LEGISLATIVE COUNCIL

Wednesday, October 26, 1966.

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

QUESTIONS

BUILDING INDUSTRY.

The Hon. R. A. GEDDES: I ask leave to make a short statement prior to asking a question of the Chief Secretary, who represents the Premier in this Council.

Leave granted.

The Hon. R. A. GEDDES: At a dinner last night the Premier stated that there would be no need for timber to be used or carpenters to be employed in the building industry in future. Will the Chief Secretary ask the Premier to qualify these remarks and indicate whether carpenters and forestry employees in South Australia will become redundant and, if they will, whether other avenues of employment will be found for them; also, whether future plantings of pine forests in the State will be stopped?

The Hon. A. J. SHARD: I was at the dinner last night when the speech was made. With great respect, I do not think the matters in the question asked by the honourable member are quite factual. However, I shall be pleased to refer his question to the Premier for report, but I doubt whether what the honourable member has said is what the Premier said.

MOUNT BOLD RESERVOIR.

The Hon. H. K. KEMP: I ask leave to make a short statement prior to asking a question of the Minister representing the Minister of Agriculture.

Leave granted.

The Hon. H. K. KEMP: Recently, very large fire breaks have been ploughed through the scrubland surrounding Mount Bold reservoir. Portions of this have already been planted to pines, and the question being asked in the area is whether the whole area is to be planted to pines. This is an unique patch of scrubland carrying a large population of native animals, including some of the last surviving wild kangaroos in the Adelaide Hills, and certainly bearing unique vegetation. It is the only patch left of such vegetation. Will the Minister of Local Government ask the Minister of Agriculture whether the Agriculture Department intends to plant this area entirely to trees and, if it does not, whether it will be preserved as a wild life sanctuary?

The Hon. S. C. BEVAN: I will refer the question to the Minister of Agriculture for reply.

SPORTS AREAS.

The Hon. JESSIE COOPER: I ask leave to make a statement prior to asking a question of the Minister of Local Government.

Leave granted.

The Hon. JESSIE COOPER: On October 13 a letter appeared in the press signed by the Director of the National Fitness Council of South Australia concerning the urgency of acquiring open space areas that could be used for sports. As a member of the National Fitness Council for some years, I realize how important this matter is. Is the Minister aware of that letter and, if not, will he please refer to it and give some thought to the suggestion made by the director?

The Hon. S. C. BEVAN: I have not seen the letter and, as the honourable member is well aware, certain procedures are followed in these matters. Matters such as this receive my attention when an application is made by any organization. However, this Council will shortly have the opportunity to discuss a Bill that provides for the very thing to which the honourable member is referring.

SCHOOL TRAVELLING ALLOWANCE.

The Hon. G. J. GILFILLAN: Has the Minister of Labour and Industry, representing the Minister of Education, an answer to my question of October 20 regarding school travelling allowances to children who live in remote areas?

The Hon. A. F. KNEEBONE: Yes. The Minister of Education reports:

An additional sum of $14,300 has been provided on the 1966-67 Estimates for the Education Department for travelling and conveyance allowances. This amount is only sufficient to cover additional applications from new students, and no provision has been made for any increase in travelling allowance rates. Further consideration will be given to this matter when the financial position permits.

HACKNEY BRIDGE.

The Hon. Sir NORMAN JUDE: I ask leave to make a statement prior to asking a question of the Minister of Roads.

Leave granted.

The Hon. Sir NORMAN JUDE: Last June I addressed a question to the Minister regarding the Hackney bridge and he informed me, rather brusquely, that that matter had already been answered in another place, and

that was all he had to say about the matter. I paid the Minister the courtesy of reading just what his colleague had said in another place, and it was—

The PRESIDENT: Order! The honourable member must not read from what took place in another place.

The Hon. Sir NORMAN JUDE: I beg your pardon; I stand corrected. The information given in the press and in another place was to the effect that the cause of the cessation of work on the bridge was the use of faulty steel in the construction. The Minister further said (and I think he stated this publicly) that it was anticipated that the girders would be replaced in September of this year and the bridge would be completed by December. I took the trouble to see what was being done on the bridge and, except for that classic adornment "men at work", I found nothing whatever going on. Will the Minister obtain a report on the progress being made on the Hackney bridge, in view of the promise that it would be completed by Christmas?

The Hon. S. C. BEVAN: Yes.

ALL PROOF TIMBERS LIMITED.

The Hon. R. A. GEDDES: I have been advised that a firm called All Proof Timbers Pty. Ltd., of Wirrabara, is to close down shortly. Will the Chief Secretary ask the Premier to make every endeavour to assist to keep this company operating in Wirrabara to ensure employment for the men involved and to protect the future of the township?

The Hon. A. J. SHARD: I will be pleased to refer the question to the Premier.

ABORIGINAL LANDS TRUST BILL.

The Hon. A. J. SHARD (Chief Secretary) moved:

That the time for bringing up the report of the Select Committee on the Bill be extended to Tuesday, November 8, 1966.

Motion carried.

GRAIN RATES REGULATION.

Adjourned debate on the motion of the Hon. L. R. Hart:

(For wording of motion, see page 2034.)

(Continued from October 19. Page 2370.)

The Hon. R. A. GEDDES (Northern): I support the motion for disallowance of this regulation. When the Minister spoke on this matter last week he said that in his considered opinion the Opposition was deliberately endeavouring to rule the State from this Council in financial affairs, with little regard for the problems of finance in railway matters or the finances of the State as a whole. I consider that, although the point has been made and taken, it is surely the role of the Opposition to object and to try to assist, whether it be an insular section of the community, a small section of the community or a large section of the community that is involved.

The statement also was made that the Council was adopting a sectional interest in this regard: that it was fostering the interests of the primary producer to the detriment of the State as a whole or the taxpayers as a whole in insisting on a reduction in rail freights on the cartage of grain so that, in effect, the tax would be an impost against the whole. We have many instances of where Government spending has to be an impost against the whole of the State. One need only refer to hospitals, to schools, and even to transport within the city. Surely, taxation must look at the whole, and it must be borne by the whole.

The prices index produced by the Bureau of Agricultural Economics in Canberra shows that the outward freight paid by primary producers in South Australia has the highest index figure for the whole of the Commonwealth. I will quote the figures of the index of prices paid by farmers in the various States of Australia. Up until the year 1965-66, for freights outward New South Wales had an index of 319 and Victoria had an index of 336. These indices are against the common denominator of 100. Queensland had an index of 278, while the indices for South Australia, Western Australia and Tasmania were 347, 293 and 233, respectively. South Australia had the highest index of all the States in regard to outward freight paid by the primary producer.

The Hon. A. F. Kneebone: Those are not grain freight rates only. They are a combination of figures for all types of transport.

The Hon. R. A. GEDDES: That is true. Unfortunately, I could not get separate figures for rail freights and other transport charges. However, the Bureau of Agricultural Economics would get rail freight rates from the railway departments of the various States far more easily than it would get figures from road transport authorities, because there is virtually no overall authority from which a realistic figure could be obtained.

The Hon. A. F. Kneebone: Because of what you have said, the figures could not be accurate.

The Hon. R. A. GEDDES: The figure for South Australia is higher than that for any

other State, whether the figures are accurate or not. The problem must be met in the areas concerned. These increases will affect what I call marginal silo areas, where silos have been erected by the South Australian Co-operative Bulk Handling Limited well outside Goyder's line of rainfall. The co-operative has provided silos to give a service to the farmers, but the effect of the increased freights proposed will be greatest where the distances from the silos to the ports are in the mileage range for which the increase is greatest.

Because of this, the average farmer will now cart his grain in his own vehicle to a place that will involve his paying a lower freight rate. Therefore, as has been stated in the report, there will be a possible leakage to road transport of from 2 per cent to 2½ per cent of railway revenue. I venture to suggest that the leakage may be more than that. These increases will not only deprive the railways of revenue but will also endanger the storekeeping and other businesses that keep many of the towns in existence. Farmers in towns such as Quorn, Melrose and Wilmington will cart to Gladstone or Port Pirie and farmers from Orroroo and Booleroo Centre will possibly cart to Port Pirie also. Farmers in such towns as Hallett and Jamestown will not use the silos provided.

I am not arguing the cause of silos but am pointing out that the farmers will cart their grain by road in order to benefit from lower rail freight increases from silos closer to terminal ports. It is known (and it has been stated before) that the increase in our rail freights in this State will, to some extent, be responsible for an increase in the cost of wheat to the flour trade and the bread trade. It is not an argument that I am qualified—

The Hon. A. F. Kneebone: It is taken on an overall Commonwealth figure.

