The Bill has far-reaching effects but I think that those aspects have been dealt with sufficiently and that I need not indulge in repetition. Rather, I am opposing the Bill on different grounds.

First, there are the ethical and moral aspects. My second reason is that it is inimical to the progress of this State, it is decadent, and discriminatory. Thirdly, it is a departure from the traditional British law. This Bill places unlimited powers with the Minister. We find that about 12 or 13 times words such as "with the approval of the Minister" or "the board, under the direction of the Minister" have been used.

The Hon. S. C. Bevan: Isn't the Minister answerable to Parliament?

The Hon. Sir LYELL McEWIN: Yes, we know all about that, but the Minister is in executive control and Parliament does not handle individual applications for permits, licences, and such like. Parliament finishes its job when it deals with the Bill. I know that the Minister has given us a list of goods he is proposing to exempt, but that is not the usual way in which Parliament operates. If those things are to be exempt, they should be mentioned in the Bill. In that way, the Minister is protected. When approaches are made to him, as they will be (and I have had experiences of this) the Minister can say, "My powers lie in the Act, and this is all I can do." Then the Minister is clear. In no way can he be challenged or influenced, because Parliament has set down what he can do. That is what I mean by traditional British law.

Any departure from that system is approved only in a period of war, when it is necessary to take action from day to day because it is not possible to debate the particular matters in Parliament. We never like approving of these things, but we do it in an emergency

and we are prepared to submit to that course because of the threat to our country, even though these departures from normal practice may be abused. However, when we depart from this system, somebody might say, "I know the Minister and I got fixed up all right." The next man down the street says, "Yes, I went along, used a bit of palm grease and got fixed up." Then another person says, "This is a pretty kettle of fish. I am not prepared to do these things, so I have to be at a disadvantage compared with somebody else."

I do not want the Minister to be placed in that danger. There is not one member of this Chamber who has not the utmost respect for the Minister who is in charge of the Bill. Nobody questions his integrity. However, as I have been the victim of approaches in my period as a Minister, I do not think it would hurt to tell the Council of some of the things that have happened to me. Many people have ridiculous ideas about the value a Minister places on his own honesty, respect and integrity.

In a time of shortage, difficulties always occur, because somebody wants to get something that is denied to the majority of the people. I propose to relate a simple thing that happened to me on one such occasion in connection with my responsibility for the administration of the Places of Public Entertainment Act. It will be remembered that we had shortages of coal and that coal was rationed. Therefore, the installation of emergency plant in many of our theatres became necessary.

A certain request was rejected by the officer concerned and I was invited to receive an appeal and give the matter further consideration. I decided to inspect the property and found that it was one of the greatest hazards in the city. One of the primary responsibilities of the Minister administering that Act is the safety of the public. This State, compared with the other States, has a wonderful record of avoidance of loss of life through a fairly strict safety code under that legislation.

When I inspected the property, my first remark was that I was amazed at the condition of the area where the bio box was. The area where the engine was to be put was untidy and there were inflammable things all around it. If anything happened to that bio box and the man in charge of projecting the film panicked and threw a piece of lighted film, the whole thing would have been in a state of conflagration, and there was only one exit.

Of course, the request was rejected, and the man concerned was fairly confident that that was going to happen. I do not often have difficulty in making myself understood and on that occasion he understood before I left the premises. At some time on the same day a parcel arrived at my office. A junior officer of the department took delivery of it and when he brought it to me I asked what it was. He said that he did not know, that somebody had left it. I said, "Didn't you have to sign a receipt for it?" He said, "No, it didn't matter." I said, "I am not expecting any parcel", and then threw my mind back to this incident and said, "Well, you take this back to a certain place and say there has been a mistake. I am only guessing, because there is nothing written on it, but take it back and tell him the Minister says there must be a mistake, that this is not his, and if he denies it has anything to do with him, you take it to the police and tell the man that is what you are going to do." I did not see the parcel again. That is one instance, and I do not want any Minister to be subjected to that sort of thing.

Parliament should not in normal times pass legislation that makes it possible for that to happen or for any temptation to be thrown at a Minister by people who think they can get around him in any way. Thank goodness these approaches were not made by South Australians, but by people across the border, but one man came along with the suggestion that I accept a commission of 15 per cent. He told me that that was the normal thing where he came from and he wanted to know the position here. I told him it was "15 years" in South Australia and I didn't hear any more about that.

On another occasion I was asked, "How long have you been a Minister?" I said "Twelve years", or whatever it was at the time, and he said, "You know, you should be a man of affluence now." I said, "I don't get it; what do you mean?" He said, "You won't get any thanks after you have gone; you may as well make every post a winning post." I was astonished, as that came from the lips of a very respected man in our land. He said, "That is what the public thinks, and you may as well be in it." I hope that never creeps into the public life of South Australia. We have a very clean record, and just as good a record in the business life of this State. This legislation is a temptation for people to try it on, and I do not think we should ever place

a Minister in that position. It is absolutely essential that a Minister should always maintain and receive the respect of those in Parliament who assign certain responsibilities to him. I do not like this sort of legislation. A man's reputation can be destroyed by inference. Somebody says, "So-and-so has a permit" or, "They got their licence and I lost mine. What has he that I haven't got?" People start to think that they can buy what they want.

Under this Bill the board is absolved, as everything is the Minister's responsibility. If he approves of a certain thing he is responsible, and if he directs the board he is still responsible. I think that is bad legislation, badly conceived. I would hate, with the respect that I hold for the Minister, that he should be placed in this very invidious position. I am not one of those who think it cannot happen here, for it can occur in the best of society, but it cannot happen if we do not provide the opportunity. Therefore, I am very definite that I would not support legislation drafted on this basis.

I mentioned the traditional British concept that the Act should prescribe what the legislation is intended to do. The Minister should have guidance under the legislation and not be the one who has to decide policy on his own responsibility. I said that this legislation is discriminatory. I say that because only a portion of the road users will be brought into the obligation to pay under this Bill. We are told that £200,000 is to be found. Why we should saddle this on the poor old transport people or road-users I cannot conceive. Hasn't air travel taken business away from the railways? Shouldn't the airlines be just as liable to pay something towards this £200,000? If we pursue this to its logical conclusion, where do we stop? The legislation is discriminatory because people within a certain radius are exempt and others are beginning to see the light and how it affects people, as referred to by Mr. Story, who are outside the golden circle.

Why do we need to have this discrimination against people just because they happen to live within an area which, whether it is in relation to another Bill that was introduced today, seems to be a special section of the community within a certain radius? I say the Bill is decadent because it restricts progress and prevents us from advancing with the times. It would be just as logical to say that Parliament made the mistake 40 or 50 years ago when it did not ban the introduction of the internal combustion engine. Look what that did! All our horses went out. The lovely animals we used to get up early in the morning to feed were no longer wanted. The poor old horse simply went out of existence owing to the introduction of the internal combustion engine as it developed in its traction power. Many little country industries also disappeared—implement makers, buggy and waggon makers and so on. With the passing of time, there was only one shoesmith left in the North. They and their forges had to go, but hasn't our economy developed as a result of that?

If the railways wish to continue (and there is a place for the railways), they must take advantage of modern developments. I am not suggesting that they have not, for we have had the introduction of diesel locomotives and the railways will continue to handle much of the transport of goods over long distances. We can see what can be done on a railway like the East-West line, where there is 1,000 miles of unbroken travel. People can travel these long distances and complete the journey comfortably, but there are places to which the railways cannot give the adequate transport service that mobile road transport can; where the handling is cut down to a minimum, where, instead of three or four handlings at the place of loading, the goods are loaded on to road transport and delivered to the door or to the appropriate town with the utmost speed. These goods do not have to be stopped in transit and shunted every ten miles or so. Consequently, the road transport people give a speedy service, and time is valuable; it must be taken into consideration. It is all a matter of cost. Cost is important to the whole economy of South Australia because if industry cannot keep its cost to a minimum the whole State suffers. It is absolutely necessary in the interests of employment and further industrialization that we allow the most economic system of transport to prevail, and who can better decide which is the most economic system of transport than those desiring to use it? Road transport could not exist if it was not demanded by the people engaged in industry in various parts of the State. One could go on illustrating how the development of South Australia has been assisted and hastened by the help it has had from road transport.

I can remember Eyre Peninsula when motor cars were not nearly so good as they are today and when a pressure of 70 lb. was needed in

tyres, for there were no good roads for transport operators. In those days they had to dodge around the holes in the road and go through scrub. Yet, even under those conditions it was road transport that did so much to assist the people, not only in freight and passenger transport but also in conveying newspapers to all parts of the State, and there was no radio at that time. The broadcasting stations were not established. Newspapers had to be distributed so that people could get the news as people get it today, although now we have television to assist us. These things are necessary if we are to maintain a good standard of living in the country, but when we come to road transport it is a different story. We have to avoid certain areas because there is a railway line, regardless of whether the Railways Department can provide an equivalent service. The amount of business done by the Railways Department is creditable. If there are some slight losses there, we should make them up by taxation. It grieves me to think that we have to put the clock back when we are trying to get rid of controls and live more under conditions where industry can flourish in the most favourable circumstances. It is wrong that we have to put the clock back, and say to those who are running a road passenger service, and who have a little sideline (for there is not always a full bus but, to keep faith with the community, the operator runs a regular service, as the railways do), "If you carry a few parcels and some newspapers, you must make a contribution over and above what you pay at present." It is an imposition and an undesirable deterrent to the progress and wealth of the community. Unless the Government is prepared to assist people in the country and elsewhere to be prosperous, what is the use of thinking it can go on imposing additional taxation, of which we have had so much during this session? Because of these points (I do not wish to labour them further) I am opposed to the Bill.

The Hon. JESSIE COOPER (Central No. 2): I rise to oppose this Bill. Its main object seems to be to take money from the roads and to hamper road transport in order to bolster the railways. The assumption, however, that more money being made available to the railways will *ipso facto* mean greater efficiency surely cannot be maintained by any thinking person. The whole concept of railway finance in South Australia is old-fashioned. It is ridiculous to speak continuously of the vast sums of money invested in the past and then to treat this money as vital capital today. In modern industry, obsolescence is given great significance. Machinery, plant and establishments are expected to have only limited life. When wear and tear becomes obvious, when new modern inventions come into being, the old, the obsolescent, simply has to be discarded and written off.

I am not in any way deprecating the value of rail for some purposes, but in today's modern world rail has limited uses. It has been proved all over the world that for a large percentage of the goods carried road transport is the most efficient type of land transport. When I say "efficient" in relation to the word "transport", I mean it carries the greatest weight of goods under the requirements of general commercial practice for the least expenditure of labour and money. The use of rail today must, I believe, be limited to the spheres in which it is efficient and economic. To use machines and plants for purposes for which they are not the most suitable instruments is only to hide the shortcomings, and can lead only to damage in the cost structure of production. This will result in damage to the whole of the South Australian commercial world. Honourable members have heard, and will hear again and again, the hardships and ruin that could result from this Bill in country areas.

It is equally obvious to the city and the commercial world that a similar fate will befall them should this Bill become law. No part of the State is free from the machinations behind this Bill. Again, if another object of this Bill is to make work and provide jobs for railway men and staff, I still cannot see its merit. Australia is short of labourers, technicians and professional men. To make more unnecessary work in a country already short of the people and finance required for its development cannot be the act of an intelligent Government but must be regarded as a form of muddling mismanagement. If, indeed, the Government has its way and makes jobs for railway workers in this artificial manner the result must surely be the collapse of the road industry, with hundreds of road transport workers rendered jobless.

The word "abhor" was used most effectively by the Hon. Mr. Story yesterday. This Bill is abhorrent to me mainly because it brings in government by regulation, government by the Minister; in fact, government by the pen of a Minister. Legislation by regulation is delegated legislation. Honourable members in

this Council are often told that when things are not the same they are different. The French have a saying—I think it has been mentioned in this place—*plus ca change, plus la meme chose*. It means that the more something changes the more it is the same thing, or remains the same. I would rather say "There is nothing new under the sun". The attempt to introduce government by regulation is not new. In 1929 the Lord Chief Justice of England (Lord Hewart) was moved to write a book on the subject entitled *The New Despotism* and, with all humility, I suggest that every member should read it, particularly those members who have the responsibility of government. In one chapter the author says:

It is one thing to confer power, subject to proper restrictions, to make regulations. It is another to give those regulations the force of a Statute. It is one thing to make regulations which are to have no effect unless and until they are approved by Parliament. It is another thing to make regulations, behind the back of Parliament, which come into force without the assent or even the knowledge of Parliament.

Bearing those remarks in mind, let us examine the Bill. Many actions of the board are to be under the direction of the Minister. Control, in fact, is taken from Parliament. The position of Minister is an administrative and executive one under the Crown. The Minister should not be a law-making authority. Lord Hewart, referring to this very point on the duties of Cabinet, says:

It is the task of Parliament to make the laws and the real business of the executive is to govern the country in accordance with the laws which Parliament has made.

We should always be ready to observe and destroy clauses in Bills that would have the effect of placing some departmental decision beyond the reach of the law and of Parliament, and this I believe is present in this Bill. In it we are going back to the days of autocracy, always a retrograde step in any history, and in no time at all autocracy becomes despotic. Any form of despotism is sinister—it exists in many backward nations today and I can see no reason for this country to join them—but despotism is most sinister when it acts under the cloak of Parliamentary forms. I also strongly hold the opinion that the disposal of public moneys or imposts should always be under the control of Parliament and not under the control of a Minister.

To sum up, I shall vote against this Bill for three main reasons. First, the principle of robbing the efficient and most desired form of transport to bolster the obsolescent and cumbersome form can only produce commercial suicide for a widespread State such as ours. Secondly, I would never approve of the principle of taxes or imposts on people being placed out of Parliamentary control. Thirdly, I consider that the efforts by this Government in general and in this Bill to produce government by regulation and, even worse, to place autocratic lawmaking powers in the hands of the Minister are completely objectionable and contrary to the best interests of the people of South Australia.

The Hon. M. B. DAWKINS (Midland): I rise to speak to this measure without any enthusiasm because I know there is nothing in it, as far as I can see, that can command any real respect or admiration. It is, as honourable members have said, an attempt to recontrol transport, which was first controlled by the Socialist Government led by the late Hon. L. L. Hill in 1930. It might be said that the history of road transport in this State is, in fact, a history of restrictions on road transport. One of the major steps that the Playford Government took, in my view, was that taken not so very long ago to free the roads and to enable development to continue quite unimpeded by the various artificial restrictions that have impeded progress, in many respects, for many years now. However, I consider that the Government has a mandate to co-ordinate transport. This was one of the things included in the policy speech, and I believe the Government has a mandate to do something along those lines, but the Bill we have before us, in my view, goes much further than this and I do not believe it is true co-ordination at all. Rather is it a charge on a section of the community. With regard to this, I would like to quote a few lines from the *News* of last night. No-one could say that the *News* is a paper in the habit of coming out strongly on the side of the right wing of politics. I quote the following from the leading article:

This is a community in which any penalty upon individual enterprise, thrift and a lifetime of effort is naturally viewed with abhorrence.

We heard something about abhorrence earlier this afternoon, and yesterday. The quotation continues:

If he wishes to introduce further legislation to try to accomplish the aim which the Council has now frustrated, Mr. Walsh must be able to make it perfectly plain to all that the Bill will benefit the vast majority and not penalize anybody unduly.