The Hon. R. A. GEDDES: Yes, but, if you save your pennies, they will grow into pounds. The wheat farmer is always written up as a very wealthy person.

The Hon. C. D. Rowe: I think that if you look after the pence the Government will look after the pounds!

The Hon. R. A. GEDDES: Yes. Let us all try to make this profitable, not only for the State but also for everyone. Whether it be in pennies, pence, dollars or pounds, the same problem arises. The suggestion of the Hon. Mr. Hart of a reduction for 135 miles and over is worthy of further consideration by the Government. I am mindful of the Minister's saying that he questions the Hon. Mr. Hart's figures and that it will cost the department more money; but, in trying to check the Minister's figures, I came up against the stone wall that it was stated in the press that Mr. Hart said that, in his considered opinion, if the increase in the haulage rate for 135 miles was reduced to a flat 25 per cent, it would mean a reduction in Government spending of $24,000. The Minister said that the departmental calculations suggested that the figure would be $73,000. In the press it was stated that the Railways Department was not prepared *in toto* to tell the Royal Commission how it got its figures of railway revenue and expenses in that regard. I cannot find how any formula can bring this $73,000 into focus.

The Hon. A. F. Kneebone: This was on the basis that we differed in our opinions of where the majority of the grain came from.

The Hon. R. A. GEDDES: Yes, and also, possibly, where the grain went. I think the suggestion of Wallaroo to Victoria for barley was mentioned. Possibly that is so, but, if we add the difference between $24,000 and $73,000 to the cost of transporting grain from Yorke Peninsula to the Victorian border (which would be a big flow of grain going out of the State) it is difficult to reconcile those two figures, so vast is the gap between them. Can we afford to tax one section of the community, which in turn brings about a detrimental effect on a greater section of the community, on freights designed particularly to affect grain alone, when we know the geographical disposition of the State, with its marginal rainfall wherever we have long-distance rail haulages, with the exception of the South-East up to Adelaide? Wherever we have a long rail distance to cart grain, where the grain is grown in a marginal area, there must be an incentive to help. It is not reasonable that the 33⅓ per cent increase should be *in toto* on long-distance haulage. I support the disallowance of the regulation.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

DOG-RACING CONTROL BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 2479.)

The Hon. L. R. HART (Midland): This Bill is rather unusual and was introduced into this Chamber in an unusual manner. It is in the form of a private member's Bill. However, it was introduced into this place by one of the Ministers. We realize that on the Government side there are not many private members in this

Council. Nevertheless, the Government does have a private member here, and he would have been capable of introducing a Bill of this nature. It is a reflection on him that he was not given the opportunity to introduce this Bill. I am sorry that he is not present to hear me.

The Hon. A. J. Shard: Don't make me laugh!

The Hon. L. R. HART: Although it is a private member's Bill, it is significant that, when a vote was taken on it recently, no Government member voted against it. That is significant, bearing in mind the views of some Government members in another place.

The Hon. S. C. Bevan: The honourable member doesn't know what he is talking about. It was introduced by a Government member in another place.

The Hon. L. R. HART: Yes, but no Government member voted against it.

The Hon. S. C. Bevan: That is not right.

The Hon. L. R. HART: Why was this legislation not introduced by the Government itself?

The Hon. A. J. Shard: All the Government members did not support it.

The PRESIDENT: Order! The honourable member must be allowed to speak.

The Hon. L. R. HART: I said that no Government member voted against it. If the Chief Secretary will listen, he will understand. There are probably good reasons why the Bill was not introduced by the Government. If it had introduced it, no doubt there would have been pressure to have T.A.B. or other betting facilities incorporated in the Bill, and a Bill of that nature could be introduced only by the Government. Possibly another reason would be that a decision of the Australian Labor Party Conference would preclude the Government from introducing a Bill of this type; if such a Bill were introduced by the Government I am sure all members of the Government would be bound by the decision.

The Hon. A. J. Shard: We are never bound on social questions.

The Hon. L. R. HART: Let us be realistic in our approach to this Bill; this is making two bites at the cherry. The Bill has been introduced to promote dog-racing with a mechanical lure, and I do not suppose there is any great objection to this, but such an activity without gambling attached to it has no hope of floating. It may float, but it will have no hope of progressing. Therefore we must visualize that, if this legislation is passed, pressure will be applied to have betting facilities for greyhound-racing with mechanical lures. In view of this, why is it not in the Bill at this time so that members may have a clear picture of what is to be done? Pressure for betting will be applied, because dog-racing clubs will not be able to survive economically without it. In addition, I suppose the same good reason that has been applied to most other Bills could apply here: "Other States have it, so why shouldn't we"? The Bill contains one or two strange clauses. For instance, clause 5 (1) provides:

> Upon application in writing made to the Minister by or on behalf of the governing body of any dog-racing club, and on payment of the prescribed fee, the Minister may grant to that club a licence authorizing that club to conduct dog-racing in the State.

The Minister will be the only person who may make a decision whether clubs will be licensed. What will be the guiding factor? What aspects will the Minister consider when deciding whether an application from a dog-racing club should be granted and a licence issued? Is this to be decided on the basis of population or on the volume of business that may accrue from such a licence, and is the effect on open coursing that may be conducted in the area concerned to be considered? It must be remembered that open coursing is an old sport established over 100 years ago. Probably the early basis of such coursing was that people had hunting dogs and used them for hunting foxes, rabbits and hares, and the sport has developed from there. A dog trained for open coursing is obviously of some value for hunting purposes because he hunts in the field. Many such dogs are used in my area in an endeavour to reduce the fox menace and, because of that, the dogs have some value.

I do not wish to touch on the humane aspect of the Bill, because that has been competently dealt with by other honourable members. However, a point that worries me is whether the request for a Bill of this nature is the unanimous decision of the members of the National Coursing Association. I doubt whether all members of the association are in agreement on the introduction of mechanical lures in South Australia. In discussions I have had over a long period with greyhound dog breeders I have found they are in a disadvantageous position when selling their dogs in other States because they are not able to train their dogs with a mechanical lure in South Australia. I am prepared to concede that the breeding of greyhounds may be regarded as a business and, if trade can be brought to South Australia through the sale

of such animals to other States, I do not think we should do anything to take away such an opportunity. However, at this stage the Bill provides only for mechanical lure coursing, and this probably fulfils the requirements of the people supporting this legislation.

Another point that worries me is how long this legislation will remain in its present form. I think we should know more about the Bill and its effect on greyhound-racing in this State. Insufficient information was given in the second reading explanation and in such circumstances the normal practice has been to appoint a Select Committee to inquire into the matter so that members may be better informed. Such action has been taken on previous occasions during this present session. I think the effect of this Bill could be far-reaching, and I believe members of this Chamber should be better informed before they are asked to record their vote. If they can be so informed by having the matter referred to a Select Committee, I believe it is the responsibility of this Chamber to see that that is done.

Other aspects of the Bill are not quite clear to me, and possibly the Minister (or should I say private member) in charge of the Bill will be able to explain them. One point is that the Bill does not provide that a controlling authority is to be appointed. Provision is made for the licensing of a dog-racing club, but no stipulation is made as to the number of such clubs that may be licensed; it may be one, 10 or 20. In any case, it is the Minister's responsibility to make the decision whether a dog-racing club is to be licensed. Will each club be autonomous and have its own set of rules? Each club will undoubtedly be responsible to the Minister under the provisions of this Bill, but in most similar circumstances a central authority is established to lay down the conditions that should apply to each club.

In the definition clause of the Bill a dog-racing club is defined as:

A non-proprietary association formed for the purpose of promoting and conducting dog-racing.

It appears to me that any person or group of persons may form a dog-racing club, and a licence or a set of rules would not be required. However, if they wanted to obtain a licence they would have to apply to the Minister and in such a case they would need a set of rules. The Bill does not provide that they shall have a set of rules, but it stipulates that the dog-racing club must comply with conditions laid down in the Bill. Clause 8 deals with regulations. This type of clause always worries me, because I am never too sure just how far a regulation can go. We hear much in this Council of regulation-making powers; we have a number of them before us from time to time, and many of them are disallowed. I do not doubt that some of the regulation-making powers under this legislation would possibly also be disallowed, because at this stage we do not know just how far they go.

At what stage gambling can be introduced into this legislation, I am not sure. I do not think it can be done through the regulation-making powers, but this is something I want to be sure about.