Here is the summing up of the leading article:

Fair tax is one thing, but sectional penalties are not popular.

I underline the words "sectional penalties" to the Government, as such penalties are not popular. Although the quotation is from a leading article in a newspaper that quite frequently sits on the fence (it is not unknown to drop over on the left side from time to time, and that is putting it mildly) and although it is in respect of another Bill I remind the Government that it applies equally to this measure.

Reference has been made by the Leader of the Opposition, the Hon. Mrs. Cooper and other members to the objectionable dictatorial powers of the Minister. Let me hasten to join with my colleagues in saying that this is no reflection on the present Minister, for whom I have a high regard. However, the words "the Minister may direct" or "the Minister may from time to time give directions to the board with respect to the issue of permits" and "the board shall give effect to any such directions" tend to go all through the measure, which brings it back all the time to the person who, for the time being, is the Minister of Transport. I believe this is objectionable, but I do not intend to spend time on the matter as it has been covered sufficiently by my colleagues. In my view, the Minister made a good attempt in his second reading explanation to ice the cake, as I think the Hon. Sir Norman Jude put it, and to sugar-coat the pill. I consider the second reading explanation to have been a fairly good sort of rearguard action, a fairly good defence of a Bill that has been roundly condemned by the community.

However, I should like to draw to the attention of the Council that the sugar-coating and icing put on the cake are not contained in the Bill. They are not amendments to the Bill: they can be withdrawn at will. I should like to mention a quotation that may have been mentioned before but which is very true, and if it has been mentioned I make no apology for repeating it. It is:

Finally, there is one very strange aspect about the Minister's new approach. Despite the many so-called concessions now being offered by the Government, which are, however, not included in the Bill, the Minister's estimation of the revenue from the proposed ton-mile fees and increased railway earnings coincides exactly with the amount indicated by the Premier when he originally introduced the Bill in the Assembly some months ago.

It is obvious to me that, as many exemptions have been brought into the second reading explanation since the Premier first introduced the Bill, the fact that these amounts that are expected to be obtained coincide exactly means that, if some people are to be exempted, other people will have to pay more. That is axiomatic. Transport costs will rise inevitably if this Bill is passed. For many people, probably far more than the Government realizes, the cost of living will rise and it will be yet another example of the rising costs under this Government.

I, in common with all other members, have received much correspondence and many personal representations about this Bill. I do not intend to spend much time on this, but I wish to quote a communication from the National Farmers Union of South Australia Incorporated, which represents almost all the primary producers and all the primary producing organizations of any consequence in the State. It says:

In the Road and Railway Transport Act, the National Farmers Union considers that it is discriminatory and not in the best interests of primary producers and country people generally to exempt certain areas of the State from the provisions of the Bill. Also, in its existing form, it would appear that the legislation would increase costs to producers, because they are at the end of the line and are unable to pass on such increases. The executive of the National Farmers Union further pointed out that the South Australian Railways is a public utility and it was not necessary for a tax on road transport to subsidize the same.

That is somewhat typical of a sheaf of correspondence that all members have received and I have quoted it because it comes from an organization that is a liaison body, representing all the primary producing organizations of any consequence in this State. It is one example of correspondence that, as the Leader has said, has come from all parts of South Australia. Recently several members in this Council referred to an advertisement with reference to another Act and in that advertisement the people were asked to contact their Legislative Council members and stop the Liberals from robbing them. My friend the Chief Secretary was concerned about the word "robbing", but the people from his own Party were the first to use it. The advertisement went into two newspapers that have a combined circulation of much more than 300,000.

The Hon. A. F. Kneebone: You are on the Succession Duties Bill!

The Hon. M. B. DAWKINS: I shall come back. The people were urged to communicate with members of the Legislative Council to object, yet not one member of the Legislative Council that I know of received any objection about that particular Bill. To come back to

this Bill, to suit my honourable friend, the Chief Secretary—

The Hon. A. J. Shard: All I am saying is that you are getting a fair crack of the whip. You are completely out of order.

The Hon. M. B. DAWKINS: If I am, I have had some colleagues because I have heard my honourable friend completely out of order before today. I could spend much time on the considerable amount of material that I have, but I intend to put most of that aside and come to the core of the Bill. Why was it introduced? First, it was introduced for the obvious reason that my friends the Socialists like controls. The word "like" is mild and does not meet the situation; it would be nearer the mark to say that the Socialists love controls. They want to control road transport in order to reduce the railways deficit, which has been stated as being £3,600,000 a year. Yesterday or the day before my honourable friend Mr. Banfield said that the deficit was £4,000,000.

The Hon. L. R. Hart: His arithmetic was wrong.

The Hon. M. B. DAWKINS: Yes, by £400,000. He might have been more accurate about that.

The Hon. A. F. Kneebone: Some have said that it is £3,000,000.

The Hon. M. B. DAWKINS: The official figure is £3,600,000 and I am prepared to accept that. However, I wonder how much of this can be attributed to interest charges on what are now completely useless but so-called assets. In this modern world, they would have been written off by an efficient private business concern long ago. Therefore, if my estimation is correct, we have an exaggerated view of railway deficits.

However, let us take the figure of £3,600,000 as being correct. This money must be found if the railways are to be retained, and not one member of this Council or of another place would say that they should not be retained. No member with an appreciation of the development of this State would say that the railways have not done a good job in developing it, even in situations in which the railways could not be expected to pay, because they were pushed out to develop country areas, not just to be a paying proposition. However, I point out that we do not ask a section of the community to find the money spent by the Educaton Department or to meet the deficit in the Engineering and Water Supply Department or in the Hospitals Department. The railways are a community service and the community as a whole should find the amount of railway deficit. The deficit is by no means all attributable to the country.

The city is to be completely exempted from this tax, but let me briefly draw attention to city and metropolitan transport. I doubt whether the services in the city pay; I am quite sure that the services provided by the Municipal Tramways Trust do not pay, but I have not heard that the Government is going to put a levy of some sort on motor cars in the city in order that these deficits should be met by a section of the community and not the community as a whole. We on this side of the Council say that the people as a whole (and this, of course, is the case at present) should bear the cost of the deficit on the railways, to which the Government says "No; this burden should be placed unfairly on the shoulders of a section of the community". I stress that it is a relatively small section at that. This in my view is most unfair and is quite wrong. I would remind the Government, without wishing to repeat things unduly, that the final words in the leading article that I read earlier are these: "Fair tax is one thing but sectional penalties are not popular" and, may I add, nor are they just.

An amount that is not burdensome to the community as a whole can be an unfair, heavy, and sectional tax on a portion of the community. The Government intends that that section should pay an amount out of all proportion to what it should bear. That amount, incidentally, so far from being spent on the roads where it was earned, will be transferred to the railways. Not only will it cost a section of the community an amount out of all proportion, but this legislation will also add to rising costs in this State that will affect the whole of the people of South Australia. I believe that this legislation should be condemned and I am strongly in opposition to it. I do not intend to say anything further on the Bill, except to reiterate my opposition to it, but I do crave the indulgence of the Chamber, and I hope the Chief Secretary will not object to my getting away from the Bill for a moment.

The Hon. A. J. Shard: Completely out of order.

The Hon. M. B. DAWKINS: I wish to say what I omitted to say when I was on my feet the other day, that is, to welcome to this Chamber the Hon. Mr. Murray Hill and I congratulate him on his maiden speech.

The Hon. C. C. D. OCTOMAN (Northern): In rising to speak to the Bill I emphasize that I speak to the Bill itself and not to the explanation given by the Minister of Transport, because there is a great deal in the explanation which is not in the Bill, and the Bill itself is all we can be concerned with. I know the Minister is an honourable man who may have at this moment every intention of implementing what is in the explanation he has given, but circumstances alter, pressures are brought to bear, and even honourable people change their minds or find some plan of action impossible or not practicable. I believe that progress (and that includes keeping down our cost structure) will be more readily achieved by the open road policy as laid down in the 1964 Act.