The Hon. A. J. Shard: I can assure you that it cannot be done that way.

The Hon. L. R. HART: I think every member of this House wants to be sure on this question. If gambling were to be introduced, possibly it would be necessary to have an alteration to the Lottery and Gaming Act. These are matters on which we look forward to receiving some explanation from the Minister. In the meantime, we should have greater inquiry as to the effects of this legislation, and we should also be quite sure that there is complete unanimity with the coursing people themselves for this particular type of dog racing. In view of the questions raised, I am prepared to say at this stage that I agree that coursing dog breeders should have facilities for training their dogs to a mechanical lure. However, I make that observation with some reservations. Also, at this stage I am prepared to support this Bill only with those reservations.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

LONG SERVICE LEAVE BILL.

In Committee.

(Continued from October 25. Page 2490.)

Clause 4—"Right to long service leave."

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): When we were discussing this clause yesterday, an amendment that I moved was defeated. This has consequential effects on several amendments I had proposed to move, and as we proceed through the Bill honourable members will notice that I shall not now be moving those amendments. However, I have several other amendments to this clause and, while the majority of them are drafting amendments, there are one or two important ones. The first amendment is merely

a drafting amendment for the purpose of clarification, and several subsequent amendments are designed for the same purpose. I move:

In subclause (2) after "entitled" to strike out "to leave".

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (2) (i) after "completed," to insert "to".

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (2) (i) after "weeks" first occurring to insert "leave".

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (2) (ii) before "eight" to insert "to".

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (2) (ii) after "weeks" to insert "leave".

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (2) (iii) before "a" to insert "to".

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (3) to strike out "hereof" and insert "of this Act".

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (3) to strike out "ten".

I move this amendment with a view to moving later to insert "five". This subclause refers to the granting of long service leave on a pro rata basis. The provision that pro rata leave may be granted in certain circumstances after 10 years' service is contained in many agreements. However, the New South Wales legislation provides for the granting of 13 weeks' leave after 15 years' service, and it also provides that, when an employer dismisses an employee or when an employee is forced by circumstances to relinquish his employment, pro rata leave is paid at the rate of 13 weeks for 15 years' service calculated on a five-yearly pro rota basis. This provision has operated in New South Wales for a few years, so my amendment does not break new ground. I therefore ask the Committee to support it.

The Hon. F. J. POTTER: I ask honourable members not to support the amendment. I think I have made it perfectly clear that the New South Wales legislation does provide for pro rata leave after five years' service. However, this is almost the exception that proves a different rule, because New South Wales is the only State that has such a provision. I see no reason for departing from what is provided in the other States and in awards and agreements. Somebody said yesterday that we were being ridiculous by suggesting that five years was not a long period of service and that some people found it difficult to accumulate ten years' service. Nevertheless, I think that, in the interest of substantial uniformity, we ought not in this case follow the only exception to the rule. I am not prepared to accept the amendment.

The Committee divided on the amendment:

Ayes (4).—The Hons. D. H. L. Banfield, S. C. Bevan, A. F. Kneebone (teller), and A. J. Shard.

Noes (14).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, Sir Lyell McEwin, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Majority of 10 for the Noes.

Amendment thus negatived.

The Hon. A. F. KNEEBONE: I move:

In subclause (3) (iii) to strike out "due to" and insert "on account of".

This amendment, in conjunction with the next one to be moved, will clarify the position whether it was advisable or whether she terminated her employment when it was not advisable. This amendment is an effort to clear that up. A female worker can terminate her employment on account of her pregnancy.

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (3) (iii) to strike out "making it advisable for her to terminate her employment".

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (4) to strike out "section" and insert "Act".

This remedies a drafting error.

Amendment carried.

The Hon. F. J. POTTER: Before we proceed to the next subclause, the Minister did have on his file an amendment to insert after "made" at the end of subclause (3) "in respect of the number of completed years of service with the employer". He did not move this amendment but it has much to commend it and is important. We have not yet departed from this subclause.

The CHAIRMAN: I think we have passed beyond that point.

Clause as amended passed.

Clause 5—"What constitutes service."

The Hon. A. F. KNEEBONE: I move:

In subclause (1) to strike out "an unbroken" and insert "a continuous".

This is merely a drafting amendment.

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (1) to strike out "a contract of employment" and insert "the continuity of a worker's service".

This is another drafting amendment.

Amendment carried.

The Hon. A. F. KNEEBONE: Subclause (1) sets out four paragraphs stating what does not constitute a break in the continuity of service. In addition, two other provisions exist in the Long Service Leave Act, 1957, and I propose to move that both be included in this Bill. I therefore move to insert the following paragraph:

(a1) is due to the absence of the worker from work for any cause by leave of the employer; or

Amendment carried.

The Hon. A. F. KNEEBONE: I move to insert the following new paragraph:

(a2) is due to the absence of the worker from work on account of illness or injury; or

This new paragraph and paragraph (a1) already inserted will mean that, if the absence is for these reasons, the time will be included for the purposes of qualifying for leave.

The Hon. F. J. POTTER: I have some reservations about the insertion of this new paragraph. I know that a similar provision is frequently inserted in industrial agreements, but it is usually limited to an absence of 15 days on account of illness or injury. The Minister has said that the provisions are in the existing Act, but in addition a limiting period is also stipulated. Because of that, I move to amend the proposed new paragraph as follows:

After "work" to insert "for a period not exceeding 15 working days in any year of service".

The Hon. A. F. KNEEBONE: Although a limiting period exists in the present Act I think, particularly with regard to workmen's compensation injuries, it should not be inserted. The workman may be injured at work through no fault of his own and possibly as a result of some unsafe procedure associated with that work. He may then lose considerable time, and this would affect his long service leave. I do not think that this is a good feature of the Act, and I oppose the amendment to my amendment.

The Hon. F. J. POTTER: I have sympathy with the points raised by the Minister, and it is true that in the Act as originally drawn I have not covered that aspect. The existing legislation provides that the continuity of a workman's service is not deemed to have been broken by absence from work on account of injury arising out of and in the course of the worker's employment. In section 4(2) such period is limited to 15 working days, and I think some limitation must be placed upon a provision of this type. If the Minister's amendment was carried, an unlimited period of time would be available to an employee as the result of sickness or injury: that period could extend to six months or even a year.

The Hon. R. A. Geddes: They could be injuries sustained away from work.

The Hon. F. J. POTTER: There is no limitation, irrespective of whether the absence is the result of accident or illness. I think there should be a limitation, but I am prepared to consider a period somewhat longer than 15 days if the Minister can suggest a more suitable period. However, if he is unable to do so, I propose to proceed with my amendment.

The Hon. A. F. KNEEBONE: Perhaps a more appropriate place to insert the qualifying period or limitation would be in the proviso to subclause (1).

The Hon. F. J. POTTER: I would be happy to consider this, but I think perhaps the better way to do it would be to leave the whole matter to a later stage and either recommit or report progress. As I shall be asking for a recommittal, anyway, on another matter, perhaps we could leave this for recommittal at a later stage.

The Hon. A. F. KNEEBONE: Very well, I suggest that I seek a reconsideration of clause 5 at a later stage so that I can again move my amendment to insert new paragraph (a2), and this will give the Hon. Mr. Potter an opportunity to do what he desires. If the honourable Mr. Potter withdraws his amendment, I shall withdraw my amendment.

The CHAIRMAN: Does the Hon. Mr. Potter seek leave to withdraw his amendment at this stage?

The Hon. F. J. POTTER: In those circumstances, yes, Sir.

Leave granted; the Hon. F. J. Potter's amendment withdrawn.

The Hon. A. F. KNEEBONE: I seek leave to withdraw my amendment to insert new paragraph (a2).

Leave granted; amendment withdrawn.

The Hon. A. F. KNEEBONE: I move:

In subclause (1) (*a*) to strike out "any award, agreement or scheme" and insert "the Long Service Leave Act, 1957, or any long service leave provision or scheme in operation".

This is merely a matter of clarification.

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (1) (*d*) to strike out "hereof" and insert "of this subsection".

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In the proviso to subclause (1) after "of" to insert "paragraphs (*a*1), (*b*), (*c*) and (*d*) of".

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (3) after "1939" to insert "of the Commonwealth".

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (5) to strike out "'by" and insert "be".

This is a typographical error.

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (5) after "service" fifth occurring to insert "(if any)".

Amendment carried.

The Hon. A. F. KNEEBONE: I move to insert the following subclause:

(6) An employer shall not be required to grant to a worker leave to which he has become entitled pursuant to this Act until the amount of such leave is 13 weeks in respect of his first period of entitlement, and eight and two thirds weeks in respect of any subsequent period of entitlement. Provided that this subsection shall not affect any obligation to make a payment in lieu of leave.

I think it is necessary to specify the qualifying period for entitlement of leave.

The Hon. F. J. POTTER: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 6—"Payment for period of leave."

The Hon. A. F. KNEEBONE: I move:

In subclause (1) to strike out "hereof" and insert "of this section".

This is a drafting amendment.

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (2) (*a*) to strike out "hereof" and insert "of this section".

Amendment carried.

Clause as amended passed.

Clause 7—"Time for taking leave."

The Hon. A. F. KNEEBONE moved:

In subclause (1) (*a*) to strike out "(*a*)"; and to strike out "paragraph (*c*) hereof" and insert "subsection (3) of this section".

Amendment carried.

The ACTING CHAIRMAN (Hon. Sir ARTHUR RYMILL): There is an amendment about the renumbering of paragraphs. Does the Minister desire to move that?

The Hon. A. F. KNEEBONE: I wonder whether doing that would prevent my moving other amendments. However, I bow to your ruling, Mr. Acting Chairman.

The ACTING CHAIRMAN: In view of the Minister's representations, I think this renumbering can be done by the Chair if the other amendments are successful.

The Hon. A. F. KNEEBONE: The suggestion is that paragraphs (*b*), (*c*) and (*d*) be numbered paragraphs (2), (3) and (4). That would mean that subclause (2) (*a*) would become subclause (5) and that subclause (2) (*b*) would become subclause (6). This would enable the provisions to be referred to as subsections of the Act.

The ACTING CHAIRMAN: I think the Minister may proceed with his amendment to subclause (1) (*b*) and that the numbering could be done afterwards.

The Hon. A. F. KNEEBONE: I move:

In subclause (1) (*b*) to strike out "twenty-eight" and insert "sixty".

I think 28 days is not sufficient notice for an employee who had saved sufficient money to enable him to take 13 weeks' leave and travel some distance, perhaps overseas. He would not have sufficient time in which to make the necessary arrangements about the trip.

The Hon. F. J. POTTER: I have some sympathy for the Minister's advocacy of this amendment but I consider that a period of 60 days is too long. A period of 28 days is fixed in the Metal Trades Award, and I think this period is substantially similar to what is provided in other awards. I do not think we should stray too far from the accepted pattern in regard to procedural matters, because we want this Bill to fit in with the pattern. I think it would be undesirable to provide a period of 28 days in one section of industry and a period of 60 days in another section.

Furthermore, an employer may experience a period of slackness and may say, "Things have quietened down and Jack Jones and Bill Smith can go on their long service leave now. It is due to them." In those circumstances, the men would be given 28 days' notice, whereas if the employer had to tell the men 60 days beforehand that they had to go on leave he might not be able to take advantage of the situation in a time of slackness. Consequently, I ask the Committee to allow the period to remain at 28 days.

The Committee divided on the amendment:

Ayes (7).—The Hons. D. H. L. Banfield, S. C. Bevan, R. C. DeGaris, R. A. Geddes, A. F. Kneebone (teller), Sir Lyell McEwin, and A. J. Shard.

Noes (11).—The Hons. Jessie Cooper, M. B. Dawkins, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Majority of 4 for the Noes.

Amendment thus negatived.

The Hon. A. F. KNEEBONE: As a result of what we have just done to subclause (1), it becomes necessary to move these consequential amendments to strike out "(2)" and insert "(5)", to strike out "(*a*)", and to strike out "(*b*)" and insert "(6)". I suggest that this renumbering be done from the Chair, if that course is agreeable to you, Mr. Chairman.

The CHAIRMAN: Very well. By leave of the Committee, I will make those consequential amendments later.

The Hon. A. F. KNEEBONE: I move:

In subclause (2) (*a*) to strike out "hereof" and insert "of this Act".

This remedies a drafting error.

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (2) (*a*) after "or" second occurring to insert "any amount".

This amendment rectifies another drafting error.

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (2) (*b*) to strike out "paragraph (*a*) hereof" and insert "subsection (5) of this section, less any amount already paid in respect of that leave".

Amendment carried.

Clause as amended passed.

Clause 8—"Agreement for leave before right accrued due."

The Hon. A. F. KNEEBONE moved:

In subclause (1) after "to" first occurring to insert "be taken by"; in subclause (2) after "to" first occurring to insert "and taken by" and after "employment" first occurring to insert "of the worker".

Amendment carried.

Clause as amended passed.

Clause 9—"Leave taken before commencement of Act."

The Hon. A. F. KNEEBONE moved:

After "made" to insert "to a worker by his employer".

Amendment carried; clause as amended passed.

Clause 10—"Employer to keep records."

The Hon. A. F. KNEEBONE: I move:

In subclause (1) to strike out "twelve months" and insert "three years".

I believe that a period of 12 months is insufficient for an employer to keep long service leave records because of the delay that often occur in claims for long service leave. I consider three years to be a reasonable period.

The Hon. F. J. POTTER: The proposed amendment would result in the extension of the provisions of awards, particularly the Metal Trades Award, from 12 months to three years. I notice that the latter period is required in the case of the death of a workman, as appears later in the Bill. Although this is one case where the period seems a little ont of line with existing awards, I do not oppose the amendment.

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (2) after "record" to insert "shall be in the form and contain such particulars as may be prescribed and".

It will be necessary for regulations to be made concerning the matter to be kept in the records, as in the existing legislation.

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (3) to strike out "hereof" and insert "of this Act".

Amendment carried.

The Hon. A. F. KNEEBONE: I move to insert the following new subclause:

(4) Where a business within the meaning of subsection (4) of section 5 of this Act is transmitted from an employer to another employer the transmittor of that business shall transmit to the transmittee all records kept by the transmittor concerning long service leave.

Considerable difficulty has existed in the past in ascertaining leave to be credited to an employee who transfers to another employer. This proposed new subclause will ensure that such records will be transmitted to another employer. This will overcome this difficulty.

Amendment carried.

Clause as amended passed.

Clause 11—"Exemptions."

The Hon. A. F. KNEEBONE: I move:

In subclause (1) (*a*) after "award" to insert "and such provisions are more favourable to the worker".

This will ensure that no award will be obtained that prescribes less favourable entitlement to a workman than that contained in the Act. I believe it to be reasonable.

The Hon. F. J. POTTER: I move to amend the amendment as follows:

To strike out "more" and insert "not less".

If this amendment is accepted, I shall be happy with the Minister's amendment. I think it is essential that this amendment be made to the Minister's amendment and that he need have no fear of the future as far as awards are concerned. Obviously, if any award is to be made, it will be more favourable than the provisions of this Act. However, awards exist in much the same terms as this Bill and if the Minister's amendment is inserted those awards will be invalidated. My amendment is to prevent such an unfortunate position arising.

The Hon. F. J. Potter's amendment carried; amendment as amended carried.

The Hon. A. F. KNEEBONE moved:

In subclause (1) (*b*) after "President" to strike out "," and insert "or", and in subclause (2) to strike out "(*a*)".

Amendment carried.

The Hon. A. F. KNEEBONE: Mr. Chairman, I suggest that with this paragraph we do the same as we did previously. Following the deletion of "(*a*)", it will be necessary for (*b*), (*c*) and (*d*) to be re-numbered. I suggest this could be done from the Chair, as this in only a consequential alteration.

The CHAIRMAN: I will take it that it is the wish of the Committee that I make these alterations.

The Hon. A. F. KNEEBONE moved:

In subclause (2) (*a*) to strike out "as prescribed above" and insert "as specified in paragraph (*b*) of subsection (1) of this section".

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (2) (*a*) to strike out "12" and insert "13".

This is necessary because there was an error in the numbering.

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (2) (*b*) to strike out "three" and insert "six".

It is considered that three months after the coming into operation of the Act is rather a short period for existing employers to apply to the Industrial Commission for exemptions. This amendment extends the period to six month, and this will assist in giving employers more time to apply for exemption.

Amendment carried.

The Hon. A. F. KNEEBONE moved:

In subclause (2) (*d*) to strike out "12" and insert "13".

Amendment carried; clause as amended passed.

The Hon. F. J. POTTER: I think I detect that many honourable members are becoming a little weary of this process. Consequently, I ask that progress be reported.

Progress reported; Committee to sit again.

STATE LOTTERIES BILL.

Consideration in Committee of the House of Assembly's message:

Schedule of the Amendments to which the House of Assembly has disagreed.