In my Address in Reply speech I referred to Government plans to co-ordinate transport. In his Speech at the opening of this Parliament His Excellency the Governor stated that the Government's policy would be to co-ordinate transport and encourage the use of public transport to the greatest possible extent. I stated at that time that encouragement was an admirable thing but to coerce people to use public transport would be a deplorable misuse of power. Time and time again we have seen bureaucratic control stifle enterprise, and I have not yet seen any reason to change that opinion. This Bill gives the Minister dictatorial powers over the transport industry generally and, in fact, sets out to remodel the whole of the State's transport system.

The Bill provides for complete reintroduction of transport control; it provides for controlled roads, permit fees and also for a road tax of 2c a ton-mile, which all mean added costs, nearly all of which will have to be met by country people. I raise the same query as other members have raised as to why the area within the radius of 25 miles from the General Post Office in Adelaide is completely exempt. Is this purely political? Everybody realizes that the railways are essential to the welfare of this State; I believe there has been no argument about that from any member in this Chamber who has spoken. But why is it that the country person is the one who has to pay to reduce those annual losses? The basic principle of this Bill is that road transport is to be taxed not for the maintenance and improvement of our roads and highways but for bolstering the revenue of the Railways Department. Road revenue is to be paid into a railways improvement fund. This, in principle, is wrong. In addition to this we have no guarantee as to how this railways improvement fund is to be used. Again, the Minister may use this revenue for any purpose within the railways which he thinks fit.

I agree with the Leader of the Opposition that this Bill imposes a load on the Minister of Transport which it is improper for him to carry and which leaves him open to all kinds of charges that would be completely unfair. Although there are large numbers of items that would be subject to tax under this Bill, I would like to mention one or two of them specifically. The first is that fuel and petrol distribution costs would have to be raised substantially if petroleum products were forced to use the railways. They are usually stored at terminal ports and in the main are loaded from storage tanks at the terminal into road tankers to go by road and then be unloaded at various points. That is a direct service and it is also the cheapest and most efficient. Under the terms of this Bill the petroleum products would be loaded from the terminal storage into the same road tanker, which would then take the products to the railway station to be offloaded into a railway tanker. The railways would haul it to a country centre where another road tanker would have to offload it again from the rail tanker and then deliver it to the various points for public use. An oil company terminal manager told me that on a 100 mile journey this additional handling and freight cost would increase the cost of fuel and petrol by 2d. to 3d. a gallon.

The handling of grain could also be adversely affected. As honourable members know, South Australian Co-operative Bulk Handling Limited has storage facilities at many country centres and at terminals. Of necessity the large storage capacity silos are built at terminal ports in order to provide adequate storage for shipping requirements. When the smaller country silos fill, wheat growers will cart direct to the terminal silos. I stated previously in this Chamber that in 1964-65, of the 18,000,000 bushels of wheat produced on Eyre Peninsula, 6,000,000 bushels were delivered by road to terminal.

To a lesser degree, this also happens at other terminal ports. Farmers will not stop harvesting when their local silo fills and wait for the railways to shift the grain to terminal. The risk involved in leaving the crop standing in the paddock is too great. The railways do an extremely good job in grain haulage, but during the harvest period they are incapable

of moving grain from country silos as quickly as farmers deliver. Therefore, the only alternative is for farmers or their carriers to deliver direct to terminal.

If this is to be the subject of permits, licences and road tax, I can assure the Minister of violent reactions. Another point I mention is in regard to our road passenger services. It appears that these services are involved in this dragnet. In comparing direct road passenger services with co-ordinated passenger services, we find an example on Eyre Peninsula. There is a co-ordinated rail and road service to Whyalla, much to the disgust of Whyalla people. Then, there is a direct road passenger service from Adelaide to Port Lincoln, operated by the Birdseye family. This service was inaugurated in 1928 and has been outstanding for its service to the community on Eyre Peninsula, particularly to women and children. This Bill could co-ordinate this service or allow it to run from Adelaide to Port Lincoln, provided that the ton-mile tax is paid.

The Hon. A. F. Kneebone: This co-ordinated service to Whyalla was inaugurated by the previous Government, and arrangements stand on these things. We are doing nothing at all on this.

The Hon. C. C. D. OCTOMAN: It could be done, in terms of this Bill.

The Hon. A. F. Kneebone: It could have been done before, too.

The Hon. C. C. D. OCTOMAN: This Bill could co-ordinate these passenger services or require them to pay the ton-mile tax. Neither of these would be satisfactory. Neither the operators nor the passengers would bear the inconvenience of a co-ordinated service, and the application of a ton-mile tax, as a gift to the railways, would increase fares and freight charges.

The Hon. Mr. Geddes quoted some fares yesterday. The Birdseye service operates four buses, and I understand that each vehicle costs about £8,000. There are eight return trips a week to Port Lincoln. The service is not in competition with the railways, because the first town serviced is Cowell on Eyre Peninsula, 70 miles below Whyalla. That service could be affected.

The Hon. S. C. Bevan: Why?

The Hon. C. C. D. OCTOMAN: Because it could be co-ordinated or required to pay a ton-mile tax. This has been an excellent service at reasonable rates and to an isolated area. Apart from its heavy passenger connection, the service carries much freight. It carries mails for the Postmaster-General's Department and, in terms of the Minister's explanation, this is exempt. It also carries much ordinary parcel freight, and this is where much difficulty would arise in assessing the rates to be paid, because most of the parcels are cartons or are securely packed, and people do not know what is in them. The service also carries money in the form of notes and coin to banks.

A peculiar situation arises here, in that the service also carries injectors for the diesel engines of the South Australian Railways. Evidently the Minister would levy a ton-mile tax on the carriage of these injectors, so the cost of cartage to Port Lincoln would be increased by that amount and then the South Australian Railways would have to pay its own ton-mile tax.

The Hon. A. F. Kneebone: Wouldn't it be sectional if some services were charged a fee and others were not?

The Hon. C. C. D. OCTOMAN: Such a variety of goods is carted by this service that it would be almost impossible to work out a ton-mile tax. What an exercise to work out ton-mile tax on all these goods at varying rates!

The Hon. G. J. Gilfillan: The Bill is sectional in its application, anyhow.

The Hon. C. C. D. OCTOMAN: I think other members have said that. The service to which I have been referring carries replacement parts for motors, tractors, silos, and so on. A service to Streaky Bay and Ceduna operates six days a week and it has five buses. It is peculiar that the single fare to Whyalla on the co-ordinated service is £3 3s. 6d., while the single fare to Streaky Bay, 200 miles farther on, is £3 2s. 6d.

If the provisions of this Bill are applied to road services they may be put out of business, but no compensation is provided for. I consider this Bill to be sectional in its application and not in the best interests of the State as a whole. In particular, it is not in the best interests of country people. Therefore, I must oppose it.

The Hon. L. R. HART (Midland): In this Bill we have another example of the Government's inflexible passion to further burden the State with its socialistic doctrines, no doubt conceived (and, may I add, ill-conceived) by its masters, who are not responsible to Parliament or to the people. This legislation has a number of obnoxious features, absurd in their concept and inconsistent and destructive in their application. At no time during my term in Parliament, short though it may be, has any

legislation caused such concern throughout the State, and never has a Government or its members shirked their responsibilities to explain and justify the introduction of an amending piece of controversial legislation as this Government has done.

Is it any wonder that the people are fearful of the effects of the Bill now before us? It is all too apparent that the Minister and Government members have not been prepared to explain the reasons for and the effects of the Bill, because they themselves are uncertain. I am fortified in this belief by the inconsistency between the Minister's second reading explanation and the Bill itself, both in this Chamber and in another place and, further, by the fact of the Government's continued clutching at straws by either making amendments to the Bill or changing its application.