No. 1. Page 11, line 5 (clause 19)—Leave out "any person, who is requested or authorized by".

No. 2. Page 11, line 6 (clause 19)—Leave out "to do so,".

Amendment made by the House of Assembly consequential to and in lieu of Amendments Nos. 1 and 2 of the Legislative Council.

Page 11, line 10 (clause 19)—After "lottery" insert "if the contents of such notice, placard, handbill, card, writing, sign or advertisement are previously approved by the commission".

Amendment made by the House of Assembly consequential on Amendment No. 3 of the Legislative Council.

Page 11, line 29 (Clause 19)—Leave out "or" and insert after "(9)", "or (9a)".

The Hon. A. J. SHARD (Chief Secretary): All members will have on their files a schedule of the amendments made by the House of Assembly and the reason therefor. The House of Assembly has further suggested, consequential to and in lieu of amendments Nos. 1 and 2, that after "lottery" in clause 19 we should insert the words "if the contents of such notice, placard, handbill, card, writing, sign or advertisement are previously approved by the commission". I am not a legal man, but I understand that possibly that is what everyone was trying to achieve. I think this is one of those rare occasions where all members of both Houses have been trying to achieve the one objective; the debate has centred around the way in which we should do this.

The Hon. C. R. Story: We are always striving for it.

The Hon. A. J. SHARD: Not always. As I said, I think this is a rare occasion.

The Hon. Sir Lyell McEwin: I think the Minister thought he was referring to the pearly gates.

The Hon. A. J. SHARD: Having briefly read the report of another place yesterday, I think I can say that an effort was being made to achieve complete unanimity, and I hope we will try to achieve unanimity this afternoon. I move:

That the Council do not insist on its amendments Nos. 1 and 2 to which the House of Assembly has disagreed.

The Hon. Sir ARTHUR RYMILL: On October 19 last, I moved a far-reaching amendment to this clause that virtually prohibited advertising, except in the very limited arena authorized by other parts of the same clause. That amendment was defeated by eight votes to seven, which was a close vote. As it was so close and as the Chief Secretary was, apparently, so co-operative and as everyone appeared to be aiming at the same thing, I asked that the clause be recommitted so that I could move a less far-reaching amendment that I thought might be accepted. In other words, I asked for a second innings.

I tried to discuss the matter with the Chief Secretary, because I thought we might be able to reach the sort of situation that has now been placed before us. I wanted to find out what the Chief Secretary would agree to, because we all considered that there was room for agreement. However, when I tried to open the innings, the Chief Secretary took his bat home. I shall cite *Hansard* of that day, because what was said was interesting. I said:

At this stage I do not wish to commit myself to a particular amendment, because I want to hear the Chief Secretary.

The Chief Secretary interjected:

You have heard me. I want the clause as it is, and the Committee has indicated that it does, too.

Before I moved my amendment, which was carried later, I wanted to see what sort of lesser amendment would be acceptable to the Chief Secretary, because up until that stage he had seemed to be completely reasonable. He thought he had won the first innings and that that was the end of it. I went on to say:

In that case, I propose to move a limited amendment to the clause (and this is why I wanted to hear the Chief Secretary), which I think fulfils what he wants while not leaving the clause too wide.

I then moved the amendment. I had discussed with another honourable member who sits close to me whether, if the Chief Secretary would not accept my proposed amendment, he would accept just the sort of amendment that the House of Assembly has now sent back to us. We have gone through a rather lengthy process, as has another place. That probably would not do the other place any harm. Although I read that one or two members of that place thought they had sent the Bill to us in an immaculate form, the other place has now agreed to this amendment, either in a spirit of reasonableness or because the Bill sent to us was not as immaculate as it had been thought to be.

The amendment before us is practically identical to the amendment that was carried in this Chamber by a slender majority. The effect of my amendment was that the commission would have to approve of a sort of common form of advertisement for all agents. The amendment before us provides, in effect, that the commission can approve of separate advertisements for each agent. If honourable members consider what can happen in practice, they will realize that it is clear that the commission cannot approve for one agent what it will not approve for another. In other words, if the commission approves a type of advertisement for one agent, it cannot deny another agent a similar sort of advertisement, as I understand the position.

This should restrict the commission in approving advertisements, because if it approves an advertisement for one agent in the knowledge that it will have to approve a similar advertisement for, say, three other agents, it cannot go beyond the spirit, terms or implications of the other sections of the Act without getting into the position where the whole matter can be thrown into turmoil. I am prepared to support the Chief Secretary's motion.

Motion carried.

The Hon. A. J. SHARD moved:

That the amendment made by the House of Assembly in lieu of the Legislative Council's amendments Nos. 1 and 2 [namely page 11, line 10 (clause 19) "After lottery insert 'if the contents of such notice, placard, handbill, card, writing, sign or advertisement are previously approved by the commission' "] be agreed to.

Motion carried.

The Hon. A. J. SHARD moved:

That the amendment made by the House of Assembly consequential on amendment No. 3 of the Legislative Council be agreed to.

Motion carried.

REGISTRATION OF DOGS ACT AMENDMENT BILL.

Consideration in Committee of the House of Assembly's amendments:

No. 1. Page 1, line 15 (clause 3)—Leave out "sixty-six" and insert "sixty-seven" in lieu thereof.

No. 2. Page 1.—After line 15, insert the following new clause:

3a. *Provision for use of guide dogs.*—The following section is inserted in the principal Act immediately after section 37 thereof:

38. (1) Notwithstanding anything in any Act, regulation or by-law—

(*a*) a person who is wholly or partially blind shall be entitled to be accompanied by a guide dog into any building or place open to or used by the public for any purpose whatsoever or into any vehicle, vessel or craft used for the carriage of passengers for hire or reward and shall not be guilty of any offence by reason only that he takes that dog into or permits that dog to enter any building or place open to or used by the public or into any such vehicle, vessel or craft;

(*b*) an occupier or person in charge of any building or place open to or used by the public or in charge of any vehicle, vessel or craft used for the carriage of passengers for hire or reward shall not refuse entry into any such building, place or transport or deny accommodation or service to any person who is wholly or partially blind by reason only that that person is accompanied by a guide dog.

Penalty: Twenty-five pounds.

(2) In this section "guide dog" means a dog trained by a guide dog training institution recognized by the Guide Dogs for the Blind Association of South Australia Incorporated and used as a guide by a person who is wholly or partially blind.

Amendment No. 1.

The Hon. S. C. BEVAN (Minister of Local Government): Since this Bill was before us last year, two amendments have been made to it in another place. Because of prorogation and other matters under discussion at the end of last session, the Bill did not pass through another place. In effect, it was left in abeyance and it is now before us again. Clause 3 amended section 36 of the principal Act. That clause dealt with the registration of dogs by Aborigines, restricting Aborigines to keeping two dogs each without registration until June 30, 1966. However, that date has passed and it is now necessary to give effect to this amending legislation by altering "1966" to "1967" so that the provision could then come into operation until June 30, 1967. Accordingly, I ask that this amendment be agreed to.

The Hon. C. R. STORY: Can the Minister say whether this alteration means that this is something like the Prices Act legislation? Will this Act receive a boost every year in this way *ad infinitum?* I imagine that the original intention was to make this provision operative merely until June, 1966. We are now to boost it to 1967. As all honourable members know, we have been looking into the affairs of the Aborigines in another Bill now before Parliament. How long will this altering of the year go on?

The Hon. S. C. BEVAN: This is another occasion when the honourable member has his wires crossed. If he looks at what we originally did in this Chamber, he will find that we carried an amendment to this legislation enabling an Aboriginal to keep two dogs without their being registered until June 30, 1966, after which date they would have to register all dogs. However, the Act was never proclaimed, because the legislation did not pass through another place at that time. It is not a question of adding something every 12 months and so on indefinitely. If this amendment is now accepted by this Chamber, after June 30, 1967, Aborigines will have to register all dogs, just as everybody else has to. That will apply until the Act is amended to relieve them of that responsibility, which could be in another 10, 20, or 30 years' time.

The Hon. C. R. STORY: I have not got my wires crossed in the slightest degree. I am perfectly well aware what the Registration of Dogs Act does. The Minister is, apparently, suggesting that I do not know what is happening. He used the words "another occasion". I don't mind my wires being crossed once, but I am not going to be accused of that a second time: it is painful! If the Minister has got out of time through Government mismanagement, why is it necessary to run a full 12 months forward when these people were granted this permission only up until June of this year? It could have been reworded by the Government to operate "on the day of the passing of this Act". I am happy to have the Minister's assurance that this will not come up every year, but it seemed to me that running this provision for another eight or nine months was unneccessary when consideration was now being given to Aborigines in another Bill. I do not mind Aborigines having the extra time, but I want to know whether this altering of the date will definitely cease this year or whether we shall have an annual amendment of this nature. I think I have probably got the answer.

The Hon. S. C. BEVAN: The honourable member has got the answer. If this amendment had not been made, difficulties would have been created for district and municipal councils in having to deal with the registration of dogs in the middle of the financial year. The reasonable thing to do is to make this operative from the commencement of the financial year.

That is why the date has been extended until June 30, 1967. Thus, we fall into line with everybody else.

Amendment agreed to.

Amendment No. 2.

The Hon. S. C. BEVAN: The second amendment deals with blind people and guide dogs. There has been much discussion with the Guide Dogs for the Blind Association of South Australia Incorporated on this. It was considered necessary to allow blind or partially blind people to use guide dogs to get about. This amendment allows guide dogs to accompany their owners into a building, institution, establishment or hotel, whatever the circumstances may be. When this new clause was discussed with the representatives of the Guide Dogs for the Blind Association of South Australia Incorporated, much valuable information was obtained. It was pointed out that guide dogs were well trained and were less trouble than small children. The point was raised about the position if they were allowed into hotels, and how they would be situated on public transport. Representatives pointed out that the main fear of hotel proprietors was the risk of prosecution for having a dog on the premises. Guide dogs are well trained in toilet habits and will make owners aware of their requirements. Some guide dog owners have stayed at hotels with their dogs and have experienced no trouble. Evidence of this can be obtained, if necessary, from Mrs. Mead, of Western Australia, and Miss Swincer and Mr. Jagger, of South Australia. Guide dog owners when travelling always equip a dog with a rug. There is an internationally recognized standard of guide dog training, which has been accepted and used in Australia.

Two experienced trainers were brought from Great Britain by the association, and they have done much work training dogs so that they have good habits and are no trouble to anyone. Hotel proprietors can always recognize a trained guide dog because the dog has a special medal on his collar. Guide dogs are registered as guide dogs, and with the passing of this legislation the association will issue a certificate stating that the dog is a trained guide dog. I emphasize the importance of a guide dog accompanying its owner everywhere. It is the eyes of the person, and we should not ask a blind person to go anywhere without what amounts to his eyes, which are the dog in these circumstances. As the Government has provided money to train guide dogs, it would be pointless unless they could accompany the blind person in all circumstances. The new amendment makes clear that there can be no misunderstanding about the presence of a guide dog in any building or place open to or used by the public for any purpose whatsoever. The amendment has been fully investigated in another place, and although that does not necessarily mean that it is right, I think it is reasonable. It will assist persons who are at present handicapped because they are not legally allowed to do the things mentioned in the Bill.

The Hon. JESSIE COOPER: I support this amendment not because I am particularly dog conscious this week but because I believe that the work done by guide dogs shows dogs at their noblest. The success of the Guide Dogs Association in Australia and similar associations in other countries is a modern miracle. Blind people have been given freedom of movement never imagined possible even a few years ago. Able to depend completely on their dogs for safety, they have been given independence and therefore much happiness.

In most Australian States guide dogs are permitted on public transport and in shops and public buildings. I believe this is an occasion when honourable members may cheerfully agree to being brought into line with other States. Honourable members need have no fear that standards of hygiene will be assailed, because guide dogs are highly trained. In fact, the people who train them also have to be highly trained. As a matter of interest, it takes longer to train a trainer than it does to train a dog. It takes four to six years to train a dog trainer but it takes four months for a dog to be trained as a guide dog, with one extra month for it to be trained with its owner. If honourable members can draw an inference on the comparative intelligence of man and dog, they are free to do so. Various breeds of dog have proved successful. We are accustomed in this State to seeing Labradors, but German Shepherds, Collies, Boxers and Dobermans have all proved successful.

The training teaches the guide dog to stop at all kerbs and to await a command from its owner to move forward. The dog will disobey this command only if there is any danger ahead. The dog makes sure that there are no obstacles at ground level or above.

This clause will allow a guide dog to stay close to his owner in public transport and in any public place where a blind person wishes to go. I consider it a most humane addition to the Bill, and I give it my unqualified support.

The Hon. R. A. GEDDES: Will the Minister say whether the Government will ensure that no charge will be made for a guide dog travelling on any transport controlled by the Government?

The Hon. S. C. BEVAN: The Government has no intention of making such a charge. The person in charge of the dog will pay a fare, but nothing will be payable for the dog.

The Hon. Sir ARTHUR RYMILL: Will the Minister say whether the word "craft" includes aircraft?

The Hon. S. C. BEVAN: The intention is that guide dogs may be carried on aircraft if accompanied by their owners.

The Hon. Sir ARTHUR RYMILL: I am still not sure of the position, because obviously different safety arrangements apply in an aircraft. I assume that this would not authorize a person to take a dog on an interstate aircraft although it may permit such person to take the dog on an intrastate aircraft. Is that the intention of the Bill, and will the airline authorities approve of it?

The Hon. S. C. BEVAN: That raises another question. I know the intention is that dogs will be permitted on aircraft, but it may apply only to aircraft operating within the State. I have recollections of a lady coming to South Australia from Western Australia to take charge of her dog, which had been trained for her here, and of her flying back to Western Australia with the dog. However, I do not know whether special arrangements had been made in that instance. I have just been advised that it would include aircraft. Safety regulations are a Commonwealth matter, and Commonwealth law would prevail.

The Hon. C. R. STORY: Then why does it not say "aircraft"? It refers to "vehicle, vessel and craft", and I wonder whether "aircraft" should not be specifically mentioned. It was my impression that "craft" there referred more to water craft.

The Hon. S. C. BEVAN: The intention here is that the word "craft" will cover all craft. In fact, that term is used frequently to include aircraft.

Amendment agreed to.

STAMP DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 2472.)

The Hon. Sir NORMAN JUDE (Southern): It is not my intention to speak at length on this Bill, because I prefer to wait until the Committee stage. I am somewhat disappointed to find that there are no amendments on the file, particularly regarding hire-purchase transactions. I had thought on first consideration of the Bill that it might lead to embarrassment to a number of people (not a large number, admittedly) who had entered into contracts for which the final approval had not been obtained through the Crown Lands Office where leaseholds were involved. Particularly is this so because last week we were engaged in dealing with an amendment to the Crown Lands Act, and we were informed by the proper authorities that they were anxious to see that Bill go through so that they could deal with the backlag of transfers awaiting Government approval and that decisions might be altered as a result of clauses in the Bill being approved or disapproved. That Bill was passed last week, and I had thought that a number of people who had entered into contracts to purchase would have known what their stamp duty liabilities were, and that therefore it seemed a little unfair (even if there were only a dozen or so of them) that they should be penalized to the extent that they had been held up purely by, shall we say, a technicality, and then had found themselves involved, in the case of a large area of land, in a considerable increase in stamp duty.

I have done my best to check on the situation, and I have been informed by an authoritative officer that there was possibly not more than one case involved. I realize that it is not good law to suggest a specific amendment to deal with possibly one odd case, although that person may be a little unlucky. In any event, it may not even be that the person will be unlucky; this depends on the terms of the contract.

I listened with considerable interest to the point made by the Hon. Mr. Hill, who I think is probably much more knowledgeable on this question than many members, and certainly more so than I am. He referred to pre-paid contracts. Contracts are often paid off before the full limit of the agreed term, which of course involves the repayment of less money in total. The stamp duty has been paid, and then a person may complete the contract in perhaps one-third of the time. I understand (and the Hon. Mr. Hill's statement supported this) that in a considerable percentage of cases people complete a contract long before its specified period. I understand that the duty paid cannot be passed on to the borrower or hire-purchaser; therefore, when a large number of contracts is involved, the money-lenders or hire-purchase companies (particularly the larger ones) must suffer considerably.