Much has been said about the recommendations of Royal Commissions in trying to justify this legislation. We all know that the recommendations of Royal Commissions are governed by the terms of reference and, in any case, they usually come up with the answers that everyone already knows. However, it is refreshing to read extracts of a report of the Transport Officers Federation, which consists of salaried officers of the South Australian Railways and the Municipal Tramways Trust. In its report the federation said that the basic need was to improve the two main transport utilities, the railways and the Tramway Trust's buses and trams. Further, the federation has submitted suggestions to the Minister of Transport which include the speeding up of the Adelaide to Melbourne and the Adelaide to Broken Hill timetables, adjustment of timetables to enable both divisions of the Overland to connect at Sunshine, Victoria, with the daylight express to Sydney, and the extension of the Overland platform at the Adelaide railway station.

Other suggestions include airconditioning of all country services, cheaper fares in off-peak periods as in New South Wales, the appointment of a public relations officer to sell the advantages of rail travel to the public, and improvement of the freight handling equipment at Mile End and Port Adelaide. The report also suggested improvements to the Tramways Trust services that could be brought about by employing conductresses, the extension of existing bus routes and new routes where possible, and an off-peak shoppers' service with reduced fares.

It is interesting to read parts of the report of the 1930 Royal Commission on Transport. Item 37 on page 9 of the report reads as follows:

> The commission therefore is of the opinion that it is essential to establish an efficient (and I emphasize efficient) control of rail and road transport where the two are in destructive competition.

The important words here are "destructive competition". Let us have a look at what happens here.

The Hon. A. F. Kneebone: Have a look at the way they said it should be done.

The Hon. L. R. HART: Let us relate this to what the Minister said in his second reading speech when dealing with the annual fee of two dollars for a permit. He said that this was a considerable relaxation of the Government's intention and that this permit would allow goods to be carried from, for instance, Mount Gambier to Port Augusta or Ceduna, provided no road within the 25-mile radius of the General Post Office was traversed, without the payment of a ton-mile fee. This would mean that a grazier at Mount Gambier could purchase sheep at Kingoonya or other railway sidings on the East-West line and could have them road freighted from that point to Mount Gambier without the payment of a fee, provided, of course, that they do not at any stage traverse that sacred circle.

The Hon. A. F. Kneebone: Are you objecting to it?

The Hon. L. R. HART: I am not objecting at all, but we will go further. If those same sheep were railed from Kingoonya to Jamestown and were sold at an off-shears sale, perhaps to the same buyer, and road freighted to Mount Gambier, he would be up for a ton-mile tax all the while that road vehicle was in the 150-mile circle.

The Hon. A. F. Kneebone: If in competition with the railways.

The Hon. L. R. HART: This just proves the absurdity of it.

The Hon. C. R. Story: This instance would be in competition with rail.

The Hon. L. R. HART: He would be in competition with the rail all the way, the same as the man at Kingoonya was in competition with the railways, yet one incurs a tax and the other does not. Now let us take an example of wheat transport. A farmer at Appila may decide to cart his wheat to Port Pirie.

The Hon C. R. Story: He has no silo at Appila, has he?

The Hon. L. R. HART: No. He attracts a ton-mile tax under this Bill, but the farmer

at Lock or Ceduna 300 miles away can cart his wheat in direct competition with the railways all the way to Port Lincoln without incurring a tax. This Bill is discriminatory in its application; discriminatory is a mild word to use. There are other absurdities, such as the one mentioned by the Hon. Mr. Geddes with reference to hay and chaff. Hay carried on the railways incurs a tax of half a cent, and chaff carried on the railways incurs a tax of one cent. To begin with, the railways will not accept hay for transport unless it is in wire-tied bales, so what happens to the poor miller in the country? The Government makes great play of its claim that this Bill will help decentralization. The charge is to be 1c per ton-mile for the transport of chaff to the metropolitan area; but the metropolitan chaff mill can get its hay in for ½c. The Minister will say, "That's all right; we will assist that chap in the country because he is at a disadvantage."

The Hon. A. F. Kneebone: How do you make this out? There are not two charges for chaff.

The Hon. L. R. HART: I did not say there were. The charge for chaff is 1c but the charge for hay is ½c, so obviously the miller in the city has an advantage. There are other absurdities—and here perhaps I am being facetious. It is stated that there is an exemption for fat lambs. Anyone interested in agriculture and livestock knows that we have long since stopped talking about "fat lambs", because the housewife is not interested in fat lambs: we talk now only about "prime lambs". Who will determine whether a lamb is fat or prime? After all, there are such things as store lambs. Will they be exempted under this Bill? Who will decide whether or not a lamb is a store lamb? In the final analysis the man who decides is often the butcher, who buys it in competition with the grazier.

The Hon. D. H. L. Banfield: The one who decides is the housewife when she comes to eat it.

The Hon. L. R. HART: I do not know about that, but she does not have to buy it.

The Hon. D. H. L. Banfield: She has to buy it: it is not given to her.

The Hon. L. R. HART: She has a selection: she can buy either fat lamb or store lamb.

The PRESIDENT: Order!

The Hon. L. R. HART: Calves under four months will be exempt. There are means of telling the age of an animal but I am not sure how we shall decide whether a calf is under four months old. However, no doubt the Minister will have responsible officers who will be able to do all these things.

The Hon. C. R. Story: You cannot work on the theory of short pants getting you into a picture show!

The Hon. D. H. L. Banfield: See if they run uphill!

The PRESIDENT: Order!

The Hon. L. R. HART: One of the tests may be that if it still drinks out of a bucket it is under four months old. What is needed on the railways today is continued efficiency. That in itself would attract patronage, both freight and passenger. Indeed, this is occurring, as one sees, when perusing the Auditor-General's Report. I now turn to his report for the year ended June 30, 1964, where we see that he has this to say about railway finance:

> Comparing the excess of working expenses over earnings on a train mile basis, the position for 1963-64 showed an improvement of 5s. 4d. per train mile compared with 1959-60, that is, earnings rose by 7s. 3d. per train mile and working expenses increased by 1s. 11d. per train mile. Over the past four years freight tonnage was up 1,154,000 tons and freight train mileage up 82,000 miles.

However, in comparison with this, country and suburban passenger journeys declined over the same period by 145,000 and 1,666,000, respectively. Therefore, it is obvious that perhaps some of the losses incurred by the railways are incurred not only in the transit of goods or the lack of goods for freight but on the passenger side. I turn now to the Auditor-General's Report for the following year, 1965, the most recent one, where he has this to say:

> Comparing the excess of working expenses over earnings on a train mile basis, the position for 1964-65 showed an improvement of 1s. 3d. per train mile compared with 1960-61; that is, earnings rose by 5s. 2d. per train mile and working expenses increased by 3s. 11d. per train mile over the past four years. Over the past four years freight tonnage was up 594,000 tons and freight train mileage down 97,000 miles. Country and suburban passenger journeys declined over the same period by 120,000 and 258,000 respectively.

From these figures it appears that the passenger service position improved but there was a deterioration with freight. If we examine this report closely, we find that the railway finances are governed to a large extent by the seasonal conditions in this State. If seasonal conditions are good and we have a big harvest, the railway freight finances improve considerably whereas, if we have a poor season and there is little wheat and grain to cart, the railway freight revenue decreases. The same

applies, to a degree, to livestock. In a time of drought, much livestock has to be moved from the drought areas into more fertile areas, which means there is an increase in livestock movement.

The Hon. R. C. DeGaris: In New South Wales they were pleased that road transport was available under those conditions.

The Hon. L. R. HART: If it had not been for road transport, in both New South Wales and Queensland, large numbers of livestock would have perished, as it would have been completely impracticable and uneconomic to move them from Queensland and New South Wales to South Australia by rail because of the weak condition of the stock, bearing in mind the long time they would have had to spend on the train. But livestock has been transported to South Australia by road transport and losses have, perhaps, been avoided.

Looking at the passenger figures for the last four years, we must also bear in mind that in 1962 the Auditor-General's Report stated that the suburban and country passenger journeys were the lowest for 40 years. However, I have no doubt that the Railways Department set about effecting some improvements, and this has attracted further passenger traffic. It is interesting to look again at the Auditor-General's Report for 1965 in relation to motor transport. He says this:

> In my previous report I stated that a considerable number of State and public utility owned cars were regularly garaged or parked overnight at private homes and used for the transport of officers between their homes and offices. I further stated that, whilst it was fully appreciated that justification existed in special cases, a review would possibly give rise to appreciable economics. There has been some improvement but the practice still exists in some instances.

The crippling burden on the railways today is the interest charge they have to bear. Perhaps this is not as real as it may appear, as shown by the Hon. Mr. Kemp and the Hon. Mr. Dawkins. To whom is the interest paid and on what is it paid? Is it paid, for instance, on the capital debt of the Mount Pleasant line that has been closed and no longer exists, and on other capital expenditure incurred but which is no longer employed? This Bill sets out to move the responsibility of meeting interest charges on capital invested in a public utility serving the interests of the whole State from the people as a whole to a minority group. As the Hon. Sir Lyell McEwin says, it is discriminatory in its application. The Bill gives us Executive control in its most vicious form, and I oppose the second reading.

The Hon. S. C. BEVAN secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL (DECIMAL CURRENCY No. 2).

Received from the House of Assembly and read a first time.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It is associated with decimal currency and it is essential to get it through Parliament quickly. I thank the Leader of the Opposition and the Party Whip for enabling me to give my second reading explanation forthwith. The principal object of this short Bill is to make a correction to one of the amendments made in the Lottery and Gaming Act Amendment Act (No. 3) of last year. The amendment relates to the winning bets tax.

By last year's Act a new subsection (3a) was inserted in section 44a of the principal Act providing for the simplification of calculations and avoidance of dealings in copper coins. As stated in the second reading speech, it was accepted that the most practicable course would be for a bookmaker to calculate the amount chargeable with tax, having regard to the amount to be paid out to the bettor in whole multiples of five cents. In other words, the tax would be calculated on the amount payable to the bettor to the nearest five cents. The tax would then be deducted and the balance to the nearest five cents would be paid to the bettor. The Bill as introduced and finally passed contained an earlier draft of new subsection (3a) which does not in fact give effect to what was stated and intended. Clause 5 of the present Bill will rectify the anomaly by striking out subsection (3a) as passed and substituting the correct draft. Subsection (3a) in its present form is unworkable and the new text does, in fact, give effect to what was accepted by Parliament. The amendments made by clause 4 of the Bill are typographical.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): On this occasion I think I can say that this hostile Liberal and Country Party House will not be likely to cause the Government any anxiety.

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

DECIMAL CURRENCY ACT AMENDMENT BILL.

Received from the House of Assembly and read a first time.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

The object of this short Bill is to remove any possible ambiguity concerning the commencement of the principal Act, section 2 of which provides for one amendment to come into operation on the day of assent and the other amendments on February 14 of this year. To remove any ambiguity in the expression "other amendments" as used in subsection (2) of section 2, the present Bill provides that, except as provided in subsection (1) of section 2, the Act shall come into operation on February 14, 1966, thereby establishing a definite date for the commencement. The amendment is purely of a drafting nature. When the possible ambiguity was discovered the Bill had already passed and it was too late to amend it.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): I have been trying to follow just what is happening. I think the Council should have a more satisfactory explanation of what the clauses mean. I see that clause 3 (2) states that the Act will come into operation on the date on which it is assented to, but another provision states that it is to come into operation on February 14, 1966. The Chief Secretary has not explained the reason why this difficulty has arisen. What is the significance of it? One clause has something to do with the Industrial Code. It appears that we are expected to take these things for granted. In the first place, we were told that this legislation was complementary to Commonwealth legislation and that we would have to wait for that to be approved. Then we approved the Bill and now we are told that the two dates have to coincide. I am not trying to be difficult but should like to know what I am doing and upon what I am voting. Can the Chief Secretary explain the reason for the difference in the two dates?

The PRESIDENT: Does the Chief Secretary wish to reply?

The Hon. Sir NORMAN JUDE (Southern): Can the Chief Secretary, either in reply or during the Committee stage, explain, since I thought that this was legislation complementary to the Commonwealth legislation, whether this error has occurred in all the States or only in South Australia?

The Hon. A. J. SHARD: I have discussed this matter with the Parliamentary Draftsman. As I understand the position, the Bill that we passed last year referred to some provisions in other Bills, and it did say that some of them would come into operation on a certain date. The Act is to come into effect on February 14, 1966. The amendments in this Bill have been made to remove any doubt about the references in the previous Bill to provisions in other Bills. This Bill makes it clear that all the amendments referring to matters in the previous Bill come into effect as and from February 14.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Commencement."

The Hon. C. D. ROWE: I should like to refer to clause 2, but it has already been passed.

The CHAIRMAN: The Bill would have to be recommitted for further consideration of clause 2.

The Hon. Sir NORMAN JUDE: I understand that the original Bill was complementary legislation to Commonwealth legislation. Has this amending legislation been necessary in other States?

The Hon. A. J. SHARD (Chief Secretary): The Parliamentary Draftsman informs me that this error relates to the form of section 2 (2). That subsection refers to "other amendments". Some of the sections in the principal Act could be said to be not "amendments". Therefore, we are making it clear that all of the provisions of last year's Bill, except the amendment to the Industrial Code, come into operation on February 14, 1966.

Clause passed.

Title passed.

Bill read a third time and passed.

FLINDERS UNIVERSITY OF SOUTH AUSTRALIA BILL.

Received from the House of Assembly and read a first time.

The Hon. A. F. KNEEBONE (Minister of Transport): I move:

That this Bill be now read a second time.

Its purpose is to establish and incorporate a new university in South Australia which is to be known as the Flinders University of South Australia. The establishment of a new university in this State is an important milestone in the history of higher education in South Australia and for this reason alone I feel justified in explaining to honourable members in some detail the reasons why the creation of a new university has become necessary.

In 1958 the Council of the University of Adelaide made predictions of student numbers for some years ahead. About 8,000 undergraduate students were predicted for 1965 and 8,500 for 1966. It was clear that the site at North Terrace was not adequate for a student population of more than about 8,000; and the University Council concluded that any further expansion of university activities in South Australia would have to take place on another site. This extension to a second site was foreshadowed in 1959 in the university's submission to the Australian Universities Commission for the 1961-63 triennium. As a result a small sum was included in the university's grant in that triennium for the purpose of preliminary planning of a new site. Early in 1961 the South Australian Government indicated its willingness to make available to the university the site of some 370 acres at Bedford Park. The university commenced preliminary planning in the middle of 1961 when Professor P. H. Karmel was appointed Principal-designate of Bedford Park.

The next 12 months was occupied mainly in formulating a detailed submission to the Australian Universities Commission for the 1964-66 triennium. Towards the end of 1962 the Australian Universities Commission informed the university that it would recommend that the university should go ahead with its planning of Bedford Park. A special grant was made available for 1963 and grants amounting to £3,000,000 for capital expenditure and £1,000,000 for recurrent expenditure were recommended for the three years 1964-66.

The year 1963 was occupied in site planning and in the preparation of detailed drawings for buildings. These works have been carried out during 1964 and 1965; and by January, 1966, all works approved by the Australian Universities Commission, with the exception of the hall of residence which has been delayed, will have been completed. These include buildings for the four academic schools, the library, the union and the administration, and sports fields and changing rooms.