I understand that it is not easy to find an appropriate amendment to deal with this. However, I suggest that before we go into details in the Committee the Minister discuss this matter with Cabinet. Although no doubt the Minister will say (as he says on many occasions) that this is a matter of Government revenue, I understand that not a large amount of revenue is involved. However, it is definitely an injustice that those people cannot pass this on. They paid tax when they need not have paid it, had the facts been ascertainable. The people concerned have paid off contracts quickly and got rid of them, and this money has been paid and is not recoverable. I think it is well worthy of the Government's consideration that it make the gesture, because this type of transaction involves the very people this Government sets out in the main to protect. People take out hire-purchase agreements on the ordinary amenities and household requirements, some of which may be regarded as being essential, although others are not quite so essential. They are the very people the Government in the main claims to represent, and they are the people who are going to be affected by this because, as I say, they can obtain no redress for their own determination of purpose in paying off this money before they really need to do so. In other words, it is no incentive (as I think one honourable member said) to thrift and to prompt payment of hire-purchase contracts if this rebate is not obtainable.

I think I could have said that the Hon. Mr. Hill seemed a little half-hearted. However, I know the reason was that he thought it was difficult to suggest a suitable amendment. That is why I have come in with a second plea.

The Hon. A. J. Shard: You are about the fifth.

The Hon. Sir NORMAN JUDE: I am quite happy to be in a strong team. As a matter of fact, I bat rather well when I am down the list, and probably score a litte better there.

The Hon. R. C. DeGaris: You are a good tailender.

The Hon. Sir NORMAN JUDE: No, a good, strong middle batsman. I hope that the Chief Secretary will consider this matter. I was rather amused, although on the serious side, that the Government deplored the fact that it made a mistake that caused the loss of, I think, $100,000. I heard the Hon. Mr. Banfield claiming yesterday that the Government had had only half its allotted period and in that time it had carried out half its allotted programme. The finances have gone down by many millions of dollars, and the Government expects to get this money back by involving the people of the State, particularly the primary producers, in increased taxation. The fact that this large amount of money has been estimated gives me considerable concern.

If the Government has carried out only half its programme in half the time, what will happen to the projects initiated by the previous Government that this Government undertook to continue? Where will the Government get the money for those works? Will extra taxation be raised to enable those projects to be carried out, or will the priority of the projects be such that the work will be carried out by an incoming Government? I regret that no amendments are yet on honourable members' files. I support the second reading reluctantly, and reserve further comments for the Committee stage.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the attention they have given to this Bill. Honourable members have raised queries on two matters, and I have obtained information for those honourable members. The Hon. Sir Lyell McEwin, the Hon. Mr. DeGaris and the Hon. Mr. Hill dealt with the Hire-Purchase Agreements Act, and I shall give information on that matter first.

There is provision in the Hire-Purchase Agreements Act that the stamp duty shall not be re-charged to the borrower in a hire-purchase transaction. It is undoubted, of course, that the rate of interest charged by a hire-purchase company is designed to cover all the administrative and other costs of the company, and this includes stamp duty. The duty is not for a period—it is a once for all charge, and the companies in fixing their rates of interest know this and undoubtedly allow for it. Some contracts are paid off earlier and some over a long period, but no doubt the overall experience is fairly consistent and the companies can determine their charges accordingly.

The Hire-Purchase Agreements Act has a provision for interest adjustment for application if a borrower pays off earlier than his contract period. Whilst this does not specifically allow for the duty paid by the company, it does make some allowance inasmuch as the rate of interest may be designed to recover duty as well as other costs. In any case this is a matter that can be handled only by amendments to the hire-purchase and money-lenders Acts, which are not before the

House. This measure deals only with adjustment of rates.

With reference to the Hon. Mr. DeGaris' question about compounding for stamp duty in lieu of affixing stamps from time to time, the position is that the Act now provides for the compounding of duty in the case of compulsory receipts for amounts of $50 or over. It was thought desirable, with the introduction of a duty on receipts for amounts of $10 and over when given, to enable a similar procedure to be followed. In other words, instead of affixing a duty stamp to each separate receipt actually issued, a person or company may arrange with the Commissioner for the furnishing of periodical returns and payment of the total amount of duty. The amendment is applying to duty on receipts and brings the provisions relating to stamp duty on receipts for amounts between $10 and $50 into line with the existing provisions in regard to stamp duty on receipts for $50 and over. It is a machinery provision enabling the facilitation of commercial dealings. I hope I have replied to the points raised by honourable members. However, if my information has not gone as far as honourable members desire, I shall be prepared to examine matters raised in the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Commencement."

The Hon C. D. ROWE: I hope that due consideration will be given to the date on which the Act is to operate. Frequently, when settlements are made by lawyers and conveyancers, fees are collected on the basis of the rates applicable at that time. A period of one month is allowed to have a document stamped, and those handling transactions will be collecting fees on the basis of the stamp duty payable according to the principal Act as it stands, whereas a different rate of duty may apply at the time the document reaches the stamp duties office. The date of proclamation of the Act should be some date in the future. The stamp duties office may be able to advise agents as to the date for which the new rates will operate. If something of that kind is not done, it will be necessary to collect an additional amount of fees from the persons concerned.

The Hon. A. J. Shard: What would you suggest? One month?

The Hon. C. D. ROWE: I suggest that the date be fixed as the first day of the month following the month in which the Act is proclaimed.

The Hon. C. M. HILL: The point raised by the Hon. Mr. Rowe satisfies one of my objections to some extent. This is an important matter, particularly where fees have been paid and are being held for payment to the stamp duties office. The Hon. Sir Norman Jude has dealt with one instance in connection with the purchase of Crown leases, and I think it reasonable to say that, throughout the State, hundreds of people would have purchased property in the last three months and would have expected to pay the stamp duty applicable at the time the contracts were signed.

If they signed a contract today, for example, they should have been warned that there would probably be a change, but a few weeks ago they would not have known. If this date of proclamation could be extended, it would enable a much larger number of people at the time of contracting to expect an increase and to know what they would have to pay.

The Hon. C. D. ROWE: I do not know whether I made myself clear previously. I was suggesting that, if this Bill was assented to in Executive Council tomorrow (assuming it passed through Parliament), the appropriate date to have it come into force would be in one months' time, December 1, which would allow a month for people to become familiarized with the matter. Of course, it affects Government revenue in the meantime, but I do not think that is an unreasonable request.

The CHAIRMAN: Does the Chief Secretary want to reply?

The Hon. A. J. SHARD (Chief Secretary): No.

The Hon. L. R. HART: This aspect has worried me considerably. There could be many people who had entered into contracts believing they would pay the current rate of tax and who had made financial arrangements accordingly. Under the new rate they would be committed for anything up to an extra $1,000, which could embarrass them. Indeed, they might have to cancel their sales because they might not be able to meet their commitments. The Government should seriously consider delaying the date on which this will come into operation.

The Hon. A. J. SHARD: I am not the Treasurer, so I do not see how it can be taken for granted that this measure can go through by tomorrow morning. That would be almost impossible. I can only give an undertaking that I will draw the Treasurer's attention to this.

Clause passed.

Clauses 4 to 7 passed.

Clause 8—"Amendment of Second Schedule to principal Act."

The Hon. F. J. POTTER: I listened with interest to the Chief Secretary's statement about the problem of stamp duty payable on hire-purchase transactions. He said this would involve an amendment of the Hire-Purchase Agreements Act and not this Stamp Duties legislation, which was merely altering rates. It was thought that this would be the conclusion that most people would come to, but there are difficulties in altering the Hire-Purchase Agreements Act because, if any allowances are to be made to the hire-purchase companies in the formula for making rebates to borrowers, it may penalize the borrower who has paid off early. There may be a way of solving this problem as far as the Stamp Duties Act is concerned. It is this: to relieve one of the necessity to stamp a hire-purchase contract within three months, say, from the time at which it was made. If the contract was still in operation three months after the date of its being made, it would then become liable to stamp duty. I suggest that to the Minister for his consideration, because it seems on the figures given by the Hon. Mr. DeGaris that the first three months—

The Hon. R. C. DeGaris: Up to 12 months.

The Hon. F. J. POTTER: Maybe up to 12 months. I cannot imagine the Chief Secretary going that far, but anybody who pays off a contract in, say, the first three months should not have to pay stamp duty. I do not propose to move any amendment, since in any case I would not be able to. Stamp duty is payable by the company. The Act states that it cannot be added on to the charges.

The Hon. S. C. Bevan: But surely the interest rate charged by a company is presumed to cover this?

The Hon. F. J. POTTER: Yes, but we do not want to see interest rates charged by finance companies raised any higher. If they were, people would be less inclined to borrow, and there would be inevitable repercussions on industry. Perhaps the Minister will consider that point.