While the physical development of the site was proceeding, academic and other staff were recruited. Sixteen professors and about 40 lecturers, senior lecturers and readers have been appointed, most of whom will have taken up duty by the end of 1965. The librarian was appointed early in the planning period and has now built up a collection of 60,000 volumes, which will have been catalogued and will be available on the shelves when the library opens early in 1966.

In 1966 it is expected that about 450 first-year students will enrol at Bedford Park most of whom will be studying for degrees in arts and science. There will be a number of first-year medical students who will subsequently transfer to the University of Adelaide at North Terrace for the remainder of their medical course. There will be some students pursuing the post-graduate Diploma in Social Administration and some studying for masters' and doctors' degrees. Second and third-year undergraduate work will be added in 1967 and 1968 respectively. It is expected that other degrees will be added as the need arises.

In the early stages of the planning for Bedford Park, the Council of the University of Adelaide decided that, subject to the University Council, Bedford Park should operate as an academically autonomous campus of the University of Adelaide. The control of courses and syllabuses would be in the hands of Bedford Park academic staff, who would be encouraged to experiment with new subjects and new courses. The academic work at Bedford Park has been organized in four schools, instead of in the more traditional form of faculties and departments. The four schools are the School of Social Sciences, the School of Language and Literature, the School of Physical Sciences, and the School of Biological Sciences. The structures of the Bachelor of Arts and Bachelor of Science degrees at Bedford Park differ appreciably in form and content from the structures of the corresponding degrees at North Terrace.

The academic autonomy which Bedford Park has enjoyed, and the fact that grants to the University of Adelaide for the purpose of Bedford Park have been specified by the Australian Universities Commission separately from other grants to the University of Adelaide, has made the separation of Bedford Park from the University of Adelaide and its conversion into an independent and autonomous university a simple matter. Accordingly, the creation of the Flinders University of South Australia out of the University of Adelaide at Bedford Park will be able to take place rapidly and with no interference to the internal operations at Bedford Park.

The separation of Bedford Park from the University of Adelaide and its conversion into a separate autonomous university has the support of the Council of the University of Adelaide. At a meeting in August of this year, the Council of the University of Adelaide resolved to inform the Minister of Education that in its view Bedford Park should be

separated from the University of Adelaide and should become a new university as soon as practicable. The Council of the University of Adelaide envisaged that it would be necessary for the two university councils to co-operate and collaborate in many matters of policy, administration and mutual interest, including, for example, uniformity of salary scales and the avoidance of unnecessary duplication of activities. The Council of the University of Adelaide intends to do its best to promote such co-operation and collaboration.

I wish to place on record the appreciation of the Government for the manner in which the Chancellor, Vice-Chancellor, council and staff of the University of Adelaide have sponsored the Bedford Park development. Bedford Park has been recognized throughout Australia as an outstanding example of university planning. This has been due to the care with which the development has been nurtured and the wise decision of the University of Adelaide deliberately to plan Bedford Park as a quite separate campus, readily capable of assuming an independent existence. Honourable members will be aware that the Queen Mother will be officiating at the formal opening of the new university in March, 1966, and they will therefore appreciate the desirability of ensuring that this non-controversial Bill should pass through Parliament with the minimum of delay. With these introductory comments I now propose to deal with the Bill before honourable members.

Generally speaking, the present Bill is modelled very closely on the University of Adelaide Act, 1935-1964. There have, however, been some significant departures from the University of Adelaide Act, particularly with regard to the constitution of the council of the university, the powers of convocation and the transitional provisions which are necessary to ensure the smooth conversion of the University of Adelaide at Bedford Park to the Flinders University of South Australia. These will be referred to when I come to the explanation of the individual clauses of the Bill, which I now propose to do.

Clause 3 provides for the establishment and incorporation of the Flinders university of South Australia and confers upon this body corporate all the usual powers associated with a body corporate. They are in fact similar to the powers conferred upon the University of Adelaide in section 4 of the University of Adelaide Act. The university will consist of a council and a convocation. Clause 4 deals with the council which is to be the governing authority of the university. The council will consist of not more than 25 members, as follows:

(*a*) the Chancellor *ex officio*;
(*b*) the Vice-Chancellor *ex officio*;
(*c*) the Director of Education *ex officio*;
(*d*) three members elected by the Parliament of South Australia;
(*e*) three members appointed by the Governor;
(*f*) two professors of the university and two members of the academic staff of the university who are not professors elected by the academic staff of the university;
(*g*) the President of the Students' Representative Council *ex officio*;
(*h*) eight members elected by convocation;
(*i*) not more than three members co-opted by the council.

By subclause (4) it will be noted that the President of the Students' Representative Council does not, by virtue of his membership of the council, become entitled to be present at any meeting of the council when matters relating to the appointment, conditions of service and discipline of members of the academic staff, and matters relating to academic courses are being discussed or decided, and the council may order that he is not to be present at any such meeting when these matters are being discussed or considered or may be present subject to such conditions as the council may decide. This provision is necessary because the students' representative is himself a student, and the council must be in a position to ensure that certain matters remain confidential.

By subclause (5) it is provided that those members of the council who are nominated by industry and labour and those elected by the academic staff as well as the President of the Students' Representative Council are not to be regarded as delegates of the bodies by which they are nominated or elected. By comparison with the Council of the University of Adelaide (which, apart from the Chancellor and Vice-Chancellor, has five members elected by Parliament and 20 members elected by the University Senate), the Flinders university has, it will be observed, fewer persons in these two categories of membership but on the other hand includes three members appointed by the Governor, of whom two will represent industry and labour, four members elected by the academic staff, and three members co-opted by the council itself. It will be noted that the Chancellor, Vice-Chancellor, Director of Education and President of the Students' Representative Council are *ex officio* members of the council.

Clauses 5 and 6, which deal with the election of members of council by Parliament and their time of appointment and tenure of office, closely follow the pattern of the corresponding provisions in the University of Adelaide Act. Clause 7 provides for the appointment of three members of the council by the Governor, one of whom will be nominated by the Adelaide Chamber of Commerce Inc. and the South Australian Chamber of Manufactures Inc. jointly and one to be nominated by the United Trades and Labour Council of South Australia. The University of Adelaide Act has no provision corresponding to this one. Clause 8 deals with the tenure of office of such members and the filling of vacancies on death, resignations, etc. Clause 9 provides for the election of members of the council by the academic staff. Clause 10 provides for the election of members of the council by convocation. Of the members of the council elected by convocation, four will be members of the academic staff of the university and four will be persons who are not full-time employees of the university whether such persons are members of the academic staff or otherwise.

It should be mentioned at this point that convocation in the Flinders university corresponds to the senate in the University of Adelaide. Convocation will consist of all persons admitted to the degrees of the university and such other graduates as are appointed by the council. This differs from the University of Adelaide in that Bachelors must be of three years' standing before becoming members of the senate. The powers of convocation differ from those of the senate. In the University of Adelaide Act all statutes and regulations made by the council must be approved by the senate before submission to the Governor. It is not considered desirable that such a provision should be inserted in the present Bill. The foregoing matters are covered in clauses 11 and 16 of the Bill. By clause 12 provision is made for convocation to be constituted in accordance with clause 16 of this Act on July 1, 1971, and convocation will make its first election of members of the council to take office in the first instance in 1972. This provision is necessary since it is estimated that it will take about five years from the commencement of the new university to build up a sufficient body of graduates to form a workable convocation.

Clause 13 therefore inserts a transitional provision which provides that until convocation is constituted the powers of convocation to elect members of the council will be exercised by the senate of the University of Adelaide. Clause 14 provides for the co-option of members of the council by the council. Clause 15 deals with the election of the Chancellor and Vice-Chancellor. By subclause (2), the Principal of the University of Adelaide at Bedford Park is to be the first Vice-Chancellor of the university. This will be Professor Karmel. Clause 17 deals with the conduct of the business in council and convocation. Clauses 18 and 19 lay down that the council has full power to maintain and superintend the affairs of the university and to make statutes and regulations concerning all the activities of the university. The powers of management are exactly parallel to those of the University of Adelaide which, I may mention in passing, have worked very satisfactorily to date. The only additional power conferred upon the council which is not a specific power that is vested in the council of the University of Adelaide, although it is a power exercised under its general powers, is the power to create boards and committees necessary for the proper functioning of the university. For example, it is possible that the council might wish to create an academic committee and a finance committee to advise it on academic and financial matters. Apart from this addition, the powers of the council are, with some slight variations, exactly the same as those to be found in section 18 of the University of Adelaide Act.

Clause 20 enables the Flinders university to confer degrees upon any person after examination and in accordance with the statutes and regulations of the university, to admit to degrees persons who have graduated at any other university, and to admit any person *honoris causa* to any degree whether or not such person has graduated at a university. Clause 21 provides for residence of undergraduates and follows closely section 20 of the University of Adelaide Act. Clause 22, which provides that no religious test is to be administered to any person to entitle him to be admitted as a student of the university, etc., and clause 23, which lays down that the Governor shall be the visitor at the university, are similar to sections 21 and 22 respectively of the University of Adelaide Act. Clause 24 provides that in every financial year there shall be paid to the university out of moneys provided by Parliament for the purpose such sums as the Treasurer thinks necessary for the purpose of:

(*a*) formation of grounds, erection of buildings, purchase of equipment and other expenses in relation to the university;
(*b*) maintaining the university;
(*c*) paying the salaries of academic staff, officers and servants of the university;
(*d*) defraying the expenses of fellowships, scholarships, prizes and exhibitions awarded for encouragement of students in the university;
(*e*) providing a library; and
(*f*) discharging all necessary charges connected with the management of the university.

These purposes are similar (apart from the purpose specified in paragraph (*a*) which relates to capital purposes) to the purposes for which grants may be made to the University of Adelaide under section 24 of the University of Adelaide Act. Clause 25 confers upon the council power to borrow money by way of mortgage, bank overdraft or otherwise for the purpose of carrying out or performing any of its powers, authorities, duties, functions and for the repayment or partial repayment of any sum previously borrowed within such limits as the Governor, upon the recommendation of the Treasurer, may from time to time approve, and also to mortgage, charge, etc., any of its property as security for any such loan. This clause also empowers the council to invest any moneys in such investments as are authorized by the council. This clause has no counterpart in the University of Adelaide Act, but it is considered by the Government a desirable additional power to confer upon the council.

Clause 26 provides that the council shall, during the month of June in every year, present to the Governor a report of the proceedings of the university during the previous year. The report shall contain a full account of the income and expenditure of the university audited in such manner as the Governor may direct, and a copy of every report made pursuant to this section and of every statute and regulation of the university allowed by the Governor pursuant to this Act shall be laid every year before Parliament. This provision is similar to that under section 28 of the Adelaide University Act.

Clauses 28 to 33 deal with the transitional provisions that are necessary to ensure the smooth emergence of the Flinders university as a separate academic institution. Clauses 28, 30, 32 and 33 are the usual transitional provisions that one would expect to find in a Bill of this nature. Clause 28 ensures that all real and personal property that was vested in the University of Adelaide and held or used for that university for the purpose of its activities at Bedford Park shall by virtue of this Act vest in the university. To give effect to this section, the Council of the Flinders university will apply to the Registrar-General to make all necessary entries in the register book. The other provisions of this clause relate to the vesting of all rights and liabilities of the University of Adelaide in respect to any property vested in the Flinders university by virtue of this clause and provide that they are to be the rights and liabilities of the Flinders university.

Clause 30 ensures the continuity of employment of salaried employees of the University of Adelaide who have been appointed to their office for the purpose of the activities of the University of Adelaide at Bedford Park. Such employees will become employees of the Flinders university on no less favourable terms than those upon which they have held their appointments.

Clause 32 provides that all contracts entered into before the commencement of this Act by any persons with the University of Adelaide in relation to the property or activities of the University of Adelaide at Bedford Park shall, upon the commencement of this Act, be deemed to have been entered into with the Flinders university. This section shall not apply to any policy of insurance taken out by the University of Adelaide before the commencement of this Act.

Clause 33 lays down that all statutes and regulations in relation to the University of Adelaide at Bedford Park in existence at the commencement of this legislation will remain in force as statutes and regulations of the Flinders university until replaced by statutes and regulations enacted by the council and allowed by the Governor. These transitional provisions that I have referred to are, as I have said, usual transitional provisions, but clauses 29 and 31 are unusual since they are designed to cover the special situations brought about by the creation of the university as a separate entity.

At this stage I should explain to honourable members that it is proposed that this legislation will commence on a day to be fixed by proclamation. It is expected that this date will be not later than July 1, 1966. It is on that day that the property and legal rights and liabilities of the University of Adelaide in relation to its activities at Bedford Park will vest in the Flinders university. This

does not present any real problem. But a problem does arise in connection with the rather complex financial settlement that is to be made between the University of Adelaide and the Flinders university. As a means of solving this problem, it is considered essential that a day should be appointed for the financial settlement between the two universities after the commencement of the legislation itself. This approach will afford an opportunity to be given to the two universities to make the necessary financial adjustments.

By clause 29 (1) the appointed day is accordingly defined as the day at the end of the calendar year on which the Act commences (that is, December 31, 1966) or the end of the third month after the commencement, whichever is the later. By subclause (2), the Adelaide university is empowered after the commencement of the Act to receive on account of the Flinders university any revenues or other moneys that may be due to the university and either to pay such moneys to the university or to retain them pending settlement in accordance with subclause (4), and to pay to the Flinders university at its discretion any amount of fees, grants or other moneys which have been received prior to the commencement of this Act for the purpose of its activities at Bedford Park and which may be required to meet the obligations of the university after the commencement of this Act.

As soon as practicable after the appointed day the University of Adelaide will prepare and deliver to the Flinders university a statement of accounts as at that day certified by its auditors showing in respect of its activities at Bedford Park the total of its payment for capital and recurrent purposes, the total amount of moneys from Commonwealth and State grants and fees and other moneys received by the University of Adelaide, and the balance of any moneys received on behalf of the Flinders university. By subclause (4) of this clause, provision is made for a financial adjustment to be made as between the two universities where the total money received by either university exceeds the total moneys expended. By subclause (6), the Governor has power to resolve any doubt or difficulty with regard to this financial settlement. It is not contemplated that the power conferred by this subclause will need to be invoked, as there is every reason to expect that the financial settlement will proceed smoothly and amicably.

Clause 31 provides that the University of Adelaide will assign to the Flinders university all policies of life assurance, will transfer all funds pursuant to any superannuation scheme in relation to any of the officers who upon transfer from the University of Adelaide becomes an officer of the Flinders university. and will pay to the Flinders university the amount in the invalidity fund of the University of Adelaide existing for the benefit of certain of these officers. By subclause (2), every guarantee given by the University of Adelaide in respect of any liability of any person to whom clause 30 applies is deemed to be a guarantee given by the university.

I may, in closing, add that these transitional provisions have been worked out in consultation with the Under Treasurer, the Vice-Chancellor of Adelaide university and its legal advisers, and Professor Karmel, and are acceptable to all concerned. I commend this important Bill for the consideration of honourable members.

The Hon. C. D. ROWE secured the adjournment of the debate.

ADJOURNMENT.

At 5.3 p.m. the Council adjourned until Tuesday, February 8, at 2.15 p.m.