The Hon. R. C. DeGARIS: Any examination of the figures presented will show that the rise in stamp duty occasioned by this Bill will mean substantial losses for hire-purchase companies in respect of prepaid contracts. From the figures I gave it can be shown that, if a 48 months' contract is repaid within 12 months, the company virtually loses money on it. As the period is reduced to nine, six and three months there is a substantial loss to the hire-purchase company on a prepaid contract. Will the Chief Secretary now report progress on this clause to allow me and other honourable members to examine his reply to see whether something can be done to alleviate this problem of an increase in stamp duty that will affect the profitability of hire-purchase companies and ultimately reflect on their ability to maintain their present charges? If they have to take action to increase their charges or the deposits to be able to overcome the difficulties raised by an increase in stamp duty, then, as the Hon. Mr. Potter has pointed out, it will affect our industry.

The Hon. A. J. SHARD: I am prepared to report progress but, if there is some doubt about clause 9, I should like to hear it so that I will be able to deal with it tomorrow. As it appears that there is not, I ask that progress be reported.

Progress reported; Committee to sit again.

MONEY-LENDERS 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.

Its object is two-fold. In the first place, it is designed to prevent the avoidance of stamp duty on what are, in effect, loans by money-lenders. The Stamp Duties Act provides for amounts of duty on a sliding scale to be paid on money-lenders' contracts as required by section 23 of the Money-Lenders Act. That section provides for written contracts in a certain form to be made in respect of the repayment of a loan by a money-lender. "Loan" is defined in section 5 of the Act. It has come to the notice of the Government that some money-lenders are avoiding the payment of stamp duty by one or two expedients. Some adopt the procedure of entering into contracts for the arrangement of credits or loans prior to the actual loans being made. Others adopt the form of selling goods to borrowers on terms. In neither case is the contract made technically a loan under the Money-Lenders Act and therefore it attracts only the normal duty of 10c applicable to ordinary agreements. In substance, in both cases the contracts or arrangements are arrangements for loans.

Clause 3 widens the definition of "loan" to include certain agreements for the sale of goods on terms and will thus attract duty where

agreements of this kind are made by persons whose principal business is that of lending money. A complementary amendment is made by clause 4 (*c*) to section 23 of the principal Act so as to bring within its ambit documents evidencing such sales on terms. Where agreements to arrange loans are made, as I have said, these are not contracts for the repayment of moneys lent. Although section 23 of the principal Act requires a money-lender to enter into a proper contract for the repayment of money lent, the only sanction for non-compliance at present is that no interest in excess of the rate of 12 per cent per annum is recoverable under the contract.

Clause 4 (*b*) provides that, where a loan is in fact made, if the provisions of section 23 are not complied with to the extent that a contract is not issued, a money-lender is to be guilty of an offence and liable to a penalty. This is designed to ensure that, whatever preliminary documentation is arranged, a contract, stamped in accordance with the Stamp Duties Act, will be made when the moneys are actually lent. Clause 4 (*a*) makes a consequential amendment.

The second main amendment to the principal Act is made by clause 5. Section 30 of the Money-Lenders Act provides for an abatement of interest where a borrower from a money-lender terminates his contract either by default or by agreement before the due date. The abatement is directly proportionate to the period that the contract has yet to run. Under section 11 of the Hire-Purchase Agreements Act the rebate of terms charges is collected on a different formula, which makes the rebate somewhat smaller. It will be seen that where a money-lender lends money for, say, the purchase of an article directly and the contract is terminated before the due date, he has to grant to the borrower a higher rebate than he would have had to allow if he had sold the goods under a hire-purchase agreement, and is thus placed in a worse position. The formula for determining the rebate of terms charges adopted under the Hire-Purchase Agreements Act was worked out at the Premiers' conferences held in 1959 in an endeavour to achieve some measure of uniformity in hire-purchase transactions throughout Australia. It is considered that, as the nature of the transactions evidenced by a hire-purchase agreement or by a money-lender's contract are basically the same, the amount of the rebate should be computed on the same basis as that which applies under the Hire-Purchase Agreements Act.

The amendment is made following representations to the previous Government by the Australian Finance Corporation that where a contract was terminated in the very early stages they were not able to recover even the stamp duty paid on the contract. The amendment will not fully meet this situation, but it will bring the rebate under the same formula as applies to early termination of hire-purchase agreements in this and the other States and give to money-lenders the same small measure of relief against possible loss arising from early termination of contracts. I commend the Bill to the consideration of honourable members.

The Hon. C. R. STORY secured the adjournment of the debate.

NATIONAL PARKS BILL.

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

STATUTES AMENDMENT (HOUSING IMPROVEMENT AND EXCESSIVE RENTS) BILL.

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

MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Returned from the House of Assembly without amendment.

BRANDING OF PIGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 25. Page 2475.)

The Hon. M. B. DAWKINS (Midland): I support this Bill, with some reservations about clause 5 (*b*). Two years ago there was a Bill passed through this Parliament which established pig branding by means of body tattooing. Pig breeders in this State had sought this legislation with the object of tracing disease back to its source. The pig breeders of South Australia are particularly well organized in that they have a stud society and also a commercial society, and it is possible for the Government to ascertain with a considerable amount of accuracy the wishes of the pig breeders. It had been my privilege to take a deputation to the then Premier and the then Minister of Agriculture with this matter in mind. The Bill finally passed this Chamber towards the end of the regime of the previous Government, but it has yet to be proclaimed. I am informed by the pig breeders that they are anxious that this legislation should come

into force, and I think all sections of pig breeders are anxious for this to happen. In fact, I think that in one sense they are almost too anxious. However, I will explain that statement presently.

The present Bill makes one or two slight amendments to the Act. Clause 3 will define in more precise terms the form that pig brands will take. The second amendment, according to the second reading explanation, will enable pigs under six weeks old to be sold unbranded. Now, if that statement were strictly correct I would be directly opposed to the Bill. Admittedly, it is qualified in the next sentence, which states:

Clause 5 (*b*) accordingly enables the sale of unbranded suckling pigs with the sow.

Now, Sir, that is the actual fact. The second amendment does not enable pigs under six weeks old to be sold unbranded unless they are suckling pigs sold with their mother. I believe that this is considered to be necessary by some people, but I also believe that it is yet another loophole. Section 5 (1) of the principal Act provides:

On and after a day to be fixed by proclamation a person shall not sell or offer for sale a pig unless within seven days before the sale or offer the pig has been branded in the prescribed manner and in the prescribed position with the registered pig brand of which that person is the proprietor.

It then goes on to state the penalty. Subsections (2) and (3) of that section both commence with the words "Notwithstanding subsection (1) of this section", and thus both these subsections provide a loophole whereby a person in certain special circumstances may sell or offer for sale a pig that is not branded. There is now to be added by clause 5 a new subsection (4) which also begins with the words "Notwithstanding subsection (1) of this section". It provides:

Notwithstanding subsection (1) of this section, a person may sell or offer for sale a pig which is not branded in accordance with that subsection if such pig is under the age of six weeks and is sold or offered for sale with a sow which it is at the time of the sale or offer still suckling.

This may not appear to be very important, but I believe that it is yet another loophole in the tracing of disease. As I said earlier, the tracing of disease is the main aim of this legislation. I have been informed that the Swine Compensation Fund (which was some two years ago somewhat in excess of $200,000) still has receipts in excess of expenditure, but nevertheless the expenditure is getting fairly close to the receipts because of the increase in disease. I have also been informed by the secretary of the commercial section of the pig breeders that the incidence of swine dysentery has increased by about 500 per cent in the last five years. I understand that the commercial section members were not entirely happy about this particular subclause, which will allow another loophole in that it will allow suckling pigs to be sold with the mother. Nevertheless, they are so anxious to see this legislation proclaimed that they are prepared to accept it.

While I consider that this clause has some deficiencies about it (it has been stated in the press that it may provide another 10 per cent loophole in tracing the disease) I am not prepared to oppose the Bill at the second reading stage. I am not enamoured of the clause; I think it weakens the Bill to some extent. However, as the pig breeders (as far as I can find out, and I have been in touch with both stud and commercial breeders) are prepared to accept this Bill with this clause in it, provided that the legislation is proclaimed, I do not intend to oppose it. However, I think it is not a very good provision, and I query the wisdom of the pig breeders in not being opposed to this particular clause. I realize that they are very anxious for the legislation to become effective, and having regard to this very large increase of about 500 per cent to which I have referred earlier I can see the reason for their anxiety. Therefore, with the reservations that I have mentioned, I support the second reading.

The Hon. C. R. STORY secured the adjournment of the debate.

ADJOURNMENT.

At 5.45 p.m. the Council adjourned until Thursday, October 27, at 2.15 p.m.